

CITY COUNCIL
CITY OF NEW YORK

----- X

TRANSCRIPT OF THE MINUTES

Of the

SUBCOMMITTEE ON ZONING
AND FRANCHISES

----- X

February 10, 2016
Start: 9:34 a.m.
Recess: 7:35 p.m.

HELD AT: Council Chambers - City Hall

B E F O R E: Donovan J. Richards
Chairperson

COUNCIL MEMBERS:

Daniel R. Garodnick
Jumaane D. Williams
Antonio Reynoso
Ritchie J. Torres
Vincent J. Gentile
Ruben Wills
Carlos Menchaca
Margaret S. Chin
David G. Greenfield
Mark Treyger
Andy Cohen
Peter Koo
Elizabeth S. Crowley
Rosie Mendez
Helen K. Rosenthal
Mark Levine
Ben Kallos

A P P E A R A N C E S (CONTINUED)

Letitia James
Public Advocate

Carl Weisbrod
Chair of NYC City Planning Commission

Vicki Been
Commissioner of HPD

Purnima Kapur
City Planning Commission

Howard Slatkin
City Planning Commission

Frank Ruchala
City Planning Commission

Robert Cassara
Brooklyn Housing Preservation Alliance of Bay
Ridge

Andrew Berman
Greenwich Village Society for Historic
Preservation

Lauren Snetiker
Greenwich Village Society for Historic
Preservation

Sam Moskowitz
Greenwich Village Society for Historic
Preservation

A P P E A R A N C E S (CONTINUED)

Sarah Been Apmann
Greenwich Village Society for Historic
Preservation

Matthew Morowitz
Greenwich Village Society for Historic
Preservation

Jean Standish
Browery Alliance of Neighbors

Sean Khorsandi
Landmark West

Ted Mineau

Jolie Milstein
President and CEO of NYSFAH

Sandy Meyers
Selfhelp

Joseph Rosenberg
Director of Catholic Community Relations Council

Martin Dunn
Dunn Development

Jerilyn Perine
Executive Director of Citizens Housing Planning
Council

Sulma Arzu-Brown
NYC Hispanic Chamber of Commerce

Brenda Rosen
Breaking Ground

Chris Widelo
AARP Associate State of New York

A P P E A R A N C E S (CONTINUED)

Lisa Gomez
L&M Development Partners

Bobbie Sackman
Director of Public Policy LiveOn New York

Gale Brewer
Manhattan Borough President

Sherman Kane
Queens Community Board Nine

Rachel Levy
Friends of Upper East Side

Michael Beltzer
Active Citizen

James Rodriguez
GOLES

Jonathan Kirschenfeld
Jonathan Kirschenfeld Architect PC

Benjamin Prosky
AIA New York

Mark Ginsberg
Curtis and Ginsberg Architecture LLP

Gifford Miller
Miller Strategies

Jonathan Marvel
Marvel Architects

Anne Ketterer

Charles Anderson
Office of Deborah Glick

A P P E A R A N C E S (CONTINUED)

Hilda Regier
President of Victorian Society New York

Tara Kelly
Municipal Art Society

Jei Fong
Coalition to Protect Chinatown and Lower East
Side

Jennifer Klein
Bronx Community District Eight

Laura Spalter
Broadway Community Alliance

Melissa Chapman
Brooklyn Chamber of Commerce

Christine Hunter
Magnusson Architecture and Planning/Design for
the Aging Committee

Edward Ubiera
LIISC NYC

Emily Kurtz
Ridgewood Bushwick Senior Citizens Council

Peter Fontanes
Hispanics in Real Estate and Construction

Elizabeth Ashby
Defenders of the Historic Upper East Side

Andrea Goldwyn
New York Landmarks Conservancy

Patricia Baker
Community Board Nine

A P P E A R A N C E S (CONTINUED)

Mark Diller
Community Board Seven

Page Cowley
Community Board Seven Land Use Committee

Mel Wymore
Community Board Seven

Simon Bacchus
Arker Companies

Daniel Parcerisas
Citizens Housing and Planning Council

Steven Yearwood
32 BJ SEIU

Cengiz Sendogdular
Slate Property Group

David Gross
GF55 Partners Architects NYC

Francisca Benitez
National Mobilization against Sweat Shops

Frank Lowe
Chelsea resident

Christabel Gough
Society for Architecture of the City

Ed Jaworski
Madison Marine Homecrest Civic Association

Lynn Ellsworth
Tribeca Trust

Shy Lauris
Cypress Hill Local Development Corporation

A P P E A R A N C E S (CONTINUED)

Rosemary Ginti
Bronx resident

Daniel Padernacht
Chair of Community Board Eight

Simeon Bankoff
Historic Districts Council

Zack Winestine
Greenwich Village Community Taskforce

Miho Watabe
Class Size Matters

Peter Anderson

Steve Cooper
Edgemere resident

Sherida Paulsen
Riverdale Nature Preservancy

Daniel McCalla [sp?]

Jill Rappaport
Chelsea resident

Gwen Goodwin
Coalition to Save PS 109

Barry Weinberg

CHAIRPERSON RICHARDS: Good morning.

Welcome to the meeting of the Subcommittee on Zoning and Franchises. Today, we will be holding a public hearing on a package of citywide zoning changes affecting height, parking and floor area regulations intending to facilitate development of affordable housing, affordable senior housing and nursing homes, and to relax requirements on building form. As a preliminary note, we will be laying over Land Use Item Number 332, Sidewalk Café, until the next Subcommittee hearing. I would like to recognize that we are joined by the Chair of the Land Use Committee, David Greenfield, and my fellow Subcommittee members, Council Member Vincent Gentile from Brooklyn, Council Member Garodnick of Midtown, Council Member Reynoso from Brooklyn. This proposal has gone through an extensive and contentious public review process for the last several months. We have been carefully reviewing the feedback of the Community Boards, Borough Boards, Borough Presidents, the Planning Commission and many advocacy groups in preparation for this hearing in the Council review period. I think it is clear given the level of criticism that the proposal we have in front of us requires

1 significant modifications if it is going to be
2 approved. That being said, the core goal of this
3 proposal is to facilitate the construction of housing
4 for our low income and senior populations. I think
5 we can agree that these go--that these are goals and
6 the city needs to pursue. The current proposal have
7 or pulls back on many zoning regulations that have
8 been carefully crafted over many years by local
9 communities across the city. We hope to find a way
10 to respect all of the hard work done in communities
11 to protect their character while still making it
12 easier to build affordable housing and senior
13 housing. Over the next several weeks, we at the
14 Council will be working to see if we can make changes
15 in order to find a balance between the concerns
16 raised by local communities while still addressing
17 the very real needs of our growing city. Today we
18 are going to hear first from the representatives of
19 the Administration to present their proposal. We
20 will then move on to alternating panels of speakers
21 in favor and in opposition of the proposal. We will
22 give everyone a chance to give their input and we
23 will be here as long as we need to be, just as we
24 were here to around eight o'clock last night from
25

1 around this time. Hopefully, everyone who signed up
2 to speak received a hearing tip sheet. If not, you
3 can grab one at the desk downstairs. Speakers will
4 be limited to three minutes each. As always, please
5 keep your testimony civil and be respectful of the
6 views of others. Please make sure you're present
7 when your name is called. We will also be accepting
8 written and electronic testimony at
9 correspondence@council.nyc.gov. Once again, we will
10 be accepting written and electronic testimony at
11 correspondence@council.nyc.gov. Just before we go to
12 our Chair of Land Use, I would like to recognize
13 other members of the Council who have joined us,
14 Council Member Treyger, Council Member Lander,
15 Rosenthal, and Public Advocate Letitia James. I will
16 now go to our Land Use Chair for some brief remarks
17 before we begin this hearing.

18
19 COUNCIL MEMBER GREENFIELD: Thank you,
20 Chair Richards. Good morning Chair Weisbrod,
21 Commissioner Been, colleagues, members of the public.
22 My name is David Greenfield. I represent the 44th
23 Council District, and I'm privileged to serve as the
24 Chair of the Land Use Committee. I sincerely
25 appreciate everyone coming out this morning to attend

1 today's hearing on T2016-4069. As Chair of the
2 Committee on Land Use I'm the sponsor of this
3 application which was submitted to the City Council
4 by the Department of City Planning pursuant to the
5 New York City Charter for an amendment to the Zoning
6 Resolution of the City of New York called Zoning for
7 Quality and Affordability which would modify a wide
8 variety of regulations primarily related to building
9 shape, parking and senior housing. As many of you
10 know, yesterday we heard testimony on mandatory
11 inclusionary housing which would require affordable
12 housing as part of all new developments. It was an
13 outstanding hearing. I want to thank Chair Richards
14 and members of the Administration for their well-
15 reasoned responses to our rather lengthy questioning.
16 Thanks for hanging out with us, we appreciate it.
17 Good to see you again today. Zoning for Quality and
18 Affordability is a separate proposal, thus today's
19 separate hearing and is not as easily summed up as
20 MIH. Nevertheless, there are two basic ideas between
21 ZQA, and I hope that will guide today's discussion in
22 a productive direction, quality and affordability.
23 As I noted yesterday, the Zoning Resolution turns 100
24 this year. It's now a century old. Zoning's last
25

1 top to bottom revision took place in 1961, more than
2 a half a century ago. While there have been some
3 major changes before, for you as are significant to
4 the modernization of our zoning as ZQA. That is the
5 quality in ZQA, changes to zoning to permit
6 architects to design better, more attractive, more
7 functional buildings. One of those needs
8 accommodating a range of housing types for the city's
9 growing and diverse senior population is central to
10 the proposal and oaths related to the affordable
11 component of this plan. The Administration proposes
12 to change the Zoning Resolution to incentivize growth
13 in the housing stock. This is the affordability in
14 ZQA, permitting larger buildings to create more new
15 affordable housing in our neighborhoods. We
16 recognize that there have been objections to the
17 proposed changes lodged from nearly every section of
18 the city. Quite frankly, there is something in here
19 for everyone. That is, there is something in here
20 that many specific groups like. There's also enough
21 in here for just about every community to hate. New
22 Yorkers are worried about what the new zoning will
23 mean for their communities, especially those
24 communities that spent years contextually rezoning
25

1 their neighborhoods to deal with specific height,
2 bulk and setback concerns. What we seek to do is to
3 preserve those parts of the zoning change that are
4 truly important and necessary while leaving behind
5 those parts that are aspirational. This is literally
6 a once in a generation change, and we take our
7 responsibility as the final stop of the Land Use
8 process very seriously. First, ZQA proposes
9 increasing maximum building heights in many
10 neighborhoods often by only five feet, but sometimes
11 as many as 35 feet. Second, ZQA proposes changing
12 minimum parking requirements for new affordable and
13 senior housing, eliminating parking requirements for
14 projects within the so-called transit zone, a half a
15 mile away from subway stops and reducing parking
16 requirements for senior housing farther away from
17 subway stations. Third, ZQA defines new types of
18 senior housing. It provides for permitting and
19 approval process for these facilities. Justifiably,
20 many of the city's lower density neighborhoods in
21 areas with existing senior facilities are concerned
22 about the impacts this will have on existing
23 residents. Clearly, New York's senior population is
24 growing and has a dire need for affordable housing.
25

1
2 Quite frankly, those who spend their lives toiling on
3 behalf of all of us deserve our gratitude
4 accordingly. It is another aspect of our task here to
5 provide for the growth and development of senior
6 housing in a manner that enables it to fit as
7 seamlessly into the existing communities as possible
8 and take community input into account as these new
9 facilities open. In the interest of time, I will
10 leave other aspects of the proposal to witnesses. I
11 simply want to thank all of today's attendees as well
12 as the staff that made this hearing possible and
13 really point out that today's hearing is the
14 culmination of thousands of hours' worth of work by
15 our outstanding Land Use staff. I want to thank our
16 Director of the Council's Land Use Division, Roger
17 Mann, Assistant Director Amy Levitan [sp?], General
18 Counsel Julie Luben [sp?], Associate General Counsel
19 Dylan Casey [sp?], the Project Managers who have
20 assisted with this, James Lloyd, Brian Paul, Chris
21 Rice, Liz Lee, my own Chief of Staff, Danny
22 Pearlstein, my Counsel Lana Secheva [sp?], my newest
23 staff member, Iraqi War Veteran, Steven Snowden
24 [sp?]. Thank you very much.

2 COUNCIL MEMBER RICHARDS: Thank you for
3 those brief remarks. We will first--

4 COUNCIL MEMBER GREENFIELD: [interposing]
5 You have should have seen the original version of my
6 speech before you said brief, Mr. Chairman.

7 COUNCIL MEMBER RICHARDS: We will first
8 hear from the Administration. Council Members will
9 then have an opportunity to ask questions, and then
10 we will open it to the public for testimony,
11 alternating once again with panels of speakers in
12 favor and opposition. So, the numbers that you may
13 have when you signed up may be a little off because
14 we're alternating between who's in favor and
15 opposition. So we ask you to just bear with us. The
16 first panel we'll hear from today is our Commissioner
17 of HPD, Vicki Been, and the Chair of the City
18 Planning Commission, Carl Weisbrod, and also Purnima
19 Kapur from the City Planning Commission. Not sure if
20 she's speaking, but we're going to say it anyway. I
21 will now ask Dylan to swear you all in.

22 COMMITTEE COUNSEL: Please raise your
23 right hand. Do you swear to tell the truth, the
24 whole truth and nothing but the truth?

1 CARL WEISBROD: I do. Good morning,
2
3 Chairman Richards, Chairman Greenfield and Council
4 Members. I'm Carl Weisbrod, Chairman of the City
5 Planning Commission, and I welcome the opportunity to
6 testify before you again. Long time no see.
7 Yesterday, Commissioner Been and I along with Deputy
8 Mayor Glen appeared before you to discuss the
9 proposed mandatory inclusionary housing program, and
10 today we are here to speak to you about another
11 important initiative under the Mayor's Housing New
12 York Plan, Zoning for Quality and Affordability, or
13 as we affectionately call it ZQA. As we discussed
14 yesterday the need for affordable housing is of
15 critical importance to neighborhoods throughout the
16 city. Housing New York outlines an ambitious and
17 comprehensive set of initiatives to help our city
18 create and preserve 200,000 units of affordable
19 housing in 10 years, including affordable housing for
20 our rapidly growing and increasingly diverse
21 population of senior citizens. The city is beefing
22 up its anti-displacement efforts to protect tenants
23 in existing affordable housing and central to the
24 plan is the City's commitment of 8.2 billion dollars
25 over 10 years to build and preserve affordable

1 housing. We need to make sure that our precious tax
2 dollars are spent as wisely and efficiently as
3 possible so that they can go as far as possible to
4 meet New Yorker's needs. Also central to Housing New
5 York is an understanding of the importance of the
6 quality of life in our communities. As we address
7 our city's daunting affordability crisis, we also
8 need to help our neighborhoods retain the economic
9 diversity opportunity and livability that our
10 residents demand and deserve. We want to reflect the
11 values that New Yorkers have embraced and cherished
12 for almost four centuries. ZQA represents a targeted
13 but essential update to our zoning regulations to
14 support these core goals of the housing plan. As we
15 know from the advocates, providers, builders,
16 operators, and architects from whom you will also be
17 hearing today, there are several ways in which
18 today's zoning rules hamper our ability to create
19 affordable housing making us pay more to get less and
20 making it difficult to build residential buildings
21 that contribute to the fabric of our neighborhoods.
22 ZQA is about rationalizing zoning to reduce
23 unnecessary cost to tax payers and remove obstacles
24 to the creation of affordable and senior housing
25

1 while at the same time improving housing quality.

2 ZQA will help us meet the increasing and varied needs
3 of our growing senior population and enable them to
4 stay in their communities. It will enable the city
5 to more efficiently deploy its public resources to
6 provide affordability, and in medium and high density
7 areas, it will encourage builder's buildings that
8 enliven streets and neighborhoods with local retail
9 and services, and with buildings whose design better
10 reflects the traditional housing that exists
11 throughout these neighborhoods. In some districts,
12 it permits an additional one or two stories, or in
13 others, changes to parking requirements that make it
14 practical to build the amount of affordable senior
15 housing that zoning already seeks to allow. We have
16 been listening carefully to the thoughtful feedback
17 we have received through the public review process.
18 We have weighed the issues underlying certain trade-
19 offs and have made adjustments to the proposal that
20 we believe strike the right balance between them, and
21 we look forward to working with the Council to
22 address further concerns. But ZQA is based on the
23 premise that housing affordability does not need to
24 be sacrificed to achieve design quality nor vice-

1 versa. Instead, with smarter zoning we can achieve
2 both more affordable and higher quality buildings.
3 So, first, Commissioner Been will present some of the
4 zoning obstacle that limit our ability to provide
5 affordable housing, and I will go over some of the
6 key elements of the proposal that address the issues
7 raised by Commissioner Been as well as to improve
8 overall housing quality.

10 COMMISSIONER BEEN: Good morning, Chair
11 Rich--sorry. Good morning, Chair Richards and Chair
12 Greenfield and members of the Subcommittee on Zoning
13 and Franchises and all City Council members and
14 members of the public. For the record, I'm Vicki
15 Been, Commissioner of the City's Department of
16 Housing Preservation and Development, and I'm here to
17 support the proposal, Zoning for Quality and
18 Affordability, that will bring New York City zoning
19 codes into the 21st century. And let me just say a
20 personal thank you. Of course, I spent 25 years
21 teaching land use and zoning, so I thought that
22 everybody wanted to spend all day long talking about
23 zoning, but I've learned in my current job that
24 that's not true. So, I'm delighted to back here
25 geeking [sic] out over Zoning for Quality and

1 Affordability. So, thank you. But Zoning for
2 Quality and Affordability or ZQA is a critical
3 amendment really to help meet the affordable housing
4 needs of New York City's wonderful and wise seniors
5 and to remove the inefficient regulatory barriers
6 that make high-quality affordable housing more
7 difficult and more expensive to build. The
8 population of our city's residents who are 65 years
9 and older is projected to increase by 40 percent
10 between now and 2040. That means that we will need
11 to house another 400,000 additional seniors in the
12 coming years, but we're not even meeting the needs of
13 today's seniors. A recent survey estimated that more
14 than 200,000 low income seniors are currently on
15 waiting lists for senior affordable housing citywide
16 with an average wait of seven years, and of the
17 thousands of people who apply for every affordable
18 housing unit, not a senior unit, but just a regular
19 affordable housing unit there are thousands and
20 thousands and thousands for every unit that becomes
21 available, and our seniors are more likely to be low
22 income. They're more likely to be rent burdened, and
23 they're more likely to live on a fixed income than
24 our other city residents. Most senior housing cannot
25

1 be constructed without subsidies, but federal support
2 for senior housing has all but dried up. So, the
3 city has to make our dollars for seniors housing
4 produce as many homes as possible without reduce--by
5 reducing the barriers to affordable senior housing
6 our outdated zoning resolution imposes. Our zoning
7 code, which as Chair Greenfield said, has a long,
8 long history, works against itself. While it
9 recognizes that affordable senior housing is an
10 important need, it hasn't allowed a way to fit that
11 housing into a well-designed buildings. Today's
12 codes make it impossible to build a building that
13 accommodates both the accessibility requirements and
14 special features like common space that are so
15 important for the elderly to live comfortably,
16 connect with others and be safe. Current zoning also
17 does not recognize the spectrum of senior housing and
18 care facilities that our elders need, including
19 independent living, assisted living and nursing care,
20 and nursing home. Current codes restrict the
21 creation of affordable housing in other ways. For
22 example, our voluntary inclusionary program, which we
23 talked about yesterday, which is allowed in certain
24 medium and high density district, offers housing
25

1 providers additional height or other space if
2 affordable units are built, but limits on the size
3 and shape of buildings under current rules mean that
4 many buildings cannot actually use that added space.
5 As a result, we get fewer affordable homes from that
6 program than we would like to, and providers that do
7 participate in the program have been forced to
8 squeeze the affordable units into cramped building
9 envelopes, creating poorly designed buildings with
10 low--poorly designed apartments with low ceilings for
11 example. Under today's requirements, millions of tax
12 payer dollars are being spent building costly parking
13 spaces instead of providing more affordable homes.
14 Building on site parking costs around 50,000 dollars
15 for a parking space. Indeed, I've seen the cost go
16 up as much 80,000 dollars per space, but for all that
17 money we get very little. Those parking spaces often
18 sit empty. Our research shows that affordable
19 housing residents own fewer cars than other families,
20 and those who do own cars, especially seniors aren't
21 able or willing to pay the fees for parking. So,
22 those costly parking spaces sit empty. The space,
23 the garages or their lots take up and the money
24 that's required to build them should be used to
25

1 provide more affordable senior housing or more
2 affordable housing, community facilities and open
3 space. Affordable housing providers will tell you
4 about the terrible waste those empty parking lots
5 represent and about the very real need to use those
6 resources instead to give more low income seniors a
7 place to live their last years or to provide
8 facilities or services that better serve senior's
9 need. Take for example a proposed project in the
10 Bronx called the Crotona LGBT Senior Housing. The
11 82-unit residence is require to build 10 parking
12 spaces, which add almost two million dollars to the
13 cost of the project. The provider anticipates based
14 on their knowledge of the clients that they will
15 serve, that a maximum of four spaces will be used.
16 So we're paying two million dollars to secure four
17 parking spaces. There will be thousands of people
18 who apply for the apartments and can't be
19 accommodated. Wouldn't it be better to devote the
20 money used to provide empty parking spaces to house
21 more of those of our parents and our grandparents?
22 These are very serious problems that the affordable
23 housing community must wrestle with every day as it
24 tries to stretch dollars to address the city's
25

1 affordability crisis. ZQA is the thoughtful,
2 comprehensive approach to modernizing the zoning
3 resolution to address these issues, which have
4 limited our ability to provide high quality
5 affordable and senior housing for years, and on
6 behalf of all of those nonprofits, community
7 development organizations, financial institutions,
8 and other partners that HPD works with day in and day
9 out to build and run affordable and senior housing, I
10 really appreciate your willingness to tackle the
11 daunting task of working through the minutia of
12 updating the zoning resolution. While the task is
13 difficult to be sure, it's critical to our low income
14 families and our seniors. Let me turn back to Chair
15 Weisbrod who will explain the changes in more detail,
16 and let me just take a moment of personal privilege
17 to thank him and his incredible team. Many
18 Administration have seen the need to update this
19 Zoning Resolution, but Chair Weisbrod and his team
20 actually took on the immense challenge of doing so.

21 CARL WEISBROD: Well, I would first
22 really like to thank Commissioner Been for so
23 eloquently laying out the challenge that we face, and
24 as we discussed yesterday both with mandatory
25

1 inclusionary housing and with Zoning for Quality and
2 Affordability, this has really been an intimate and
3 productive partnership between Commissioner Been's
4 team at HPD, which has been fabulous to work with and
5 our team at City Planning. As mentioned by
6 Commissioner Been, the City's population is aging and
7 requiring a greater variety of housing service and
8 care. Unfortunately, as she mentioned, our Zoning
9 Resolution's regulations for uses like affordable
10 senior housing and nursing homes haven't been updated
11 in over 40 years and impede the construction of these
12 desperately needed and desired uses. To do this, the
13 proposal updates zoning regulations to allow the full
14 spectrum of affordable senior housing and long term
15 care facilities that exist today. In addition to
16 affordable senior housing and nursing homes, these
17 include assisted living facilities and continuing
18 care retirement communities, CCRC's, which are common
19 to the rest of the country, but not recognized by the
20 City's zoning rules, and in fact, we have no CCRC's
21 in New York City. Zoning already allows a higher
22 floor area to affordable senior housing. Our
23 proposal would sign the same floor area to the range
24 of long term care facilities. We've heard concerns
25

1 about the long term affordability of this senior
2 housing, and I want to make it very clear that any
3 additional floor area allowed for these would never
4 be converted to market-grade housing. You will hear
5 today from advocates and providers about the
6 difficulties they face in constructing new
7 facilities, limited available sites, loss of federal
8 funding, but also the significant delays and costs
9 associated with approvals to modify zoning. We want
10 to eliminate that impediment to meeting the needs of
11 our seniors, and as Commissioner Been said, seniors
12 are now on waiting lists seven years if not longer.
13 They don't have the time to wait as zoning approvals
14 and modifications and discretionary actions take
15 place. We really have to act now. Most provisions
16 of this proposal apply only to medium and high
17 density districts. However, the proposal does
18 include adjustments to the building envelope rules in
19 low density, multi-family districts to make
20 affordable senior housing practical to build. In
21 these districts, affordable senior housing is
22 required to comply with the rules for regular
23 residences which are based on walk-up buildings.
24 This doesn't recognize the unique needs of senior
25

1 housing, which is typically constructed as a building
2 of four stories or more with elevators for residents
3 to make them fully accessible to those residents.

4 Today, providers have to come to the City Planning
5 Commission to modify the zoning for their projects,
6 add years and costs to the process of providing this
7 needed use. This proposal would allow as-of-right of
8 four to six story building which is a typical form of
9 this use in the city's lower density neighborhoods,
10 as well as in the suburbs and does meet the needs of
11 seniors. The proposal also includes changes to the
12 building envelopes for affordable senior housing and
13 long term care facilities in medium and high density
14 contextual districts. In these neighborhoods,
15 current zoning rules don't allow the full permitted
16 floor area for this use to fit into high quality
17 practical building. This is not only an issue for
18 affordable senior housing and long term care
19 facilities, but also the inclusionary housing
20 program, which also allows higher FAR for buildings
21 that provide permanently affordable housing. We're
22 proposing to fix this by permitting limited height
23 increases for buildings that provide these uses, no
24 more than one or two stories and over 95 percent of
25

1 areas. In addition, the proposal would allow these
2 buildings to provide common areas on the ground floor
3 in an area where today only parking, community
4 facilities or commercial uses are allowed. Right
5 now, seniors are often, in order to meet zoning
6 requirements their common areas are often relegated
7 to the basements instead of the first floor where
8 they can relax and enjoy daylight and sunlight. This
9 will enable us to avoid affordable housing from being
10 left on the table and help ensure that our
11 contextually zoned neighborhoods can accommodate
12 residents of all ages and incomes. For example, in
13 Williamsburg, if this had been in effect, we could
14 have had more than 300 additional affordable
15 inclusionary housing units. That's about a third
16 more than were actually built. Commissioner Been
17 mentioned earlier the difficulties with parking
18 requirements for low income housing and low income
19 senior housing. You'll hear from advocates and
20 providers and affordable housing builders that these
21 rules add cost without benefitting residents or
22 neighborhoods, making our investments in affordable
23 housing less cost effective. ZQA proposes to modify
24 parking requirements for affordable housing in areas
25

1 that are served by a variety of public transportation
2 options where car ownership rates are already lower.
3 In these areas labeled the transit zone, parking for
4 new affordable housing and all affordable senior
5 housing would become optional. Buildings could
6 provide parking where needed and cost effective, but
7 would no longer be required to spend millions of
8 dollars on parking spaces that go unused. And let me
9 just say the trade-offs involved here. As
10 Commissioner Been noted, it's upwards of 50,000
11 dollars per parking space to provide an unnecessary
12 parking space in many instances. That means that
13 three unnecessary parking spaces are the equivalent
14 of two units of affordable housing. That's a trade-
15 off that we all have to consider and decide whether
16 that's worthwhile, and in some cases, maybe it is
17 worthwhile, but today we don't have and providers
18 don't have the option to even make that decision.
19 Existing low income senior housing, to be clear, not
20 ordinary housing that the City's many seniors live
21 in, but a very specific type of affordable housing
22 where seniors own extremely few cars could eliminate
23 unused parking lots under the proposal, as documented
24 in a study by the LiveOn Coalition. This would
25

1 enable the construction of more senior housing or
2 open space to residents. We have thousands of
3 seniors on waiting lists for affordable senior
4 housing and no residence of existing affordable
5 senior housing is on a waiting list for parking
6 anywhere in the city of New York. Outside the
7 transit zone, parking requirements for affordable
8 senior housing would be changed to better reflect
9 existing ownership patterns for residents of these
10 facilities. Other changes for affordable senior
11 housing or mixed income buildings would be possible
12 only on a case by case basis. These changes are
13 based on the way people own and use cars today, not
14 on ideas of projections about how people should
15 behave in the future, and they would not affect the
16 parking requirements at all for market rate
17 developments. In addition to Housing New York's
18 focus on addressing the affordability of housing,
19 there is also a deep commitment to improving the
20 quality of the city's neighborhoods. We often heard
21 from neighborhoods that the residential buildings
22 that are built under current zoning rules in medium
23 and high density districts don't contribute to the
24 quality of their neighborhood or reflect their
25

1 surrounding contexts. These issues are raised about
2 all residential buildings, not just those with
3 affordable housing. We therefore took the
4 opportunity to try to understand these issues. We've
5 looked at the new buildings built in neighborhoods
6 around the city and found these issues were
7 particularly acute at the ground floor, which is the
8 main interface between the building and passersby on
9 the sidewalk. We talked to architects about why
10 their buildings look this way. They told us that
11 current zoning rules often make it difficult to
12 provide high quality ground floor neighborhood retail
13 or community services, because the permitted building
14 envelope doesn't have enough space to allow a ground
15 floor of sufficient height. This either means the
16 resulting ground floor will forgo retail or community
17 uses or lead to spaces that are difficult to rent and
18 often sit empty, and this is an issue for affordable
19 housing, because retail helps support affordable
20 housing as well as enliven neighborhoods. These two
21 examples show these issues, but there are issues
22 we've seen in countless buildings throughout the city
23 built under current zoning rules. Residents
24 recognize that these buildings don't fit in and don't
25

1 do all they could to make their neighborhoods better
2 and more livable. It's not because the buildings are
3 new, it's because the rules are actually encouraging
4 this today. Here's another example of how the
5 current zoning requirements for the building envelope
6 impact the quality of ground floor spaces. New
7 buildings constructed under these zoning rules are
8 often forced to construct ground floors that are
9 lower than even existing neighborhood retail spaces
10 in older buildings. This is because the zoning in
11 1987 assumed ground floors would be low. They are,
12 and it's resulting in buildings that detract from the
13 quality of commercial strips and often fail to
14 accommodate the range of services communities need.
15 You can see in this photo that the older building's
16 ground floor ceiling height is approximately 11 feet
17 and the total floor-to-floor height is 13 feet.
18 Well, the newer building on the right has a ceiling
19 that's just nine feet in height and a total floor-to-
20 floor height of approximately 11.5 feet. We've also
21 heard concerns from communities that the buildings
22 produced under current zoning rules are often flat
23 and boxy. Well, older buildings typically had a
24 great variety of building articulation including bay
25

1 windows, courtyards, ground level setbacks with
2 planting and other architectural features. Current
3 regulations often make it difficult if not impossible
4 to provide these traditional building features, and
5 as you can see here, what we're getting at. If you--
6 do you find this building here attractive or
7 emblematic of New York's architecture and design,
8 creativity and dynamism? I mentioned earlier the
9 issue with ground level of residential buildings in
10 medium and high density areas of the city. ZQA
11 proposes changes to these zoning regulations from a
12 better more active ground floors in both residential
13 and mixed-use buildings. The key to this is ensuring
14 that the building envelope allows a ground floor with
15 sufficient height, but buildings with residential
16 units on the floor this would allow the units to be
17 raised above street level as is common in older
18 buildings, but buildings with retail or other uses on
19 the ground floor, it would allow a usable high
20 quality space for neighborhood retail or other
21 community services. To accomplish this, ZQA would
22 allow the maximum height of buildings to be increased
23 by five feet if the second level of the building
24 begins at height of at least 13 feet. So, five foot
25

1 increase is solely designed to make the ground floor
2 work better. I also mentioned earlier the issue with
3 the flat and boxy buildings being constructed under
4 current zoning. ZQA would update a number of zoning
5 rules to further our commitment to contextual zoning.
6 These changes would allow new residential buildings
7 more in keeping with their neighborhood character,
8 with façade articulation, courtyards, ground level
9 setbacks with planting and other traditional building
10 elements that provide visual variety and enliven the
11 pedestrian experience. They're not only designed to
12 make buildings better. This is designed to make
13 neighborhoods better. For this proposal we have
14 conducted an unprecedented degree of outreach to
15 communities across New York City's five boroughs, as
16 well as affordable housing advocates, providers and
17 other practitioners for the past year in each and
18 every neighborhood, the elements of ZQA were
19 analyzed, discussed and debated. We held over 100
20 meetings in communities and provided detailed and
21 tailored information to each Community Board to help
22 them understand how ZQA would affect their
23 neighborhoods and allow them to make informed
24 recommendations as part of the Land Use review
25

1 process, and here's an example from your district,
2 Chairman Richards, what we presented to your
3 Community Board. To address many of the concerns we
4 heard during this outreach, we refined the proposals
5 both before and during the public review process.
6 Before public review began we reduced the additional
7 height initially proposed for buildings in some
8 median density districts. We made the additional
9 five feet of height only available to buildings that
10 provided taller ground floors to assure that it
11 achieves the benefits to the public that we intended.
12 Throughout the process we heard many concerns, but we
13 did hear from community after community that they
14 supported the overall goals of promoting affordable
15 housing, senior housing and better buildings. We
16 heard concerns from certain specific--about certain
17 specific provision and unease about how changes would
18 affect previous neighborhood specific zoning changes.
19 This after all is the first time as Chairman
20 Greenfield mentioned, the first time in many, many
21 years that a major citywide text amendment on issues
22 of such breadth and importance has been proposed. We
23 also heard voluminous testimony from the affordable
24 housing world about the importance of these
25

1 provisions to achieve our affordable housing goals
2 and from architects about how these provision would
3 free them to design buildings that better serve their
4 residents and neighborhoods. In weighing all these
5 issues, the Planning Commission acknowledged the
6 tensions between affordability and height limits. We
7 made several changes to the proposal that we believe
8 strike a sound balance to ensure that neighborhoods
9 provide both the quality of life New Yorkers demand
10 and deserve and opportunities for a diverse range of
11 residents to live there. We required a special
12 permit for all long term care facilities in single
13 family districts. We limited the availability of
14 provision that would allow common areas within rear
15 yards on narrow streets. We maintained the
16 traditional wide and narrow street height
17 differentials in high density contextual zones, and I
18 also want to take this opportunity to clarify some of
19 the misunderstandings and myths that have been
20 circulating abut ZQA. ZQA does not create one
21 additional square foot of market-rate housing.
22 Because of this the proposal would not encourage the
23 tear-downs of existing buildings, effect neighborhood
24 infrastructure, would dramatically change development
25

1 patterns in any neighborhood. Buildings within
2 historic districts that are themselves landmarks
3 would continue to be subject to the regular oversight
4 of the Landmarks Preservation Commission. No
5 additional height would be allowed without LPC
6 approval, and the modest changes under this proposal
7 would not result in a rash of new applications to
8 the Landmarks Commission, and as I mentioned earlier,
9 none of the additional space allowed for affordable
10 senior housing could be converted in the future to
11 market-rate housing. And lastly, parking
12 requirements for market-rate housing throughout the
13 city would be unchanged by this proposal. Our
14 ambition is to make all of New York a better place to
15 live, to maintain what works, and improve what
16 doesn't. If we're going to address our profound
17 housing challenges and maintain the greatness of our
18 city and its neighborhoods, we need our zoning to be
19 more flexible and responsive. We also need to use,
20 as Deputy Mayor Glen mentioned yesterday and as both
21 Commissioner Been and I have repeatedly said, we need
22 to use every tool in our tool box. We have a housing
23 crisis. We have an affordable housing crisis. We
24 believe that the proposal before you will support the
25

2 creation of new affordable housing and senior care
3 facilities, help deploy public resources devoted to
4 affordable housing more efficiently, and encourage
5 better residential buildings that are more in keeping
6 with their surroundings in which help enliven the
7 pedestrian environment. I thank you for your
8 patience as I've waded through this. I look forward
9 to your questions, and I also would like to, Mr.
10 Chairman, just introduce, you mentioned earlier,
11 Purnima Kapur, our amazing and omnipresent Executive
12 Director and Howard Slatkin and Frank Ruchala from
13 City Planning who are largely responsible for putting
14 this proposal together and engaging with communities
15 throughout the city. We look forward to your
16 questions and our continuing work with you.

17 CHAIRPERSON RICHARDS: Thank you so much
18 Chairman. Okay, before we get into questioning, I
19 would like to acknowledge we've been joined by
20 Council Member Margaret Chin, Council Member Andrew
21 Cohen, Council Member Williams, Rodriguez, Koo,
22 Menchaca, and Levine. Alrighty, so I'm going to hop
23 right in and I want to thank you for the work and
24 thoughtfulness put into this proposal. It showed that
25 you guys really thought out--oh, did I say Koo?

1 Council Member Koo as well, okay. Really have put
2 some thoughtfulness into ensuring that our seniors
3 really have a place to go. I'm often reminded of a
4 lady who came into my office when I was first elected
5 and had to move to New Jersey because she could not
6 find senior affordable housing here. So, it's a
7 story that I always remember. So, I wanted to get
8 into--so, obviously it's a very bold proposal. How
9 many affordable housing units do you predict--well,
10 senior affordable housing units do you predict would
11 be built through this particular proposal?
12

13 CARL WEISBROD: Well, you know, I do cite
14 the work of LiveOn which believes just on the sites
15 they're aware of 2,000 additional senior affordable
16 housing units could be built pursuant to this
17 proposal, and that's a starting point. I mentioned in
18 my testimony that our analysis of Williamsburg
19 indicates that just there we could have had as many
20 as 300 additional affordable units if this proposal
21 was in effect. So, we think that there would be
22 throughout the city not in any particular
23 neighborhood, but this is a citywide proposal,
24 several thousand housing units, additional affordable
25 permanent housing, affordable housing units and

2 that's in addition to the affordable housing units
3 that we believe we will produce under mandatory
4 inclusionary housing. And let me just say one other
5 thing, we have a goal under the Housing Plan of
6 constructing 5,000 affordable senior housing units.
7 It's really difficult, and Commissioner, I should
8 turn this--will turn this over to Commissioner Been,
9 but with federal subsidies not available as they used
10 to be it's really a challenge. We have to use our
11 own subsidies. We also have to find appropriate
12 sites and opportunities to build.

13 COMMISSIONER BEEN: Yeah, and let me just
14 add to that. I mean, we do expect that this will
15 produce thousands more units of senior affordable
16 housing and affordable housing. I mean, often on,
17 especially on senior affordable units, senior
18 affordable homes, because we aren't get money from
19 the federal government the way that we used to, we're
20 not getting money from the state government the way
21 that we used to, we're having to stretch our dollars
22 so thin, we're often having to use public land for
23 those projects, and public land is as you guys know
24 in very, very short supply. So not only will this
25 produce thousands more units but it will make better

1 use of the dwindling resource of public land that we
2 have, and in addition it will make for much better
3 quality buildings. I mean, I was out at a ground-
4 breaking of a senior affordable residence in Queens
5 recently, and they were able to provide a common
6 space that seniors could go and use virtual
7 technology, homebound seniors could go and use
8 virtual technology to play bridge, to do all kinds of
9 things to keep them socially connected, which is one
10 of the critical things that is so important to the
11 health and safety of our seniors. So, it allows for
12 better buildings that better serve the people who
13 have been, you know, our caretakers.

14
15 CHAIRPERSON RICHARDS: Okay, so let's--why
16 you're on senior affordability, can you go through
17 the terms? So, right now I believe if you get a
18 bonus of senior affordable housing and the terms are
19 up to 30 years, or is the actual bonus permanent,
20 permanent senior affordable housing? Would it be
21 able to be converted over that 30 years? After that
22 30 years' time lapses, would it then be able to be
23 converted to market?

24 CARL WEISBROD: So, let me start, and
25 then I'll turn over to Commissioner Been to talk

1 about regulatory agreements, but the zoning provision
2 would prohibit. It's creating really a use that is
3 senior affordable housing, and that use is under the
4 zoning resolution, would be a permanent use for that
5 increased--it's the only part of the entire ZQA
6 proposal that actually provides some increase in
7 development, but it would only be for senior
8 affordable housing and that increase would be forever
9 permanent. It would be in the zoning resolution, so
10 it would not be limited to 30 years.

12 CHAIRPERSON RICHARDS: And can you define
13 what affordable is? So what, is there a range? Is
14 there a particular AMI?

15 COMMISSIONER BEEN: Okay, so in order to
16 qualify for the senior affordable housing here, the
17 building has to be under a 30-year regulatory, at
18 least a 30-year regulatory agreement with HPD or
19 similar agency, but HPD, and where the AMI's exactly
20 fall will depend upon the particular financing
21 source. So, for example, with we sometimes tax
22 credits and that would require that none of the
23 apartments be rented at more than 50 to 60 percent
24 AMI, but I want to make clear that one of the things
25 that happens here is that because seniors are very

2 low income, one out of five of our seniors lives in
3 poverty, and they are on fixed incomes, we often have
4 to rely on project-based or tenant-based vouchers or
5 other forms of rental assistance, and so while a unit
6 might be listed, you know, in terms of tax credit
7 housing as being 60 percent AMI it is getting the
8 voucher, so it may be serving somebody who has no
9 income at all, right? But it's listed for tax credit
10 purposes as a 50 or 60 percent AMI unit, but that's
11 just not the reality of the senior housing that we
12 live in.

13 CHAIRPERSON RICHARDS: So, coupled with
14 the other programs, you feel that a senior on a fixed
15 income would be able to remain permanently or after
16 the--so after the 30 year term, is their lease up or
17 what would happen?

18 COMMISSIONER BEEN: So after--so where
19 there is not a continuing source of cross-subsidy, I
20 mean, the advantage of mandatory inclusionary as we
21 talked about yesterday is that it can be permanently
22 affordable because there is a cross subsidy coming
23 from the market-rate units. Where we don't have that
24 kind of cross-subsidy, you simply can't underwrite a
25 building as permanently affordable, because you don't

2 have a permanent source of cross-subsidy. You've got
3 to be putting additional subsidies in, and they are
4 time limited. So, we have 30--

5 CHAIRPERSON RICHARDS: [interposing] So
6 those particular buildings would not receive a bonus
7 if they could not show that particular financing
8 structure, I would hope.

9 COMMISSIONER BEEN: So, our financing
10 structure guaran--you know, requires them to be in
11 the program, whatever the subsidy program is for at
12 least 30 years. Near the end of that 30 years,
13 before the end of that 30 years we then re-up it. We
14 seek to re-up it, you know, and extend it for another
15 30 years or however long we can extend it at that
16 time, and we make it--in addition to the fact that it
17 cannot use the space for anything other than a senior
18 affordable residence, right, we make it very, very
19 difficult to exit our program. So, we now for
20 example use loans that have a big balloon payment at
21 the end of that 30 years which discourages anybody
22 from opting out of our programs. So, like other
23 housing where we cannot insist on permanent
24 affordability because there is no cross-subsidy,
25 there is a time limited regulatory agreement, but we

2 then, especially with senior affordable buildings,
3 have very, you know, have no problem re-upping and
4 extending for however long we can get the subsidies
5 to extend.

6 CHAIRPERSON RICHARDS: So, I'm going to be
7 a senior by then. I don't know if I'll be living in
8 senior housing, I have no idea, but I'm sort of
9 worried about the prospect of another Administration
10 coming in. I mean, what if we get an Administration
11 that's not supportive or doesn't feel that they want
12 to put, you know, subsidy in. What then happens to
13 that senior?

14 COMMISSIONER BEEN: Well, if I can just
15 say, God forbid that we have an Administration that
16 doesn't care about our seniors because they have
17 given up--

18 CHAIRPERSON RICHARDS: [interposing] The
19 seniors vote.

20 COMMISSIONER BEEN: They're all--we owe it
21 to them to let them live in happiness in the last
22 years. So, you know, obviously it would be very--as
23 all of the battles over preservation show, it is
24 very, very, very difficult politically to not extend
25 the affordability of affordable homes, especially

2 affordable senior homes, but the issue is it's a
3 little bit of a false dichotomy, because we could say
4 that something is permanently affordable. We could
5 call it permanently affordable, but if you don't have
6 a continuing source of income into that project, then
7 it just means permanently affordable and increasingly
8 dilapidated, right? So, you've got to have subsidy
9 coming in, and that's what this recognizing.

10 CHAIRPERSON RICHARDS: Okay.

11 CARL WEISBROD: And let me just add, Mr.
12 Chairman, that first of all, I'm a senior right now,
13 so I'm really--this is of great relevance, all of it
14 is of significance relevance to me, but right now we
15 have nothing in the zoning resolution that even
16 requires a minimum period of affordability for
17 seniors. This would, as Commissioner Been said, put
18 in the zoning resolution a minimum of 30 years in
19 terms of financing, but given the fact that this
20 housing could not be transformed to market-rate
21 housing at all, whether it would be this
22 Administration or some future Administration, the
23 city would have an enormous amount of leverage and
24 bargaining power to assure that the housing going
25 forward would be affordable to seniors as long as the

2 money's there, because the operator/owner of that
3 facility really couldn't use it for market-rate
4 housing. So, as Commissioner Been indicated this is
5 really limited only by the City's ability to finance
6 because virtually all of this is subsidized
7 affordable housing.

8 CHAIRPERSON RICHARDS: Great. So, in
9 your plan you give additional height to market-rate
10 building. I believe an additional five feet. Am I
11 correct?

12 CARL WEISBROD: We give in contextual
13 zones or zones with height limits an additional five
14 feet to all buildings because, again, all residential
15 buildings, because again our goal is to assure that
16 on the five feet to assure that we can get the ground
17 floor retail, lively street environment, the
18 articulation in our buildings that our citizens
19 deserve whether they live in market-rate housing or
20 affordable housing, this applies to both.

21 CHAIRPERSON RICHARDS: So, I do have a
22 concern about us giving additional bonus height to
23 developers to build more market-rate housing, so is
24 there--

2 CARL WEISBROD: [interposing] This does
3 not provide--

4 CHAIRPERSON RICHARDS: [interposing] And I
5 know you're saying commercial, but would they still
6 be able to--

7 CARL WEISBROD: [interposing] No.

8 CHAIRPERSON RICHARDS: build market-rate
9 units or this additional height is specifically going
10 to be for ground floor use only?

11 CARL WEISBROD: This additional height is
12 designed only to be used in the ground floor, and as
13 I testified, we are not in this proposal proposing a
14 single square foot of additional market-rate housing
15 beyond that which is approved today.

16 CHAIRPERSON RICHARDS: And that will be
17 in the zoning text? That's in the zoning text?

18 CARL WEISBROD: That is in--that is
19 correct.

20 CHAIRPERSON RICHARDS: Okay. I want to get
21 into parking quick. So, obviously I represent
22 Queens, and you know, we rely on our cars a lot and
23 we certainly sympathize with developers who have to
24 spend 50,000 dollars a spot, but you know, we also
25 understand that in Queens, you know, you can get to

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Florida by plane just as quick as you can get to
Manhattan by train on some days, and you know, we
rely on our cars a lot because of that. So, I'm
going to start with questions in the transit zone.
How did you come up with the transit zones? Did you
factor in transit inequalities and unreliability? And
also I know that we are saying that, you know,
obviously the transit zones are areas that, you know,
have more or are considered to have more transit
reliability, but have we given thought to ensuring
that for instance if a senior is going to get on a
train that the train stations in that area are ADA
compliant. There's also--we also get a lot of
questions and always issues with Access-a-Ride in
particular in our particular district office. So
what are we doing to ensure that even as if we are
going to allow the elimination of parking in these
transit zones that there is reliable transportation
in these areas?

COMMISSIONER BEEN: Let me just start by
saying that I hope you're not having to go to Florida
because your mother had to move there because they
couldn't get senior housing here, but, right?

2 CHAIRPERSON RICHARDS: No, I've just timed
3 it myself.

4 COMMISSIONER BEEN: Oh, okay.

5 CARL WEISBROD: But I do want to
6 underscore what Commissioner Been just said because
7 the whole goal of this proposal is not just to
8 provide more affordable senior housing but to keep in
9 so far as we can our seniors in the communities where
10 they've lived their whole lives. I think we really
11 owe that to them, and that's a very important part of
12 what we're trying to achieve here. So, but in answer
13 to your question, Mr. Chairman, we looked at areas
14 that not only had subway access but a variety of mass
15 transit access and alternatives. We also look not
16 just at the transit, but we also looked at incidents
17 of car ownership in those areas and also looked at
18 how close retail was to and how accessible retail is
19 in those areas. So, those are the issues that we
20 looked at. We also want to make it clear that this
21 proposal does not apply to seniors who own cars--I
22 grew up in Queens, I have a car in Queens--that are
23 not residents of affordable senior housing. This
24 really is applicable only to seniors and affordable
25 housing developments for seniors, so--and affordable

2 housing more generally, where the incidences of car
3 ownership is extremely low today, and I think if you
4 look throughout the various--and I'm sure you're
5 going to be hearing testimony from others. We've
6 heard it from senior housing providers all over that
7 the utilization of the required parking today is
8 extremely low, and we're not saying that in a given
9 area a housing provider, affordable housing provider,
10 a senior housing provider can't provide parking to
11 its residents, we're simply saying that we shouldn't
12 require it when we know and they know that it
13 wouldn't be utilized and those funds could better be
14 used for other purposes for affordable housing and
15 even more importantly the space could be used for
16 either affordable housing or open space or other
17 community amenities.

18 CHAIRPERSON RICHARDS: And have you taken
19 into account the staffing at these particular
20 facilities? And I know that's something important,
21 and I know also visitors, and I'm also interested in
22 knowing was the Department of Transportation engaged
23 anywhere in this study, or you know, did they look at
24 particular parking patterns in local communities as
25 well?

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

COMMISSIONER BEEN: Well, let me start and then Chair Weisbrod will talk about the actual calculation of the transit zones, but I think an important thing to remember here is that the vast majority of our senior affordable housing is provided by nonprofits, right? And those nonprofits are certainly care a great deal about both the seniors that they're housing, their staff, etcetera, and they're going to be the ones who know the population that they're going to be serving, and they are going to be making the choice about how many parking spaces are really needed. So, they will take into account those kinds of issues. But I do, I also want to note that in most senior affordable residences the parking is not available to visitors and often sometimes even not only to staff because there are security concerns. So many people think that we're taking away spaces that would be used by people in the community or by visitors. Those people will continue to park wherever they are parking now because they are not allowed to park on the spots that are reserved for residents of the senior housing.

CHAIRPERSON RICHARDS: Alright, I still would just like to hear, and I--this is--we can

1
2 continue this conversation certainly after this, but
3 certainly there would be some adverse impacts on some
4 of the particular transit zones you presented, in
5 particular that we've seen. So, this is a continuous
6 conversation, but we're certainly hoping that you're
7 open to refining some of the transit zones as we move
8 forward.

9 CARL WEISBROD: Yeah, I would say, Mr.
10 Chairman, that certainly if there are particular
11 situations that are--offer unique challenges,
12 absolutely we'd be prepared to talk about those. I
13 would say that in general we are quite confident
14 that, in general, that there would not be adverse
15 impacts, because in addition to what Commissioner
16 Been said, you know, even if a senior, a resident of
17 a senior affordable housing development actually
18 owned a car--and there are very few, or we believe
19 it's below five percent. For the most part, they
20 can't afford to pay for the parking in that parking
21 area. So, they're not even utilizing it themselves,
22 but again as I said, we certainly look forward to
23 talking to you and others if there are specific
24 unique situations.

2 CHAIRPERSON RICHARDS: Alrighty. I'm
3 going to jump into--because I want to get to my
4 colleagues. So, BSA, so there's perhaps an existing
5 senior residence, a developer now would be able to go
6 through the BSA for a special permit to eliminate
7 parking at their particular residence. Can you take
8 me through that process and why are we utilizing the
9 BSA to go through this process?

10 CARL WEISBROD: Sure. So, there are
11 actually two elements for this. For senior affordable
12 parking, for senior affordable--

13 CHAIRPERSON RICHARDS: [interposing] And
14 I'm just talking about within--yes.

15 CARL WEISBROD: Yes, restrict [sic] for
16 senior affordable housing within the transit zone.
17 The operators, the providers would have the right to
18 modify existing parking without going through a
19 special permit or without going through the BSA in
20 order to reduce parking, existing parking especially
21 if it's not being used, in order to provide either
22 more affordable housing or open space or in many
23 cases just amenities for residents. Right now, for
24 example, we find that senior affordable housing
25 providers can't put benches in, can't put gardens in,

2 can't put open space in because they would have to
3 come through a very laborious and expensive public
4 approval process and the cost of doing that is just
5 not worth it. So, for senior affordable housing they
6 would be able to modify existing--

7 CHAIRPERSON RICHARDS: [interposing]
8 Without going through--

9 CARL WEISBROD: [interposing] Without
10 going through a process.

11 CHAIRPERSON RICHARDS: So, are we--

12 CARL WEISBROD: [interposing] For other--

13 CHAIRPERSON RICHARDS: [interposing] I do
14 have a concern about that. I believe that there
15 should be a process for the elimination of parking
16 whether it's through this Council, whether it's
17 through some sort of ULURP process, whether it's
18 through working with local Community Boards, but I
19 think it's disingenuous for us to give that power to,
20 and I trust that a lot of the nonprofit senior
21 housing developers are doing the right thing, but you
22 know for perhaps some developers who may not do the
23 right things we are very concerned about seniors
24 coming home and there being no real interaction with
25 them and them just losing parking. So we hope that

2 you're willing to work with the Council on coming up
3 with a particular process to ensure that there is a
4 process for those seeking to reduce or totally
5 eliminate parking in these transit zones.

6 CARL WEISBROD: We hear you, Mr.
7 Chairman. I would just say that consider the
8 concerns, and I think you will hear as we have heard
9 concerns of the providers of senior affordable
10 housing to the issues they face today simply to
11 provide additional amenities to their existing
12 residence, but I also want to mention that on non-
13 senior affordable housing in order to reduce parking
14 for non-senior affordable housing, those developments
15 would require a BSA special permit in order to that.

16 CHAIRPERSON RICHARDS: Right, and I'm very
17 happy about that, but I still--we still have concerns
18 on a process even for senior housings. I'm going to
19 just jump to that outside of the transit zone quick,
20 and then I'm going to go to my colleagues for
21 questions. So, outside of the transit zone, no
22 market-rate buildings would be allowed to eliminate
23 the parking, am I correct?

24 CARL WEISBROD: No, changes at all to
25 parking requirements--

2 CHAIRPERSON RICHARDS: [interposing] Okay.

3 CARL WEISBROD: for market-rate housing.

4 CHAIRPERSON RICHARDS: Okay.

5 CARL WEISBROD: Actually inside or
6 outside the transit zone.

7 CHAIRPERSON RICHARDS: Alrighty. Can you
8 go through the--so requirements outside of the
9 transit zone for new senior housing developments
10 you're proposing to lower the particular threshold of
11 the requirements for parking? Can you go through
12 that?

13 CARL WEISBROD: Yes, outside the transit
14 zone requirements for senior affordable housing would
15 be reduced to 10 percent from whatever it is.

16 CHAIRPERSON RICHARDS: And why 10 percent?

17 CARL WEISBROD: It's actually double at
18 least the utilization rates that we've seen for
19 senior affordable housing, so we just wanted to be
20 careful that we were providing sufficient senior
21 affordable housing while at the same time not
22 overburdening developments with unnecessary parking.

23 CHAIRPERSON RICHARDS: So, just a little
24 confused. So, you would say senior affordable

1 housing is different outside of a transit zone,
2 opposed to a transit zone, or what is the difference?
3

4 CARL WEISBROD: Well again--

5 CHAIRPERSON RICHARDS: [interposing] And
6 why didn't we even within the transit zones if that's
7 the case just require a particular threshold the same
8 way?

9 CARL WEISBROD: Well, again, for all--

10 CHAIRPERSON RICHARDS: [interposing] What
11 was so special about within the transit zones? I
12 mean, well obviously we know you're a calling a
13 transit zone a transit zone because it "has good
14 transit."

15 CARL WEISBROD: Well, there are
16 differences in medium and high density districts that
17 have multiple means of mass transit where people can
18 walk to available services including retail where we
19 look very, very carefully at car ownership rates, and
20 we recognize that in many parts of Queens,
21 particularly in Staten Island as well, there are
22 areas that are not as rich in ability to walk to
23 services or multiple mass transit zones and multiple
24 mass transit options, and we want to at least require
25 a minimum there. And again, that's not a maximum,

2 it's a minimum, and that is also reflective of car
3 ownership patterns which are different in the non-
4 transit areas as they are from what they are in the
5 transit zone.

6 CHAIRPERSON RICHARDS: Okay. So Queens is
7 also very unique. So I know that there have been
8 some areas in the transit zone in Queens as well, so
9 I would hope that we cannot do the one size approach
10 and sort of look at different boroughs uniquely as we
11 move forward.

12 CARL WEISBROD: And I would just say this
13 is certainly one example where we are not applying
14 many, but this one area where certainly we are not
15 applying a one-size-fits all approach.

16 COMMISSIONER BEEN: Yeah, and if I can
17 just, I mean, we quite frankly made a mistake in
18 calling these things transit zones because there's
19 much, much more of it goes into the determination and
20 it's based, you know, very heavily on the existing
21 patterns of car ownership and community and access to
22 the services that seniors really need, so that's
23 what's really driving that difference, but that said-

24 -

25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

SUBCOMMITTEE ON ZONING AND FRANCHISES

CHAIRPERSON RICHARDS: [interposing] I'm glad you said that on the record.

COMMISSIONER BEEN: Yes. So, miacopa [sic].

CHAIRPERSON RICHARDS: Okay. Last two questions just wanted to go through. So, you say in developments with small number of spaces outside of the transit zone, they can--they would be able to waive parking. Can you define what the number small means? And then lastly, just on the quality of it sizes which has been a significant concern of mine. SO, some unit sizes would be able to go from 400 square feet to 275 square feet, and, you know, some people may consider this hazardous, seniors living in very small spaces. Can you go through the thinking around that? Because I just know from my grandmother, I mean, she couldn't fit her hats in an apartment that size. So, just wanted to hear your thinking around that, and then also once again just going through any--outside of the transit zone, what do you, you know, call a small number of spaces which would be allowed? How do you define?

1
2 CARL WEISBROD: Well, I think we said
3 it's a 10 percent of the number of units would be the
4 minimum it could be.

5 COMMISSIONER BEEN: How many could be
6 waived. How many could be waived, five the ten
7 spaces.

8 CHAIRPERSON RICHARDS: So, five to 10
9 spaces would be waived.

10 COMMISSIONER BEEN: So, can I just jump
11 in, because we--HPD does of course finance many
12 affordable senior buildings and we regulate the
13 layout of those units, the sizes, etcetera. I mean,
14 one of the things that we heard over and over again
15 both about senior housing and more generally about
16 affordable housing is that builders and the
17 nonprofits who operate these need more flexibility.
18 Some seniors have, you know, have partners. They
19 need a larger space. Some seniors need smaller
20 spaces. Some families need of course three bedrooms
21 and even more where they have other family members
22 living with them. So what we try to do is basically
23 balance that off. We tried to give more flexibility
24 so that some units could be smaller in exchange for
25 some being larger. That said, we regulate the size

1 and the layout. Everything has to be obviously
2 accessible. Everything has to meet. We measure very
3 carefully the turning radius of wheel chairs, for
4 example. All of those issues get worked out through
5 both the multiple dwelling law and HPD's regulations.
6 So we, you know, we certainly do not want to cram
7 folks into small spaces, but we do want to provide
8 some flexibility within the constraints of all of the
9 other regulations that affect how senior housing gets
10 built.
11

12 CHAIRPERSON RICHARDS: Okay. I just urge
13 you to work with the Council on it. I think 275
14 square feet is a--I mean, we're open to looking at
15 the number and what that looks like. We can continue
16 that conversation, but I am concerned about 275
17 square feet. We will now go to--I'll allow you to
18 answer that one.

19 CARL WEISBROD: No, I was just going to
20 add to what Commissioner Been said that virtually all
21 of this housing is, senior affordable housing, is
22 subsidized housing so that really HPD does have a
23 very strong control over what happens here as opposed
24 to a market-rate developer, you know, who could do
25 what it wanted.

2 CHAIRPERSON RICHARDS: Definitely hear you
3 and appreciative definitely [sic] to push for senior
4 affordable housing. We need it. We don't question
5 that. We just question definitely the quality of the
6 size and I don't think we should necessarily
7 sacrifice quality also for quantity. I think we do
8 need more quantity, but the quality is also very
9 important as we move forward.

10 COMMISSIONER BEEN: Happy to work through
11 all of the other ways in which we regulate it and
12 then to talk that through, absolutely.

13 CHAIRPERSON RICHARDS: Alrighty, great.
14 Alrighty, I'm going to go Chair Greenfield. Followed
15 by Greenfield we'll go to Rosenthal then Gib--sorry,
16 then Gentile. I got to go to the Subcommittee
17 members first, Gentile, Garodnick, then Reynoso, and
18 then your--

19 COUNCIL MEMBER GREENFIELD: [interposing]
20 Thank you, Chair Richards. Thank you for those
21 important questions. I want to follow up on the
22 final, the last point that the Chair was making, and
23 just to put in context for people who are watching at
24 home, and some of them may have nodded off at this
25 point. I don't refer to the people who are watching

2 during the daytime, but we do re-runs on NYCTV late
3 at night, and this is really--this is good stuff if
4 you want to fall asleep, just--

5 CARL WEISBROD: [interposing] Or for
6 parents with very young children.

7 COUNCIL MEMBER GREENFIELD: That's right,
8 that's right, yes. I mean--you mean as a form of
9 punishment for those young children.

10 COMMISSIONER BEEN: Well--

11 CARL WEISBROD: [interposing] Or when
12 children wake up in the middle of the night, if
13 they're young babies having gone through--it's better
14 than social security and you, which I--

15 COUNCIL MEMBER GREENFIELD: [interposing]
16 Fair enough. So, just to put this in context, by our
17 count the Zoning for Quality and Affordability text
18 changes run approximately 483 pages by our count. Is
19 that fair Commissioner?

20 COMMISSIONER BEEN: That's fair.

21 COUNCIL MEMBER GREENFIELD: Okay. So,
22 that's why for those of you who are watching at home
23 to understand that there's a lot of detail over here,
24 and we can get somewhat granular, and Commissioner
25 you're going to have to use your best professorial

1 skills, because unlike in most classrooms where you
2 ask the questions today, we get to ask the questions,
3 and so your years of training are going to come in
4 very handy over here. And as a new law professor
5 myself I'm actually excited to test it out on a
6 seasoned professor.
7

8 COMMISSIONER BEEN: Oh, okay.

9 COUNCIL MEMBER GREENFIELD: See how this-
10 -we'll see how this works. Hopefully my students
11 aren't watching this on TV. So, I just want to
12 follow up on the last issue that the Chair raised,
13 and that has to do with reducing the unit sizes,
14 right, and just based on our understanding, and once
15 again it's possible that you can correct our
16 understating, our understanding of reviewing those
17 483 pages, and quite frankly we've got annotations so
18 probably closer to 900 pages by now. My counsel
19 who's sitting here literally has the book that she's
20 hiding underneath the desk. So, it's our
21 understanding that previously--let's set aside the
22 independent residence for seniors and just focus
23 specifically on the non, what we call the non-errors
24 which are the contextual and quality zoning areas.
25 It's our understanding that previously that had to be

2 400 feet, and now that's going to be reduced to 300
3 feet. Is that correct? And if so, that's separate
4 and apart from the point that you were making
5 regarding affordable senior living, because that's
6 not for affordable, that would apply to anyone across
7 the board. Is that correct?

8 COMMISSIONER BEEN: Affordable.

9 CARL WEISBROD: Well, I think there are
10 two different issues here, Mr. Chairman, and I will,
11 if I say this incorrectly, the very, very confident
12 staff of City Planning will correct me. But one,
13 which we responded to Chairman Richard's question was
14 on senior affordable housing where we are proposing a
15 decrease in the minimum unit size. With respect to
16 the broader--

17 COUNCIL MEMBER GREENFIELD: [interposing]
18 And I'm okay with that.

19 CARL WEISBROD: Yeah.

20 COUNCIL MEMBER GREENFIELD: I want to
21 focus specifically on the broader--

22 CARL WEISBROD: [interposing] What we--

23 COUNCIL MEMBER GREENFIELD: [interposing]
24 which is our understanding that it would be lower to
25 whatever the code allows.

2 CARL WEISBROD: Right.

3 COUNCIL MEMBER GREENFIELD: Which in some
4 cases would be as small as 300 square feet.

5 CARL WEISBROD: But what we are doing or
6 proposing more broadly is not to change the average
7 unit size, but to provide a degree of greater
8 variety, because that's what we're seeing in our
9 population. So the average unit size for density
10 purposes would stay the same, but we would allow
11 smaller units to exist in buildings and larger units
12 to compensate for those. So, that--

13 COUNCIL MEMBER GREENFIELD: [interposing]
14 Chair, I want to be clear--

15 CARL WEISBROD: [interposing] That's
16 really the tradeoff.

17 COUNCIL MEMBER GREENFIELD: it's not a
18 criticism, just to be clear.

19 CARL WEISBROD: No, I--

20 COUNCIL MEMBER GREENFIELD: [interposing]
21 It's just a point of clarification for all of us--

22 CARL WEISBROD: [interposing] Yes, I'm
23 glad we--

24 COUNCIL MEMBER GREENFIELD: just so that
25 we're all on the same page.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

SUBCOMMITTEE ON ZONING AND FRANCHISES

CARL WEISBROD: Right, exactly.

COUNCIL MEMBER GREENFIELD: In terms of what kind of change that we're making.

CARL WEISBROD: Exactly.

COUNCIL MEMBER GREENFIELD: This would allow for what we saw in the last Administration, which is what some people would call micro-units, for example, right?

CARL WEISBROD: It--

COUNCIL MEMBER GREENFIELD: [interposing] In some instances. It wouldn't allow it in a complete building of micro-units, obviously, but there would allow for a building to have a mix including some micro-units in the building, is that correct?

CARL WEISBROD: Yes, and in compensation for that, there would have to be larger units because we're seeing, and Commissioner Been can talk to this a lot better than I can, but we see a need for both smaller units and for larger units, and right now we're sort of straight jacketing ourselves by only allowing units within a certain size range. We want to widen it.

2 COUNCIL MEMBER GREENFIELD: Once again,
3 not a criticism, just a clarity just so the folks
4 know that this change would allow for micro-units
5 pretty much across the board in the city in
6 contextual and quality districts. That's all. I
7 just--so folks know, that's all.

8 COMMISSIONER BEEN: Right, but I just--
9 I'm sorry. I just am not being argumentative--

10 COUNCIL MEMBER GREENFIELD: [interposing]
11 You're about to professor me, aren't you?

12 COMMISSIONER BEEN: No, no, I'm not.

13 COUNCIL MEMBER GREENFIELD: Yes.

14 COMMISSIONER BEEN: I'm really not. It's
15 just that I want people to understand that when there
16 is a smaller unit it is balanced by a larger unit.

17 COUNCIL MEMBER GREENFIELD: That's right.

18 COMMISSIONER BEEN: That's the critical
19 thing, yep.

20 COUNCIL MEMBER GREENFIELD: Completely
21 understood.

22 COMMISSIONER BEEN: My point--

23 COUNCIL MEMBER GREENFIELD: [interposing]

24 Just that there was, just to be clear, in the last
25 Administration there were a lot of conversation about

2 micro-units. They were done in a very limited
3 fashion, and essentially what we're doing now is
4 we're really opening that up for the broader city.

5 CARL WEISBROD: but this would not provide
6 for say micro-buildings.

7 COUNCIL MEMBER GREENFIELD: OF course. Of
8 course.

9 COMMISSIONER BEEN: Right. Okay.

10 COUNCIL MEMBER GREENFIELD: Clear.

11 COMMISSIONER BEEN: We're on the same
12 page, got it.

13 COUNCIL MEMBER GREENFIELD: Clear and
14 understood, I just thought it was worth clarifying
15 that particular point. Okay, so want to just go back
16 to parking for a moment and just to clarify some
17 issues as well. Specifically, so once again, what
18 you're calling the transit zone in retrospect you'd
19 like to change it to transit and commercial zone or
20 transit and walkability zone, whatever it is, but
21 that's what you named it so we're going to go with
22 transit zone, and so the transit zone is essentially
23 an area within a half a mile of a subway station.
24 That's sort of the way it's currently defined. Is
25 that correct?

2 COMMISSIONER BEEN: No. Okay? It is not
3 because it takes into account not just subways but
4 also bus. It takes into account car ownership
5 patterns, commuting patterns, access to commercial
6 and retail spaces, etcetera. So it's not just half a
7 mile.

8 COUNCIL MEMBER GREENFIELD: But also a
9 half of mile from a subway station.

10 COMMISSIONER BEEN: Yeah, that is part of
11 the calculation, yes.

12 COUNCIL MEMBER GREENFIELD: It's one of
13 the more important criteria, but it's one of the
14 criteria.

15 COMMISSIONER BEEN: Yes.

16 COUNCIL MEMBER GREENFIELD: Okay. So--

17 CARL WEISBROD: [interposing] But that
18 alone wouldn't do it.

19 COUNCIL MEMBER GREENFIELD: Got it. Got
20 it. Thank you once again. Four hundred and 83
21 pages, we're--

22 COMMISSIONER BEEN: [interposing] Yeah
23 [sic] it's stuffed [sic].

24 COUNCIL MEMBER GREENFIELD: Professor,
25 you could actually do a whole class on this, a whole

2 semester literally on ZQA. We only have one day, and
3 I'm going to limit myself to five minutes. So, I'm
4 just trying to focus in. So, you have heard, I'm
5 sure, you heard from the Chair and you heard from
6 others, for example my colleague I think Council
7 Member Treyger is here. Coney Island, very limited
8 access that they have to subway stations and other
9 portions, for example, in Southern Brooklyn and
10 Queens and so you are open in fact to re-evaluating
11 those areas where members have concerns where they
12 don't feel that there is enough current mass transit.

13 COMMISSIONER BEEN: Yes.

14 COUNCIL MEMBER GREENFIELD: Fair?

15 COMMISSIONER BEEN: Yes.

16 COUNCIL MEMBER GREENFIELD: Wonderful,
17 good news. Thank you. Okay, so the next point in
18 terms of the affordability, I accept the premise on
19 senior housing that most--I trust that most seniors
20 don't have cars, and it's certainly a better use on
21 senior affordable housing to build units than it is
22 to build parking spots. My question specifically
23 then refers to within the transit zone it's also our
24 understanding that for affordable housing as well
25 there would no longer be a parking requirement or in

1 some cases in the affordable units the requirement ws
2 much as 50 percent. And so I want to focus on this
3 because I do question this, because one of the things
4 that we discussed yesterday was that the AMI's could
5 be relatively high, right, 120 percent at AMI. So
6 you can make nearly for a family of three 100,000
7 dollars. I would venture to argue that a family of
8 three making 100,000 dollars could very well own a
9 car, right? So, I want to separate from the senior
10 issue where I'm granting you the senior issue, and
11 just focus on the affordable piece where right now
12 within a transit zone for a family that's making
13 100,000 dollars and living in an affordable units,
14 and quite frankly by living in an affordable unit
15 they actually have less rent, so I would actually
16 argue that they would be more inclined to own a car,
17 and therefore what we heard from certain of those
18 neighbors is saying, hey, if you're going to build
19 affordable units within an area where you're going to
20 have, for example, option three, yesterday's MIH,
21 which is the 120 percent AMI, these families will
22 have cars. You're not building parking spots for
23 these families which means that we're going to have
24 these families which means that we're going to have

2 more cars in the streets and more competition for
3 cars. Can you respond to that?

4 COMMISSIONER BEEN: Yes, thank you. So,
5 first of all, it certainly is the case that our data
6 show that people who live in affordable housing own
7 fewer cars than people who do not, right? We can
8 start there, but your point is well taken that for
9 some--

10 COUNCIL MEMBER GREENFIELD: [interposing]
11 It depends on the AMI's.

12 COMMISSIONER BEEN: they will certainly--

13 COUNCIL MEMBER GREENFIELD: Yeah.

14 COMMISSIONER BEEN: Whatever we define as
15 affordable, we show that it has fewer, less car--
16 lower car ownership. Let me get my grammar correct.

17 COUNCIL MEMBER GREENFIELD: But not now
18 car ownership, which is what the affordable--

19 COMMISSIONER BEEN: [interposing] But not
20 no car, absolutely not.

21 COUNCIL MEMBER GREENFIELD: would
22 currently go down to.

23 COMMISSIONER BEEN: And so and one of the
24 things that this does is it allows the, you know, the
25 provider of the building to make the determination

2 whether at that AMI level they will need parking or
3 they won't need parking based upon their--based upon
4 the AMI levels and other things. So, the alternative,
5 right, is to do a case by case determination, and
6 that just takes a great deal of time, and so, you
7 know, that is the issue there.

8 COUNCIL MEMBER GREENFIELD: Okay, so on
9 this point we're going to agree to disagree, because
10 we--and I know that HPD holds these folks in much
11 higher esteem than we do, but we don't necessarily
12 trust developers, and so leaving it to a developer to
13 determine whether or not that developer would like to
14 add parking or not, we're not convinced that that's
15 going to end up with the best decision-making
16 process, but I certainly respect that HPD has a warm
17 and fuzzy relationship with developers where they
18 believe that they're going to do what's in the best
19 interest of a particular community.

20 COMMISSIONER BEEN: Well, let me just say,
21 with lots of oversight and watching, but look, I
22 understand--

23 COUNCIL MEMBER GREENFIELD: [interposing]
24 I couldn't help myself, I'm sorry.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

COMMISSIONER BEEN: your point that our affordable housing is at a range of incomes because that's exactly what we're trying to achieve and happy to talk about whether there needs to be some fine tuning bout that range of incomes in terms of parking.

COUNCIL MEMBER GREENFIELD: Okay, so thank you. Yes?

CARL WEISBROD: Let me just add, and I share with Commissioner Been our openness to talking about that issue, but unlike senior affordable housing the affordable housing in many instances is also going to be mixed-income development with market-rate and affordable housing. We're not changing the requirements of parking with respect to the market-rate housing, and so in many of these developments it will be a very small--

COUNCIL MEMBER GREENFIELD: [interposing] Thank you, Chair. That's actually a perfect Segway to my next question, which is that--you set me up, thank you.

CARL WEISBROD: Oh, I'm not sure that's good.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

COUNCIL MEMBER GREENFIELD: Which is that in instances where there is a mixed building where you can have market and affordable housing our understanding of ZQA is that you could apply for a permit to reduce or completely eliminate parking even on the market side, is that correct?

CARL WEISBROD: Well, as you can today. Yes, as you can today.

COUNCIL MEMBER GREENFIELD: Okay. So, in all fairness, it kind of goes a little bit against the previous point, right, because now this is a concern for--this sort of exacerbates their concern, which is that if I'm a wily developer I build 20 percent affordable, 80 percent market-rate and I go to the BSA and I get zero parking.

CARL WEISBROD: Well, as you could today. I mean that really doesn't change in any respect, and what it does is really allow for a case by case review which is I think you're seeking to see us do.

COUNCIL MEMBER GREENFIELD: And we, I think we read it as a new special permit being created for this particular scenario. Is that incorrect?

2 COMMISSIONER BEEN: It's not a new
3 special permit.

4 COUNCIL MEMBER GREENFIELD: Yes, it is a
5 new special permit.

6 CARL WEISBROD: It is.

7 COUNCIL MEMBER GREENFIELD: Okay, so it's
8 different than what could be done today.

9 CARL WEISBROD: Yes.

10 COUNCIL MEMBER GREENFIELD: And once
11 again, I apologize. I want to be clear, I'm not
12 trying to--

13 CARL WEISBROD: [interposing] Yes, pardon
14 me.

15 COUNCIL MEMBER GREENFIELD: I'm not trying
16 to play gotcha over here. I just want to get an
17 understanding.

18 CARL WEISBROD: No, I understand.

19 COUNCIL MEMBER GREENFIELD: so we're all
20 on the same page because these are issues of concern
21 that I've heard from many of my colleagues,
22 especially those in Staten Island, Brooklyn and
23 Queens who are concerned about the parking areas.
24 So, I just, I want to flag it. So, you understand
25 our concern which is that A., I the higher AMI's we

2 think there's going to be a parking need, and B., in
3 those mixed-use buildings, we're afraid that
4 developers will take advantage and seek to have no
5 parking based on a new special permit. So we're
6 flagging it. We're not going to resolve it today. I
7 just want to make sure.

8 CARL WEISBROD: Understood, but there
9 would have to be--it wouldn't be as at the
10 developer's option. It would have to go through a
11 BSA--

12 COUNCIL MEMBER GREENFIELD: [interposing]
13 BSA.

14 CARL WEISBROD: special permit where
15 they'd have to make the findings that it was, yes,
16 necessary to reduce parking.

17 COUNCIL MEMBER GREENFIELD: And as you
18 know, our reluctance just to be frank is the BSA is a
19 quasi-judicial agency which takes the control outside
20 of the Council Member and the Committee. Just
21 clarifying for those people who are watching at home
22 to explain why that's a concern.

23 CARL WEISBROD: Understood.

24 COUNCIL MEMBER GREENFIELD: Okay. I want
25 to move on to senior affordable housing. Generally,

1 I'm a big fan. As I mentioned in my opening
2 statement, I firmly believe that it is our obligation
3 to take care of our seniors. They've given back to
4 our city. They've worked hard. In many case they
5 produced--I guess, in all cases they produced all of
6 us, right? If we're here, it's because of someone
7 who either is or will be a senior, and so certainly
8 we owe it to them to try to build as much senior
9 affordable housing, and you've explained the
10 challenges, which I completely respect and agree
11 with. However, we do have concerns, and one
12 particular case, which you've flagged, Chair, which
13 is the lower density multi-family districts. So,
14 taking out my trusty zoning handbook, for those of
15 you watching at home this is the zoning Bible.
16 Incidentally, I will point out that part of our
17 agreement if we do pass the ZQA is we expect an
18 updated edition of the zoning handbook, because this
19 is 2011, and certainly after ZQA we're going to need
20 a 2016 edition, is that fair?

22 CARL WEISBROD: We've been waiting for
23 this moment.

24 COUNCIL MEMBER GREENFIELD: Okay.
25 Excellent, excellent. Very good. Purnima seems

2 particularly excited at the prospect. So, the R32
3 district currently has a max height of 35 feet. It's
4 our understanding that in some cases a new senior
5 housing development, affordable housing development,
6 in an R32 district which is a very residential
7 district for those people who are watching at home
8 could go up to 65 feet max. Now, as you can
9 understand, that is a serious concern to people who
10 live in these low density districts because they
11 specifically live there because they want their, you
12 know, small little homes with their little drive-
13 ways, and they're not looking for necessarily that
14 influx. So, how do you respond to that particular
15 concern, because that's a very particular concern
16 that we've heard out of Brooklyn and Queens in
17 particular?

18 CARL WEISBROD: Yes, and we've heard it as
19 well. We do think in particularly Brooklyn and
20 Queens and Staten Island, the areas where this occurs
21 has some of the largest percentage growth in our
22 senior population, and I think the reason we've
23 proposed an increase in height is because seniors
24 living in these facilities do need elevators and do
25 need access, but we do recognize the issue that

2 you're raising, Mr. Chairman, is something that we're
3 prepared to discuss.

4 COUNCIL MEMBER GREENFIELD: Okay. Just
5 pointing out that literally the buildings will be
6 twice as high as the neighboring buildings and
7 obviously have a much larger influx of people living
8 on those streets.

9 COMMISSIONER BEEN: But I completely
10 understand the concern, but I also just want to point
11 out that in many of the--seniors come from every
12 neighborhood. They come from low-rise neighborhoods,
13 they come from high-rise neighborhoods.

14 COUNCIL MEMBER GREENFIELD: You done a
15 study on this? Are you sure?

16 COMMISSIONER BEEN: I'm positive, right?

17 COUNCIL MEMBER GREENFIELD: Okay, yeah.

18 COMMISSIONER BEEN: And they want to stay
19 in their neighborhoods, but they don't want to be
20 trapped in a building that doesn't have an elevator.
21 They, you know, we have many, many seniors who are
22 basically trapped in their homes because they cannot-

23 -

24 COUNCIL MEMBER GREENFIELD: [interposing]
25 Sure.

2 COMMISSIONER BEEN: They cannot navigate
3 the stairs. So, providing elevator buildings in
4 areas is really critical for--

5 COUNCIL MEMBER GREENFIELD: [interposing]
6 I would agree, but perhaps this might be another area
7 where we would consider perhaps a special BSA permit
8 where there could be more of you as opposed to sort
9 of the as-of-right that would be currently allowed,
10 and I'm just--we're just throwing it out there. I'm
11 just flagging an issue. I want to get to the final
12 question.

13 COMMISSIONER BEEN: But I'm sorry.

14 COUNCIL MEMBER GREENFIELD: Yes.

15 COMMISSIONER BEEN: I'm not--I'm, you
16 know, I feel passionately about this. I unfortunately
17 loss my parents in early--very early, but I feel very
18 passionately about this because I have to look
19 seniors in the eye and say to them, "I'm sorry, we
20 have a wait list of seven years. That's probably
21 longer than you're going to be alive." And to say to
22 them, "Let's go through a process that takes one
23 year, two years to get a special permit," is a hard
24 thing to say. So all I'm asking is that we really
25 need to think about the tradeoff here, and the

1 tradeoff is more years of being on a waiting list for
2 folks.
3

4 COUNCIL MEMBER GREENFIELD: Commissioner,
5 the purpose of the conversation is not to come to an
6 agreement or a resolution or even to negotiate this
7 issue. In fairness, I will point out that if things
8 worked efficiently BSA could do a permanent six
9 months, and right, it's not City Planning, it doesn't
10 require a multi-year process, but I'm simply flagging
11 a concern we've heard from other folks. It's a
12 legitimate concern and there are certainly legitimate
13 arguments on the other side, and like we said it
14 applies specifically to those low density districts.
15 Final question, which is what we've heard from a lot
16 of folks, and I'm not arguing either way. I simply
17 want to give you the opportunity to respond to this
18 question which is that over the last few decades
19 neighborhoods throughout the city fought very hard to
20 create contextual zoning designations for things like
21 height and bulk and setback limits, and they are
22 literally very proud of this effort, and in many
23 cases they negotiated it down to the exact inch of
24 the height that would be allowed in their district.
25 They are coming to us, and this is one of the largest

2 criticism we hear from across the city and they're
3 saying, "Whoa, hold on a second. You're essentially
4 changing this throughout the city." And they're
5 saying exempt us. How would you respond to that very
6 pointed criticism and quite frankly criticism that
7 we've heard really from across the city?

8 COMMISSIONER BEEN: And it's a--I
9 appreciate the concern and I know that communities
10 across the city have worked very hard to achieve the
11 zoning that really preserves what's special about
12 their neighborhoods which all of us want to preserve,
13 but I think what's critical to remember here is that
14 what we're talking about is allowing the inclusionary
15 housing that was also part of that process where
16 people fought very hard to have these inclusionary
17 housing areas mapped into those contextual districts.
18 That inclusionary housing provided for, you know,
19 affordable housing to be built, but then we can't fit
20 it within the envelope without either squishing it
21 completely and making very low quality affordable
22 housing or just not building it. So, you know, in
23 those areas there were both height limits and other
24 fine tuning, but there was also inclusionary zoning.
25 We are not creating a square inch of additional

2 market space. We are simply allowing the
3 inclusionary zoning that was also part of those
4 rezonings to be used in the same districts where they
5 were mapped.

6 COUNCIL MEMBER GREENFIELD: I'm going to
7 turn it over to my colleagues. I'm going to--

8 CARL WEISBROD: [interposing] Can I just
9 add--

10 COUNCIL MEMBER GREENFIELD: [interposing]
11 Thank you. Yes?

12 CARL WEISBROD: Can I just add to that? I
13 totally agree with what Commissioner Been said, but
14 I'd like to also note the discussion we had yesterday
15 about a concern that the Council has and frankly a
16 concern we have about preferring, strongly
17 preferring, onsite affordability to offsite
18 affordability, and what to some extent we have seen
19 is that not only do in many instances to in
20 contextual zones that have inclusionary zoning, do we
21 not see the full build out of what we had
22 anticipated, but what we often see or occasionally
23 see at least is that the full market rate gets built
24 and the affordable to some extent gets built offsite.
25 We want it built onsite. That's what we want and

2 that's what you want, and we are preventing that from
3 happening now.

4 COUNCIL MEMBER GREENFIELD: I'm going to
5 turn it over to my colleague. I just want to conclude
6 with the final which I think is an important point
7 which is that as we discussed earlier, this is
8 literally a once in a generation change, and we thank
9 you. You've done a lot of work here and it's very
10 thoughtful and many of these ideas are good ideas but
11 it shouldn't be easy to do, and we don't intend to
12 make it easy for you because it's that consequential,
13 and that's why we're going to hone in to make sure
14 that these changes that will have impacts literally
15 for the next few decades, because we don't do this
16 quite that often, in fact are scrutinized and we have
17 the discussion and then we have the comfort level,
18 but we recognize that there was a lot of work and
19 thought that went into this and we're certainly
20 grateful for that. So thank you.

21 COMMISSIONER BEEN: We appreciate that and
22 we appreciate your close attention to it because it
23 is 400 and some odd pages and it is hard to get on
24 the same page. So, we're, you know, we really
25 appreciate all of these concerns. So thank you.

2 CHAIRPERSON RICHARDS: Thank you, Chair.

3 Alright. I just want to acknowledge that we've been
4 joined by Council Members Rosenthal, Gibson, Crowley,
5 Mendez, Kallos, Levin, and Barron, and now we will go
6 to Gentile. We're now going to start a three minute
7 clock. So we're going to do Subcommittee members
8 first and then we will go to other Council Members.
9 Council Member Gentile?

10 COUNCIL MEMBER GENTILE: Thank you, Mr.
11 Chairman, and I thank the panel again. As you can
12 see, I've moved up to the second tier so we can see
13 each other today.

14 COMMISSIONER BEEN: Thank you.

15 COUNCIL MEMBER GENTILE: That's a little
16 bit better. I am one of those Council Members that
17 represent a low density, multi-family contextual
18 district, so I want to follow up with some of what
19 Councilman Greenfield was talking about, and I am
20 concerned about this as-of-right increase in both the
21 five-foot extension of the height extension and the
22 six story as-of-right for senior buildings. You
23 talked about in terms of the benefit to seniors.
24 There's no question about that, but talk about it,
25 how do you assure us from a contextual viewpoint that

2 this will not destroy the contextual nature that we
3 in my neighborhood at least, and you probably could
4 say this throughout the city, work so hard to achieve
5 over the last 10 years.

6 COMMISSIONER BEEN: So, I mean, we've
7 tried to craft these very carefully to preserve the
8 contextual nature, but we also realize that as
9 important as those issues are, we are faced with a
10 crisis of providing housing for our seniors, and it
11 is very hard to say to a senior who's facing being
12 homeless or not knowing where they are going to spend
13 their final years, "Oh, I'm sorry, we can't provide
14 housing because, you know, people are concerned about
15 height." Right? That is a very hard conversation to
16 have and I understand it's a balance and that's
17 really what we're trying to achieve here, is we're
18 trying to achieve that balance because these are our
19 seniors. We don't want them trapped in homes where
20 they can't get out, where they can't have, you know,
21 the kind of social contact where they can't go to the
22 doctor.

23 COUNCIL MEMBER GENTILE: So, what--

24 COMMISSIONER BEEN: [interposing] That
25 requires elevators, it just does.

2 COUNCIL MEMBER GENTILE: Okay, only
3 because we're short on time. What about then instead
4 of making it as of right, giving the community some
5 check on contextual nature running a--losing that
6 contextual nature by making it at least Community
7 Board approval for those types of changes?

8 COMMISSIONER BEEN: [interposing] Council
9 Member, I'm--it's--when you talk to the providers who
10 are trying to bring affordable senior housing to the
11 thousands and thousands, hundreds of thousands of
12 people on waiting lists, and you say go through a
13 discretionary process that is going to take you two
14 years. Many of these buildings literally take eight
15 years to get into ground. To start--

16 COUNCIL MEMBER GENTILE: [interposing]
17 We're just talking about Community Board approval.
18 We're not talking about a process here. This is one
19 step less than as-of-right.

20 COMMISSIONER BEEN: Well, we're happy to
21 talk to you about a very short process, but you know,
22 that's the balance. We want to protect communities.
23 We want to ensure that the character of the community
24 is protective. We're delighted to work with you on
25 that, but in the lance is provide seniors who need it

2 now, providing affordable housing for seniors who
3 don't have a lot of time to wait, who need housing
4 now.

5 COUNCIL MEMBER GENTILE: I'll be back.

6 CARL WEISBROD: And Council Member?

7 COUNCIL MEMBER GENTILE: Yes? Go ahead.

8 CARL WEISBROD: I'd just like to add
9 that--

10 COUNCIL MEMBER GENTILE: Chairman?

11 CARL WEISBROD: agree with everything that
12 Commissioner Been said, but you had mentioned the
13 five-foot as-of-right increase in height. That would
14 not apply in low density districts.

15 COUNCIL MEMBER GENTILE: I'm sorry?

16 CARL WEISBROD: That doesn't apply in low
17 density districts.

18 COUNCIL MEMBER GENTILE: The five foot?

19 COMMISSIONER BEEN: The five feet.

20 COUNCIL MEMBER GENTILE: Commercial?

21 CARL WEISBROD: Five foot commercial.

22 COUNCIL MEMBER GENTILE: Okay.

23 CHAIRPERSON RICHARDS: Alright, we'll now
24 go to Council Member Garodnick, followed by Reynoso,
25 Williams and our Public Advocate.

2 COUNCIL MEMBER GARODNICK: Thank you very
3 much, Mr. Chair. I'm over here guys. It's a little
4 hard to see you, but over here, hi.

5 COMMISSIONER BEEN: Hi, guys.

6 COUNCIL MEMBER GARODNICK: So I want to
7 just say at the outset, I'm supportive of your
8 efforts to try to create some additional incentives
9 and flexibility for the creation of senior affordable
10 housing, but I just wanted to put that aside for the
11 moment and talk a little bit about the design
12 session, because one of the things that is proposed
13 and something that I'm concerned about is the height
14 bumps in contextual districts that are not for
15 seniors, it's not for affordable housing, but it's it
16 to accommodate that change in retail streetscape as
17 a, you know, more of a design question. And my
18 question for you all is couldn't we create that same
19 sort of flexibility at the ground floor without the
20 height bumps in contextual districts? Couldn't we
21 just say you will have the ability to do a little
22 more height at the ground floor for retail so as to
23 make it a little more desirable, a little more
24 community friendly without the additional height
25 bumps, particularly in contextual districts where as

2 many of my colleagues have already pointed out have
3 been so carefully negotiated essentially block by
4 block?

5 COMMISSIONER BEEN: Well, thank you for
6 that suggestion. Let me just go back a little bit.
7 I mean, you know, when I was at the Furman Center one
8 of the constant issues for affordable housing, but
9 it's a broader concern, is that ground for retail,
10 and what often happens is if you take that extra
11 space on the ground floor without adding an extra
12 space then you either give up an entire floor of
13 housing, or you end up squishing it into eight foot
14 ceilings, and that's, you know, that's a quality
15 issue across the board. Obviously, you know, again
16 you're trading off better ground floor retail for,
17 you know, smaller floor to ceiling heights on the
18 upper levels, or you're giving--you end up giving up
19 an entire floor of housing.

20 COUNCIL MEMBER GARODNICK: Right, and
21 this context it's market. We're talking about
22 market-rate housing. So, it's a trade-off. So, I
23 think that's something that we're going to need to
24 take a look at. I also wanted to note that we
25 appreciated that the Commission had made some height

1 reductions on narrow streets in contextual districts,
2 and you know, I wonder whether we should not be
3 making similar reductions for construction on wide
4 streets given again the careful balancing that went
5 into the determination of heights in contextual
6 districts. I don't know if you want to address that,
7 Mr. Chairman, or address your thinking on the height
8 reductions for the narrow streets versus not having
9 done it on the wide streets.
10

11 CARL WEISBROD: Well, I think what we
12 were trying to do is recognize and we do appreciate
13 historic, traditional distinction between the wide
14 streets and the narrow streets and particularly in
15 high-density districts, and that's what we've been
16 trying to preserve. So, that's really been the goal.
17 We don't really--wouldn't like to see a cascading
18 effect where once we narrowed the--if we reduced the
19 height limits on wide streets, that would then force
20 an additional reduction on narrow streets, and that
21 becomes difficult for us, but we understand the
22 concerns in high density districts, but that's the
23 reason we narrowed--that we reduced the height limits
24 on narrow streets.
25

2 COUNCIL MEMBER GARODNICK: And it was a
3 reduction of the increase just to be clear, right?

4 CARL WEISBROD: Yes.

5 COUNCIL MEMBER GARODNICK: Okay, right.
6 So, I'm a little less concerned about the cascade,
7 but I understand. Thank you very much.

8 CARL WEISBROD: Thank you.

9 CHAIRPERSON RICHARDS: Council Member
10 Reynoso followed by Williams and then Public Advocate
11 James.

12 COUNCIL MEMBER REYNOSO: Thank you,
13 Chair. Just I guess want to start by saying that I
14 don't think most seniors are taking--I think they are
15 taking public transportation, but they're not taking
16 it at the busiest hours during rush hour. So that I
17 think public transportation is a viable means as to
18 how they commute as opposed to cars. So, while our
19 transit system is in dire need of repair, again, I
20 don't necessarily think that the rush hour situation
21 for seniors is happening. But it's extremely
22 difficult for me to make the argument against parking
23 when transportation in--the transportation
24 infrastructure is really in dire need of repair or
25 attention, just to give it some attention, and I am

1 an advocate for public transportation. So, I guess
2 what I want to point out is the transit zone, and
3 I'll task anyone on this panel to take the train, the
4 O Train at 7:30 in the morning and tell me that it's
5 a transit zone even, and definitely say whether or
6 not its transit rich, which I know it's not. You
7 can't win the parking argument when hundreds of
8 thousands of new residents are coming into the
9 neighborhood and the transportation infrastructure
10 that we currently have is unchanged. This is an
11 argument that I'm trying to win in my district. The
12 distance to and from a train cannot be the only
13 criteria or qualification to be considered a transit
14 zone. So, I really need you to help me help you, and
15 it's probably the only thing that I really want to
16 get at.

17
18 COMMISSIONER BEEN: Okay.

19 COUNCIL MEMBER REYNOSO: So, I guess we'll
20 have a minute to address it, but these transit zones
21 are of huge concern to me, because Williamsburg is
22 not transit rich even though it has a lot of
23 transportation lines, but the over-crowdedness and
24 the lack of new transportation alternatives or
25 infrastructure makes it so that your argument is very

2 difficult to make in Community Board One, for
3 example.

4 COMMISSIONER BEEN: I certainly appreciate
5 that, and I think it's important to point out as the
6 Deputy Mayor pointed out yesterday that we've made
7 and unprecedented commitment of resources to the MTA
8 from the city. We're pushing very hard to get
9 improvements made. We're trying to introduce new
10 forms of public transportation whether it's the
11 ferry, you know, expanding the ferry system, or the
12 BQX that the Mayor talked about. So, we totally hear
13 you. We, in terms of drawing the zones, access to
14 transit was of course one of the considerations as I
15 mentioned. It was a--it's a misnomer because there
16 were so many other things that were in the balance
17 there.

18 COUNCIL MEMBER REYNOSO: Can you speak to
19 the balance then? I think that that's what people
20 want to hear.

21 COMMISSIONER BEEN: For example, we looked
22 at the rates of car ownership in the district, the
23 rates of commuting by mass transit versus car in the
24 district, the access to, you know, the availability
25 of commercial doctor's offices, those kinds of things

2 within, you know, walking distance or easy distance
3 from the--

4 COUNCIL MEMBER REYNOSO: [interposing] So
5 how many commuters take the let's say the train? It
6 is a positively attributes to transit zones, not
7 negatively, right? So what I'm saying is--

8 COMMISSIONER BEEN: [interposing] Right.

9 COUNCIL MEMBER REYNOSO: You call it a
10 transit zone because a lot of people are taking the
11 train, but when you have to wait four or five trains
12 before you could get on it, for example, in the lower
13 number [sic] L [sic], it should work against it not
14 for it, or maybe saying that we need to do everything
15 we can to preserve every type of alternative
16 transportation and possibly parking spaces. I want
17 you to help me make the argument against that.

18 COMMISSIONER BEEN: Right. Okay, and like
19 I said, you know, we came up with a formula that's
20 multi-pronged, has many different factors, but it's
21 of course very difficult to apply it in every area of
22 the city and we're happy to talk about if there are
23 particular problems with the way that we drew the
24 transit zone in your district or in any district.

2 COUNCIL MEMBER REYNOSO: My entire
3 district is a transit zone.

4 CARL WEISBROD: I--just let me--

5 COUNCIL MEMBER REYNOSO: [interposing] I
6 don't understand how that happens in Williamsburg.
7 Hundreds of thousands of new residents, same
8 infrastructure for the last, what, 60 years, and
9 we're transit. We're a transit zone. I just don't
10 get it.

11 CARL WEISBROD: Well, let me just add,
12 Council Member, that as per our exchange with
13 Chairman Greenfield, we probably would name it
14 something different if we did it today because there
15 were so many other factors that went into deciding
16 and looking particularly at car ownership and for
17 affordable senior housing and car ownership just
18 generally for seniors in various parts of the city as
19 well as the various factors that went into
20 determining what parts of the city would be covered,
21 but I think the key here is that we are proposing
22 only an elimination of the requirement for parking
23 for senior affordable housing where the incidence of
24 car ownership today is extremely low, and--

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

COUNCIL MEMBER REYNOSO: [interposing] But that argument is very hard to--so, when you just say parking, people take everything else out of context, right? They just think--they just say, oh, it's parking. They want to take it away.

CARL WEISBROD: We understand. We understand that, but and I think you understand that the--I think all members of the Council as we do understand that the tradeoff here is that we have been spending 50,000 dollars or more now on creating unnecessary parking spaces, and for every three of those unneeded parking spaces we could be creating two affordable housing units in your district or in any other district, and that's really the tradeoff that we're--

COUNCIL MEMBER REYNOSO: [interposing] I'm very supportive of that, and I guess I got to wrap it up, but I'm extremely--I'm supportive of that 100 percent, I just think that we need to talk about putting even more money into the public transportation system, a lot more money.

CARL WEISBROD: And just to reiterate what Commissioner Been and what Deputy Mayor Glen said

2 yesterday, we have put an unprecedented amount of
3 city money now into the transit system.

4 COUNCIL MEMBER REYNOSO: More.

5 CARL WEISBROD: More than we have ever
6 have.

7 COUNCIL MEMBER REYNOSO: We need more, and
8 more. It's not enough. We're just doing that to
9 sustain, not to build anything, but thank you, I
10 appreciate it. Sorry for taking so long, Chair.

11 CHAIRPERSON RICHARDS: No problem. Thank
12 you. Council Member Williams followed by Williams,
13 James.

14 COUNCIL MEMBER WILLIAMS: Thank you. I'm
15 followed by myself. Thank you, Mr. Chair. I thank
16 you. I know we were here yesterday. Thank you, Mr.
17 Chair and Commissioner, and I just want to say thank
18 you, Commissioner and the Administration for meeting
19 with me and I know my colleagues regularly on this
20 issue. We only get three minutes here, but I want to
21 make sure that the public who is looking know that we
22 are on a constant basis speaking to you about these
23 issues, and bringing up all the issues that were
24 raised on Community Boards, whether or not we get to
25 address them in our three minutes. I have

1 constituents here. I know folks like Ed Jaworski
2 who's been leading a group of folks. He has some of
3 them here as well. Talking about this issue, people
4 would be very surprised of what my district actually
5 looks like. I do have a lot of one and two family
6 homes as well. Unlike yesterday, I don't see too
7 many devils in this particular plan, but I do think
8 there are some issues of concern. I think one, we
9 try to do too much together. People got confused
10 about MIH [sic] ZQA and these New York rezonings.
11 Two, I think people, we can't do everything for
12 everyone everywhere. It's just impossible. We can't
13 say that we want additional housing. We want
14 affordable housing on site and then say we don't want
15 to increase density and we don't want it in our
16 community. It's just impossible to do that. So,
17 what we have to do is make sure we do it in a way
18 that is contextual as the best way we can. If we
19 didn't build up we'd still have farmland. We
20 wouldn't have Manhattan. We wouldn't have the city
21 that we have. So we have to. We have to have built
22 up. That's just the way it is, but we don't want to
23 make sure it's contextual taking people's concerns
24 into consideration. So, and I also wanted to say I
25

1 too am concerned about leaving too much up to
2 developers. Developers have gotten away with a lot.
3 You can say they've gotten away with murder almost
4 literally. People have not provided safety measures.
5 They have not paid people properly and still continue
6 to have business. So it is concerning how much we
7 leave to them, because their bottom line is money.
8 Not this Administration in particular, but across the
9 board, across history we haven't done a good job with
10 tampering [sic] down on them. I think we have to
11 make sure his plan covers that. I'm just going to
12 spit out my concerns before my time is up, and
13 hopefully you can respond to whichever you can. In
14 my district in particular, my thing is I think we
15 have to go higher like I said, six stories to eight
16 or what have you. I have a particular strip, though.
17 This is a major concern. Also, for people listening,
18 my understanding is it won't affect people lower than
19 R32, even if you have R3X and a letter beside you it
20 doesn't affect you. But I do have a strip that could
21 possibly go from four stories to 10. That is because
22 they are zoned right now for higher than that. I
23 think they're zoned C4-4A, I think. They are zoned
24 now to go to six or eight stories, but they've never

1 really done that. They've always kept it at four,
2 and so that's not as bad because it's on Flatbush
3 Avenue, but there are other areas that are zoned
4 lower than they have ever built, and I'm very
5 concerned of them taking that giant leap to what they
6 are now to what we're going to propose. Is there a
7 way that we can protect them from that giant leap?
8 I'd also like you to respond to the purchasing of
9 giant swaths to build the senior housing. My
10 understanding is it takes a lot to do that, and
11 that's probably not going to happen because it's not
12 cost-effective. Is there a way that we can actually
13 put in the bill or companion bill to prevent it from
14 happening? Also, with the parking, I'm very
15 concerned about the percentage there, but I do think
16 we have to make that tradeoff. My district has some
17 parts that are transit zones that is more than half
18 mile. So, we need to fix that. I thank you for
19 addressing some of these things. I don't know how or
20 what impact it's going to have with the special
21 permit now, the maintained additional wide and narrow
22 street height differentials. So my concern is has
23 that affected some of the concerns I've brought to
24 you and what else can we do?
25

2 COMMISSIONER BEEN: Okay. And again, I
3 mean, on all of these concerns we've been listening
4 very carefully to the communities, to elected
5 representatives. We're happy to continue talking
6 about this. It is a very micro look at our
7 neighborhoods, and that's hard to do, but we are very
8 happy to talk through, for example, the strip that
9 you mentioned. We've tried very hard to end the
10 balance that we're trying to strike between our need
11 for senior affordable and affordable housing and our
12 need to protect this special features of all of our
13 neighborhoods. We certainly tried to prevent any
14 incentives for what you're referring to as really
15 tear-downs, right, where that's the concern that you
16 have and we're happy to discuss that particular
17 district with you. In general, because we are not
18 giving any additional square inch for market-rate
19 development, right, we do not think that will happen,
20 but we're happy to talk about any particular concern
21 on any of these things.

22 COUNCIL MEMBER WILLIAMS: Thank you, and
23 I will say the senior or the as-of-right is a huge
24 problem. So hopefully we can find another way. I
25 know the long term care facilities, I'm interested to

2 see what the changes you made. So I can't comment on
3 it now, but that's been a huge concern. And then
4 lastly, I know there's some places where they will
5 get extra height. I'm not talking about the five
6 stories at the bottom, but extra height on top. I'm
7 still not convinced that we can't force them to go
8 lower in the AMI's if they are going to get
9 additional units even though they were able to build
10 it before and couldn't. So, that's still a concern.

11 CHAIRPERSON RICHARDS: Thank you, Council
12 Member Williams. Public Advocate James?

13 PUBLIC ADVOCATE JAMES: Sure, thank you.
14 First, let me go to the transit zones. So, I believe
15 that the transit zones should be adjusted to take
16 into account local conditions within each particular
17 district. Could you provide my office or could you
18 list the transit zones in the City of New York?

19 COMMISSIONER BEEN: So it's all
20 available. Every district has been mapped out.

21 CARL WEISBROD: Yes, and it's all--it's
22 all online. Every bid is on the City Planning
23 website.

24 PUBLIC ADVOCATE JAMES: And given the
25 fact that I really believe that transit zones should

2 be adjusted to take into account local conditions, I
3 believe that the Administration should consider the
4 as-of-right approach of ZQA into a discretionary
5 action at the Community Board level. So, instead of
6 a developer getting additional height as of right or
7 a reduction in parking minimum as-of-right, each and
8 every application should have to go the Community
9 Board, not for approval but for review. What is your
10 response to that recommendation or suggestion?

11 COMMISSIONER BEEN: I'll jump in there. I
12 mean, as we express our concern is a process that
13 doesn't take years because seniors don't have years,
14 but we're happy to discuss any, you know, ways of
15 making sure that communities are informed. We're
16 happy to discuss that, but the tradeoff is really we
17 just have to keep that balance in mind.

18 PUBLIC ADVOCATE JAMES: No, I understand.
19 I recognize the balance, but I also recognize that we
20 really need to respond to--we need the voice of the
21 community needs to be incorporated into this plan,
22 similar to a ULURP which is basically a change of a
23 zoning application, and so I believe that whatever
24 the time is 30--I believe under ULURP it's now 45,
25 that that should be included in the plan going

1 forward, and I hope that the Administration would
2 take that into consideration. That's a recommendation
3 that my office put forward. We did meet with your
4 office. It was rejected, but I hope you would
5 reconsider that.

6
7 COMMISSIONER BEEN: We don't usually
8 reject things. We try to think about them actually,
9 but I'm sorry if that's the way--

10 PUBLIC ADVOCATE JAMES: [interposing] You
11 thought about it.

12 COMMISSIONER BEEN: it came through, but
13 so we're happy to think about that. I mean, but I do
14 want to make clear that when we're talking about, you
15 know, affordable developments and affordable senior
16 developments, we encourage our nonprofit providers
17 and our developers to meet with the community to let
18 them know, but I'm happy to talk with you about
19 whether there are other ways or additional ways of
20 making sure that the communities feel like they know
21 what's going on. I know how important that is.

22 PUBLIC ADVOCATE JAMES: And you're
23 absolutely right. Some developers meet with
24 Community Board and others do not. I just think that
25 it should be required that they go before the

2 Community Board so that the voice of the community is
3 heard and it's taken into consideration on your
4 application, not for approval but for review.

5 COMMISSIONER BEEN: Okay, thank you.

6 PUBLIC ADVOCATE JAMES: My next point is,
7 I've heard from communities all throughout the City
8 of New York and particularly in my own former
9 district that ZQA threatens contextual down-zoning.
10 In addition to that I've also heard that it also
11 threatens landmark districts. What is your response
12 to those concerns?

13 CARL WEISBROD: Yes, let me--first of
14 all, in no way--in no way, and as I stated in my
15 opening testimony, does it threaten landmark
16 districts or landmarks. Absolutely no changes can be
17 made in historic districts or with landmarks unless
18 as is the case today they go through the Landmarks
19 Preservation Commission.

20 PUBLIC ADVOCATE JAMES: So, let me restate
21 that. So, any application in a landmark district
22 would have to go before the Landmark Commission?

23 CARL WEISBROD: That's correct.

24 PUBLIC ADVOCATE JAMES: Okay, good. Now,
25 contextual down-zonings. In the last Council where I

1 served, there were a number of down-zonings in
2 response to all this over development. What do I say
3 to those districts including my former district which
4 I contextually down-zoned in response to over
5 development? It was thoughtful, community planning.
6 What do I say to my former constituents in regards to
7 this proposal, this ZQA proposal?

9 CARL WEISBROD: Well, as Commissioner
10 Been testified or mentioned earlier, in inclusionary
11 zones at the same time that height limits and FAR's
12 were determined in previous rezonings there was also
13 an expectation that we would get affordable housing.

14 PUBLIC ADVOCATE JAMES: Yes.

15 CARL WEISBROD: We haven't gotten that
16 affordable housing because the height limits have
17 constrained that, in most cases prevented it, and so
18 what this proposal does is not upzone or change any
19 previously rezoned district. All it does it change
20 modestly the height limits so that the affordable
21 housing that we all anticipated when these rezonings
22 occurred in the past can be realized, and that's all
23 that it does.

24 PUBLIC ADVOCATE JAMES: So, in districts
25 that are down-zoned, contextual zoned, that are now

2 R6A's, your proposal ZQA would allow for an
3 additional two--how many additional feet for
4 affordable housing?

5 CARL WEISBROD: One story.

6 PUBLIC ADVOCATE JAMES: One story, okay.
7 And how many feet is that? How many feet is one
8 story?

9 CARL WEISBROD: Ten feet.

10 PUBLIC ADVOCATE JAMES: Ten feet, okay.
11 Second issue is there are the parking requirements
12 for--excuse me. The additional space allowed for
13 affordable senior housing will not be converted to
14 market-rate housing?

15 CARL WEISBROD: That is correct. Any, in
16 any--it's the only part of this proposal where we are
17 actually increasing FAR at all, and that is only for
18 senior affordable housing or for senior housing, and
19 it cannot be converted to market-rate housing.

20 PUBLIC ADVOCATE JAMES: And is that
21 affordable senior housing permanent?

22 CARL WEISBROD: It--

23 PUBLIC ADVOCATE JAMES: [interposing] Or
24 as long as the regulatory--

2 CARL WEISBROD: [interposing] I will defer
3 to Commissioner Been, but the space itself cannot be
4 transformed ever into market-rate housing.

5 COMMISSIONER BEEN: The affordable senior
6 is subject to a regulatory agreement, because we
7 don't have a permanent source of cross-subsidy. So
8 we have to do those regulatory agreements, but
9 because they cannot use it for anything else, that's
10 about as strong of leverage as we could ever hope
11 for, and we know of no affordable senior building
12 that has not accepted our offers to renew their
13 regulatory agreements.

14 PUBLIC ADVOCATE JAMES: And my last
15 question is, in that range of incomes that for the
16 purposes of affordable housing would not include the
17 example that I gave yesterday?

18 COMMISSIONER BEEN: Well, let me speak--

19 PUBLIC ADVOCATE JAMES: [interposing] I
20 resulted in my outburst, 200,000 dollars which
21 constituted affordable housing.

22 COMMISSIONER BEEN: Nothing.

23 PUBLIC ADVOCATE JAMES: Nothing.

24 COMMISSIONER BEEN: Nothing.

25 PUBLIC ADVOCATE JAMES: Say that again.

2 COMMISSIONER BEEN: Nothing--

3 PUBLIC ADVOCATE JAMES: [interposing]

4 Again.

5 COMMISSIONER BEEN: would go, would count
6 as affordable 200 percent of AMI. Let me be clear
7 about that, not senior, not junior, not anything.
8 That is not affordable housing. That's so.

9 PUBLIC ADVOCATE JAMES: Thank you. I
10 appreciate that. Thank you. Thank you, Mr. Chair.

11 CHAIRPERSON RICHARDS: Thank you, Public
12 Advocate James. We now are going to go to Council
13 Member Lander followed by Treyger, and also Simeul
14 Stevenson [sic] you lost your metro card, so we have
15 it up here.

16 [laughter]

17 CHAIRPERSON RICHARDS: Hopefully you live
18 in a transit zone.

19 COUNCIL MEMBER LANDER: Yeah, we want him
20 to be able to get to the transit zones.

21 CHAIRPERSON RICHARDS: Alright. God
22 willing it's a transit zone. Alrighty.

23 COUNCIL MEMBER LANDER: Thank you, Mr.
24 Chairman. Thanks to both of you again for being here
25 today and for as Council Member Williams said working

1 with us in advance. One change that you made from
2 your original proposal to your certified proposal was
3 in making sure that the extra five feet of height
4 can't just go anywhere in the building but have to go
5 on the ground floor. That was appreciated, for
6 example, by Community Board Six, and one of the
7 reasons they cited in their vote of approval for
8 this. No one in CB6 is excited about five feet of
9 extra height, but there is a recognition that we want
10 better ground floors that better match context and
11 allow for those kinds of retail uses. You know, I
12 want to thank LiveOn for their work at the Bishop
13 Boardman [sp?] site. We really want new senior
14 housing and we want it soon, and we'd like to be able
15 to build it, and that parking lot is empty most of
16 the time. So, please keep Eighth Avenue and 16th
17 Street in the transit zone however it is defined or
18 changed because we need affordable senior housing on
19 that site, and we're eager to get it there. And
20 last, I'd actually add in a whole other context. We
21 have a site where we need a lessened parking
22 requirement to be able to achieve community goals
23 like a supermarket, and that site's in the transit
24 zone, but sadly--anyways, may not be eligible for the
25

2 ZQA. So, those rules changes are valuable in a lot
3 of places. I want to start by following up on the
4 Public Advocate's question a little bit. I
5 appreciate the regulatory agreement. I appreciate
6 the definition in the zoning resolution, but at least
7 as I checked it, affordable independent residents for
8 seniors has an age restriction and the housing must
9 be income restricted housing units, but there's no
10 guidance at all on the income restrictions. So, I
11 appreciate the point that HPD would never call 250
12 percent of AMI affordable, but can we put something
13 in the zoning resolution that makes us confident that
14 future Administrations have some cap? I mean you
15 obviously could under that definition. A future
16 Administration could say 250 percent was income--it
17 is income restricted even if it's not affordable.
18 So, we got to find some way to put a cap on what
19 according to the zoning resolution affordable
20 independent residents for seniors could mean going
21 forward in the future.

22 CARL WEISBROD: Yes, I believe in the
23 zoning resolution we do have an 80 percent AMI cap.

2 COUNCIL MEMBER LANDER: Alright, I did
3 look before, not through all 483 pages. If there is,
4 great. If there's not, we can have it.

5 COMMISSIONER BEEN: We will send it to
6 you.

7 COUNCIL MEMBER LANDER: Fabulous,
8 alright. So, separate from the regulatory agreement,
9 the permanent requirement of this use has an 80
10 percent cap.

11 CARL WEISBROD: Yes.

12 COUNCIL MEMBER LANDER: Great, okay. The
13 Public Advocate also talked about the possibility of
14 a different process, especially where one or two
15 additional floors is given through inclusionary
16 zoning. One thing I know you do sometimes is a
17 referral to Community Boards, which is a less
18 aggressive, less time consuming process than ULURP,
19 but at least allows the courtesy to Community Boards
20 to give input where City Planning has the ability to
21 approve all on its own. Might there be a process of
22 that type which doesn't add ULURP length time, but at
23 least provides communities with some opportunity to
24 weigh in where--not on the five foot addition, but on

2 the additional floor or two in the case of
3 inclusionary senior housing?

4 COMMISSIONER BEEN: I mean--go ahead.

5 CARL WEISBROD: Well, I would say you
6 heard from both of us how compelling the timing
7 issues are here and how important it is particularly
8 for senior and affordable housing to whenever we can
9 have it go as quickly as possible, but at City
10 Planning whenever there's an action that's not as of
11 right, you know, we always refer it out to the
12 Community Board for their recommendation.

13 COUNCIL MEMBER LANDER: Well, I guess I
14 would just ask if we explore that, even if that
15 becomes as-of-right through ZQA, perhaps there's some
16 way to mirror the referral model where you're getting
17 the extra height.

18 CARL WEISBROD: I would just say, look,
19 we all have a strong commitment to transparency, and
20 particularly this Administration has a very strong
21 commitment to transparency. In this area, we also
22 want to just make sure that in addition to
23 transparency that we can do this in as expeditious a
24 way as possible because time constraints and the
25 process issues as we all know has really been a

2 significant barrier to getting the results we want to
3 all see.

4 COUNCIL MEMBER LANDER: That makes sense
5 at the same time. You know, that referral process I
6 think is 60 days max for Community Boards and at
7 least gives them some opportunity to weigh in on
8 things that are going to have a long impact on the
9 neighborhood. In any case, thank you very much, and
10 thank you, Mr. Chair.

11 CHAIRPERSON RICHARDS: Thank you. Now to
12 Treyger. Then onto Rosenthal, Council Members
13 Treyger and Rosenthal.

14 CHAIRPERSON TREYGER: Thank you, Chair
15 Richards, and welcome to Commissioner and Chairman.
16 Just like yesterday I'm going to articulate my
17 comments and questions and then following that in the
18 interest of time I'll await your response. I just
19 want to be very clear with regards to expectations.
20 The sense I'm getting is that ZQA does not pass that
21 senior housing does not get built in New York City.
22 With the passage of ZQA it doesn't even--it doesn't
23 guarantee senior housing. It might make the
24 conditions more conducive to senior housing, but
25 certainly does not guarantee. So, we want to be--I

1 don't want to lie to senior citizens and say if this
2 doesn't pass this never happens. It could happen
3 right now. The only reason why it's not happening now
4 may be as the rate that we like to see is that
5 developers want to make more money. I also want to
6 say that housing certainly is a very important of our
7 city, but the Mayor is the mayor of a city. He's not
8 just the mayor of housing. There are other factors
9 that build up our city. Our city is a city of
10 neighborhoods. Neighborhoods need transportation.
11 They need hospitals. Are we accounting for whether
12 or not hospitals have enough beds to serve the
13 influx, the increase in volume? Rehabilitation homes,
14 it's a challenge to get seniors out of the hospital
15 into rehabilitation home in my neighborhood. There
16 are not enough beds for them. So, certainly I'm very
17 sensitive, very sensitive to the needs of our
18 seniors. It is an obligation we have, but we--they're
19 not sardines either. We have to make sure that they
20 are feeling a full neighborhood around them. With
21 regards to the transit zone, I take strong issue with
22 how they drew the transit zone in Southern Brooklyn,
23 and I have to be very--I'm very passionate about
24 this. This is a neighborhood that lost the F
25

1 Express, that lost the X28 on Saturdays, that lost
2 the X29, was left out of the Mayor's Ferry Plan, was
3 left out of the fancy street car plan, and quite
4 frankly we are in a transportation desert in many
5 cases in Southern Brooklyn. How do you move masses of
6 people around? I also want to highlight the fact
7 that planning experts have cautioned me, have
8 cautioned people in the area of flood zones, "Be very
9 careful in building high density in areas that are
10 under mandatory evacuation." And here we're--what
11 you're saying is that we have to increase density in
12 areas that we couldn't evacuate during Sandy. There
13 were people trapped in high rise buildings during the
14 storm that we could not even get out, and we're
15 saying we want to double and triple on that. I also
16 want to highlight that one of the transit line, the F
17 line at Neptune Avenue which is the middle of a NORC
18 [sic], the seniors in Warbast [sp?] Houses and Trum
19 Village [sic] and Luna Park could not evacuate during
20 Sandy because there's no elevator to that line, and
21 Access-a-Ride has not increased service and gives
22 seniors and people with disabilities a hard time. So,
23 I have a whole--I have a lot of concerns here and I
24 like for the Administration to respond. Thank you.
25

2 COMMISSIONER BEEN: Thank you. I
3 appreciate those concerns, and we are very--first of
4 all, let me say in terms of all of the things that
5 seniors and all of the rest of us need, good transit,
6 good schools, good neighborhoods, we are working on
7 all fronts in order to provide that. We spoke
8 yesterday about the Neighborhood Development fund.
9 We spoke about our different approach to planning and
10 to capital budgeting, and so we are trying to bring
11 all of those improvements to neighborhoods as we are
12 bringing housing.

13 CHAIRPERSON TREYGER: Including Southern
14 Brooklyn?

15 COMMISSIONER BEEN: Including Southern
16 Brooklyn.

17 CHAIRPERSON TREYGER: Well, I need to see
18 that. Thank you.

19 COMMISSIONER BEEN: We can--we can talk
20 about that. That said, I want to, you know, I really
21 want to go back to where you started which is you
22 don't want people to think that if they don't get ZQA
23 they won't get senior housing. We are building
24 senior housing now. It is taking forever. It is
25 costing a lot, and as a result hundreds of thousands

1 of seniors are not able to live their last years in
2 the dignity that any of us would want to be treated,
3 right? So, we need affordable housing for seniors
4 now. We can't let the perfect be the enemy of the
5 good. Most of them will tell you I am sure this
6 afternoon they would rather have an appropriate home
7 to live in even if the neighborhood doesn't have
8 exactly all the other things that they need, the
9 first and foremost thing that they often need is a
10 good, safe, high quality housing where they are not
11 homebound, can't get out, etcetera, and that's what
12 we're trying to do. It's a balance. We're trying to
13 protect neighborhoods and make sure that the seniors
14 who built those neighborhoods are able to stay in
15 high quality safe homes, and that includes the kind
16 of resiliency measures, which is one of the reasons
17 for our five foot in many areas that also helps, you
18 know, to build resiliency. So we're trying to do the
19 wide variety of things that are needed, but we can't
20 wait for the perfect because we have seniors hundreds
21 of thousands of them waiting for the basics right
22 now.

24 CARL WEISBROD: And Council Member, I--
25 you know, you cited and I really appreciate the fact

1 that you did the various needs of seniors. One of
2 the things that this proposal does is promote a
3 variety of different approaches to senior housing
4 including the ability for the first time in New York
5 to create continuing care retirement communities so
6 that seniors can start living independently and when
7 they can't live independently any longer in the same
8 housing complex they can get the kinds of
9 rehabilitation, get the kinds of nursing care, get
10 the kinds of other services that seniors need, and
11 you know this is especially tragic with a couple
12 that's been living together for 50 years and one
13 spouse gets Alzheimer's and the other spouse can
14 still live independently. We are now forcing that
15 couple to live separately. It's a tragedy, and we
16 should be able--we should be able to have the kinds
17 of continuing care or time in communities that other
18 cities have, and I will just say to you that prior to
19 this appointment for me I've worked for some period
20 of time at Trinity Church where we had tried to build
21 a continuing care retirement community and we
22 couldn't do it in New York City. It can't be done in
23 New York City today, and that's what we're trying to
24 remedy. We want to build more senior housing, but we
25

2 also want to provide the wide range of needs that our
3 seniors need.

4 CHAIRPERSON RICHARDS: Thank you so much,
5 Council Member Treyger. We now will go on to Council
6 Members Rosenthal followed by Chin, then Cohen.

7 COUNCIL MEMBER ROSENTHAL: Thank you so
8 much. Commissioner Been, you drive the point home in
9 your testimony stating that over 200,000 low income
10 seniors are on waiting lists. Sort of a mind numbing
11 number, and that alone is a compelling reason for
12 sort of any proposal, and to your point about don't
13 let the good, the perfect be the enemy of the good,
14 but it's a reason to support ZQA. There are some
15 tradeoffs between additional height and affordable
16 housing, and there might be situations where it's a
17 trade worth making. So, I'm going to ask you a
18 question sort of from the perspective within the
19 window of Community Board Seven, which is pretty
20 dense neighborhood already, and specifically the
21 changes to the Sliver Law, and I'm wondering in that
22 case where you have--we have already endured the cost
23 in terms of loss of light and air and, you know, the
24 disruption that happens during a take-down and the

1 new building. I'm wondering how important this
2 Sliver Law changes our two-year plan.

3 COMMISSIONER BEEN: I am going to let
4 Chair Weisbrod who my understanding is was involved
5 in the passage of the Sliver Law speak to that.

6 CARL WEISBROD: God help me that's the
7 case. So, yes, I'm very, very familiar with the
8 Sliver Law and recognize why it was needed and why it
9 was enacted almost 30 years ago and was at that time,
10 as I mentioned yesterday, the Executive Director of
11 City Planning, and I think it was an important
12 development that actually predated contextual zoning
13 and in some respects lead to it. What we're
14 proposing here is a very, very narrow modification of
15 the Sliver Law and it would only be to allow that
16 modification for affordable housing and for senior
17 housing, and to be honest, it really is as you
18 stated, Council Member, one of the trade-offs and
19 balances that we recognize, and we appreciate the
20 importance of the Sliver Law to communities
21 particularly in Manhattan but elsewhere as well, and
22 we're balancing that against the desperate need for
23 affordable and senior housing. That really is a
24

2 balance and we understand the trade-offs involved in
3 it.

4 COUNCIL MEMBER ROSENTHAL: You know, I
5 know it's an unfair question, but in the scheme of
6 ZQA on the scale of one to this is really critical to
7 get the affordable housing we need, where would you
8 put the Sliver Law in that one, changes to the Sliver
9 Law?

10 CARL WEISBROD: As I think both
11 Commissioner Been and I have stated yesterday and the
12 Deputy Mayor Glen said yesterday as well, we really
13 need to use every tool in our toolbox that we
14 possibly can to provide affordable housing and
15 particularly senior affordable housing for the acute
16 needs of our senior population so that anything that
17 we believe really is appropriate for neighborhoods,
18 and at the same time allows us to get some additional
19 affordable and senior affordable housing. We really
20 think it's really important, and I think that's the
21 best way I can respond to that.

22 COUNCIL MEMBER ROSENTHAL: Thank you very
23 much.

24 COMMISSIONER BEEN: Can I just add to
25 that? I mean, it is--it's hard to rank things in that

2 way, but I do want to dispel sort of one I think myth
3 that is around is that suddenly we're focusing on
4 these things. These issues about the zoning
5 ordinance, the outdatedness of the zoning ordinance
6 have been discussed for decades. I mean, literally,
7 you know, I held a roundtable that the Furman Center
8 about why is it that the Greenpoint-Williamsburg
9 Voluntary Inclusionary Program isn't working, and it
10 was because we couldn't fit it in given the zoning
11 envelopes. That was a decade ago. You know, we've
12 been talking about parking requirements and the
13 burden that they impose upon senior and affordable
14 housing for more than a decade. So, you know, these
15 are all issues and you can take any one of them and
16 say it's not important, but the issue is that it
17 takes a long time to bring these things, you know, to
18 a head and we have an opportunity to do that now.

19 COUNCIL MEMBER ROSENTHAL: Thank you.

20 CHAIRPERSON RICHARDS: Thank you. Chin,
21 Cohen, Levine.

22 COUNCIL MEMBER CHIN: Thank you, Chairs.

23 Good morning, Commissioner and good morning, Chair
24 Weisbrod. One of the greatest benefit of this ZQA
25 plan will be the construction of more affordable

1 housing for our seniors, and thank you, Commissioner,
2 for your passion about the needs of our seniors.

3 Elderly New Yorkers are the fastest growing age group
4 in our city. We're all getting there, and the number
5 of person age 65 and over is projected to rise 44.2
6 [sic] percent to 1.3 million in 2030, not too far
7 away, and helping these seniors age in the
8 neighborhood that they helped build is one of the

9 great challenges our city faces, and we cannot fail
10 this test. Our seniors are too important and they

11 are counting on us, and many of the seniors, as we've
12 heard, they live in unaffordable, unsafe, unstable
13 conditions and the wait list is thousands and

14 thousands long, and people are wondering if they ever
15 going to be able to get in senior housing, and the

16 people in our city they need to know, they deserve to
17 know that they can grow old here in the neighborhood

18 that they helped to build, and I believe strongly in
19 the stated goals of ZQA to make building affordable

20 units and senior facilities easier by providing a
21 flexible building envelope and reducing parking

22 requirements. And with these changes, I think we

23 will begin to see more developments of the kind of
24 facility that allows seniors to live with access to

25

2 continuum of care where our seniors can age in place.
3 Now, units produced for our seniors must provide high
4 standard of living at sizes and deep level of
5 permanent affordability, and I'm glad to hear that in
6 the zoning resolution that any of these units cannot
7 be turned into market-rate, and we have to make sure
8 that we can continue the subsidy, the government
9 funding to make sure that these units will be
10 permanently in place, because more and more seniors
11 will need them. Now, in your testimony, you really
12 didn't talk about some of the high density area like
13 in my district. Developer can get up to an extra 30
14 feet of height, and we're only asking for 20 percent
15 set aside for senior, senior facility? First of all,
16 can we ask for more than 20 percent? And also, what
17 kind of senior mix of development do you see in this
18 development that they're getting an extra bonus in
19 height?

20 COMMISSIONER BEEN: So let me let Chair
21 Weisbrod speak to the height issues. I mean, but I
22 want to start just by thanking you. You have been a
23 leader on this issue of senior housing across the
24 city, and I really just want to say thank you for
25 that.

1
2 CARL WEISBROD: I think what you're
3 referring to is we are--it's the only place in the
4 zoning resolution, in ZQA, where we are actually
5 increasing the available floor area and it is for
6 senior affordable housing, but these are not likely
7 to be mixed-use buildings. They are really going to
8 be for the most part affordable senior, affordable
9 housing buildings. We are increasing the available
10 floor area for those buildings, but again it is not
11 really giving developers profits because all of these
12 are just enormously subsidized by the City.

13 COUNCIL MEMBER CHIN: So what you're
14 saying that the extra height bonus is actually--will
15 increase the number of affordable senior housing
16 units, because the whole building is affordable
17 senior housing--

18 CARL WEISBROD: [interposing] Yes.

19 COUNCIL MEMBER CHIN: and then you're
20 giving them more--

21 CARL WEISBROD: [interposing] Yes, so if I
22 understand you correctly, your question correctly,
23 yes, that's exactly what we're doing.

24 COUNCIL MEMBER CHIN: Oh, okay. So, I
25 think we just want to clear that up that it's not

2 going to be a mixed development where there's market-
3 rate and then they're getting this extra bonus.

4 CARL WEISBROD: No, we're not providing
5 any extra bonuses for market-rate housing. We are
6 literally not providing a single additional square
7 foot of market-rate housing under this proposal.

8 COUNCIL MEMBER CHIN: Okay. So in high
9 density area we could get an additional height so
10 that minimum additional 20 percent, and it could be
11 more than 20 percent, right?

12 CARL WEISBROD: Could be, yeah.

13 COUNCIL MEMBER CHIN: Okay. Thank you
14 very much. Thank you, Chair.

15 CHAIRPERSON RICHARDS: Council Member
16 Gibson? I'm sorry, Council Member Cohen. I didn't
17 even do my job right. Council Member Cohen followed
18 by Council Member Gibson.

19 COUNCIL MEMBER COHEN: You're doing great.
20 Thank you. Thank you, Commissioner and Chair. I
21 just want to repeat my gratitude for the changes in
22 ZQA that were made that I thought had a particular
23 impact in my district. With that being said I really
24 also want to articulate just the amount of
25 frustration, confusion and anger that ZQA has

1 generated in my Council District, and I know, and you
2 know, I acknowledge that you came up and witnessed it
3 firsthand, but I really think that there is a
4 fundamental flaw in this process, and I really want
5 to go on record as saying it feels very top-down. You
6 know, we're all expressing our concerns about our
7 individual transit zones, but that's because it's not
8 a generated process locally generated, you know?
9 Asking people to--seniors to use the subway more
10 often in my district where I have an elevated train
11 that is inaccessible. I have one elevator on the
12 whole One Line in the Bronx. It's not, you know,
13 it's not a practical solution. So, lumping this into
14 a transit zone makes no sense, and I think if you
15 would come to the Community Board they would have
16 told you that in advance before we got this far. I
17 don't understand how it's conscionable to dump a
18 thousand pages on the Community Board putting MIH and
19 ZQA together on the same timeline it is just
20 fundamentally unfair to the Community Boards.
21 They're volunteers. They're all doing this nights
22 and, you know, to ask them to digest this and process
23 this in one lump I think was just fundamentally
24 unfair. I think that, you know, I appreciate as much
25

2 as anybody here that we have an affordable housing
3 crisis, but we do not have an affordable ceiling
4 height and retail crisis. That's a problem that
5 perhaps we could address, but I don't know why it had
6 to be lumped into this proposal just to continue to
7 make it further more complicated, more elements to
8 it. You know, I know that you contacted architects,
9 but I--you know, you talked about your unprecedented
10 outreach. At least in the Bronx, the unprecedented
11 outreach told you that there were real problems that
12 this is not what we want in the Bronx. So again, I
13 don't know if there's a question buried in here, but
14 I really do feel the need to just express to you how
15 frustrating it has been in my district to deal with
16 these--with the proposal.

17 CARL WEISBROD: Well, as--I don't know if
18 it was a question or not or a statement, Council
19 Member, but I will say as you noted, we did go to--
20 first of all, we went out to every community in the
21 City starting more than a year ago, and we not only
22 went out to every community and had 100, more than
23 100 meetings, but we actually in an unprecedented
24 fashion tailored each of our presentations to each
25 Community Board so that the Community Board could

1 fully see in a totally transparent way exactly what
2 we were doing, exactly how they might be affected,
3 and exactly not only how they might generally be
4 affected, but literally what streets and avenues
5 would be reflected. And in the particular case of
6 your Community Board, we did make a change that you
7 requested. So, I do think that--and I just again
8 want to respond to the issue of the transit zone.
9 The transit zone was not based solely on what
10 transit, mass transit lines or what subway lines
11 existed. It was based on car ownership patterns. It
12 was based on the availability within walking distance
13 for many various services and retail. It was based
14 on what we've seen in terms of car utilization rates
15 for senior affordable housing, which is very, very
16 low, and we know that market-rate people--seniors
17 generally do drive, and we're not in any way
18 affecting parking for market-rate development. The
19 only change we're really making is saying that for
20 affordable senior housing and affordable housing the
21 parking requirements will be determined on an option
22 basis rather than requiring unnecessary parking,
23 which again costs the city ultimately and the tax
24 payers 50,000 dollars a space and up. Three of those
25

1 unnecessary parking spaces pay for two affordable
2 housing units, senior housing units. That's the
3 tradeoff that we're making, and given the crisis that
4 we have it's a compelling, I think a compelling
5 tradeoff.
6

7 COMMISSIONER BEEN: I appreciate your
8 frustration, and as I, you know, said as I started
9 out this morning, this is an incredibly difficult
10 rezoning or not rezoning but change in the zoning
11 text that really has been festering for decades.
12 These problems have been festering for decades.
13 They're hard. They're very hard for somebody to take
14 up because high on everybody's priority list is not,
15 you know, dealing into the minutia of all of this,
16 but they're critically important because they prevent
17 us from building the kinds of senior affordable
18 housing and affordable housing that this city so
19 desperately needs. So, I appreciate that it seems
20 like a lot. I appreciate that communities would like
21 more time in many instances, but I also want to point
22 out that we have gotten incredibly detailed,
23 sophisticated suggestions, critiques, questions,
24 etcetera. So, communities have been engaged.
25 They've been listening. They've been understanding.

2 The quality of the comments that we've gotten from
3 the community has been terrific. So, you know, it's
4 hard to tackle these subjects, but if not now, when?
5 If we can't provide for housing for our seniors now,
6 when are we going to get to it?

7 COUNCIL MEMBER COHEN: Thank you.

8 CHAIRPERSON RICHARDS: Just to reiterate,
9 because I also believe that the Administration did a
10 disservice by lumping all these things together and
11 very much confusing not only the Community Board but
12 sometimes us, and then I think it didn't really
13 become earnest engagement until the pushback came
14 back, and now if we had engaged earnestly beforehand,
15 it would have been less pushback, because you've now
16 left us to have to try to convince Ed Jaworski and
17 Bob Cassara in the audience that I am going to
18 protect contextually their communities, at the same
19 time push forward our plan that I think is very
20 important. So, you unfortunately put us in a very
21 difficult position, and so I just want to make sure
22 we--I really say that on behalf of Council Member
23 Cohen and other members who are here.

24

25

2 COMMISSIONER BEEN: I would say that
3 decades of neglecting the issues have put us in this
4 difficult position.

5 CHAIRPERSON RICHARDS: I would say that,
6 too.

7 COMMISSIONER BEEN: Yep.

8 CHAIRPERSON RICHARDS: But I wouldn't take
9 away the first part. Council Member Gibson?

10 CHAIRPERSON GIBSON: Thank you very much,
11 Chair Williams, and good afternoon. Good to see you
12 once again, Mr. Chair and Commissioner. So, I'm
13 going to keep us in the Bronx, and I recognize that
14 ZQA in the proposal before us is really our effort to
15 maximize opportunities and capitalize so we can get
16 the most affordable housing. It's unacceptable that
17 seniors are waiting on ridiculously long waiting
18 lists, thousands of applications for 80 units. The
19 turnover is so low, and that's a good thing because
20 that means seniors are living much longer. That's a
21 great thing, but I also think that we certainly want
22 to look at a lot of the detail in ZQA, and I've had
23 lots of meetings and conversations with Land Use, and
24 I want to thank all of the constituents that I
25 represent from the Bronx who are here because they

1 know this is really important. So I will always
2 support every effort to maximize senior housing.
3 After meeting with a lot of my developers that build
4 affordable housing I've taken a little bit of a
5 different perspective on the parking requirements,
6 and so I'm not as opposed to it, but I do think for
7 those new units, especially if mixed-income, I
8 certainly think we should provide some incentive to
9 provide parking. I don't think any of us realize how
10 expensive it is to build parking across our city, and
11 looking at the transit zones, we've talked a lot
12 about that, the low car ownership for unused spaces.
13 Certainly we want to maximize on the number of units,
14 but I think like within the Bronx we are in some mass
15 transit deserts in some parts of the borough, and so
16 I've talked a lot about my district which sits on
17 hill. The Four Train that I cover, I have one
18 elevator, and that is only because it's at Yankee
19 Stadium. So if you are going to a Yankee game or in
20 that area, you get an elevator. You get an
21 escalator, but anything outside of that on the Four,
22 you're screwed. So, I want to make sure that--and
23 I'm glad you're open to conversations around more
24 amendments to what an actual transit zone is, what it
25

1 looks like, and really a realistic understanding of
2 those that are in deserts. I think a half of mile is
3 little bit of a stretch for those that are disabled
4 and seniors. I've said before and I'll go on record,
5 in my district which the majority is a transit zone,
6 east of Webster Avenue there is absolutely no train
7 station, and so it's a huge bus ridership district
8 from Webster to Crotona Park. So, I want that to be
9 considered. Mass transit is something I obviously
10 believe we need to invest much more in, but I do
11 think if we're having a conversation we really want
12 to look at some of the unique neighborhoods and
13 across our city where a transit zone may not work. I
14 also wanted to just talk a little bit about the
15 concessions on parking, obviously. I want to make
16 sure we do that, but even with ZQA and someone
17 mentioned it before, the 30-year regulatory agreement
18 that we're talking about, what assurances do we have
19 after that 30-year that would make sure that these
20 units are affordable? I recognize that we're dealing
21 with the current population that we need to address,
22 but also want to make sure we're dealing with future
23 populations as well, and so I've said before I don't
24 want to assume just because you're in an affordable
25

2 unit you may not be able to buy a car in the future.
3 We want you to purchase a car at some point. So, I
4 want to make sure that we're looking at the existing
5 population as well as the future. So, beyond 30
6 years when none of us are in these roles, what
7 assurances do we have that the affordability will be
8 maintained for our seniors?

9 COMMISSIONER BEEN: Okay. Let me just
10 take that last thing first, and thank you for all the
11 work that you're doing in your district and with us--

12 CHAIRPERSON GIBSON: [interposing] It's a
13 lot.

14 COMMISSIONER BEEN: Yes, it certainly is.
15 So, these, the affordable senior residences are
16 subject to a regulatory agreement of 30 years.

17 CHAIRPERSON GIBSON: Right.

18 COMMISSIONER BEEN: We can't say it's
19 going to be permanent in that regulatory agreement
20 because we have no system of cross-subsidy, but what
21 we have here are two incredibly important leverages.
22 One is that the space can't be used for other things,
23 right? So, okay, you cannot, you know, extend your
24 affordability agreement, but what exactly are you
25 going to do with the space that can only be used for

2 this purpose. But the second is, is that we're using
3 many more aggressive tools with preservation across
4 the City. So one thing that we've introduced, for
5 example, is that we now when we're financing
6 buildings we put a loan on that building and that
7 loan has a very large balloon payment at the end.
8 That makes it very difficult for people to refuse our
9 offer for additional years of affordability. So,
10 we're doing everything we can because no affordable
11 housing that we've put money into should be lost
12 ever, and that's our goal, and that's our promise.

13 CHAIRPERSON GIBSON: Okay. And I thank
14 you for that, and as I close, Mr. Chair, I really
15 want to thank you because I'm going through the
16 Jerome Plan, and we've had a lot of meetings and we
17 will continue to have a lot of meetings, and the one
18 thing I do appreciate is that you're listening. We
19 don't always agree on every plan, but I do think we
20 all have the same goal, that we want to protect the
21 affordability, preservation. We want to provide
22 opportunity for residents to stay in our communities,
23 and that is something I'm very committed to. The
24 Bronx, our Planning Division has been great. When I
25 call, they listen. When I yell, they listen, and I

2 do a lot of yelling, because this is important to me.
3 I won't be here, you know, after the next term, and I
4 want to make sure that if there is a legacy this
5 Administration leaves, it is that we are prioritizing
6 affordable housing for families and low income New
7 Yorkers. So, I appreciate the work you're doing, and
8 I know that we have a little bit more to do, but I do
9 think we're in a good place now in the City. So,
10 thank you so much.

11 CARL WEISBROD: And thank you, Council
12 Member. We really look forward to continuing to work
13 with you on the Jerome Plan and on many other things.
14 You've really been provided a critical but
15 constructive voice for us. So, thank you.

16 CHAIRPERSON GIBSON: Thank you.

17 CHAIRPERSON RICHARDS: Council Member Koo
18 followed by Levin, Kallos and Barron.

19 COUNCIL MEMBER KOO: Thank you, Mr.
20 Chair, and thank you Commissioner and Chair to come
21 to testify. You bring us two very important
22 initiatives, but I think for most people they are too
23 ambitious and too complicated for even developers to
24 understand. First--no. We need a car in eastern
25 Queens. Downtown Flushing they have a lot of

2 options, but the rest of my district doesn't. Our
3 seniors do drive and have cars, and if not, their
4 families do. Their cars may not be registered in New
5 York. I see a lot of cars registered in Florida or
6 Connecticut sometimes.

7 COMMISSIONER BEEN: I'm sorry. I'm losing
8 you. Can you move your--

9 COUNCIL MEMBER KOO: Okay.

10 COMMISSIONER BEEN: Yeah, sorry.

11 COUNCIL MEMBER KOO: So, although
12 downtown Flushing is considered a transit zones,
13 public transportation is not enough. The buses are
14 overcrowded and the Seven Train constantly have
15 service disruptions. Seniors who have visited my
16 office cannot walk one block without assistance, yet
17 alone half a mile, which is the distance for a
18 transit zone. And even with bad traffic, there's
19 reason why people still drive to Flushing, because
20 they come to do shopping and they come for medical
21 service, or just other stuff. And the other things I
22 want to talk about is the Flushing West. You said in
23 your consideration you will give them bonus, the
24 height and the depth, but in Flushing West since we
25 are near the airport, the height is limited, and then

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

the depth is limited because we are near the river, the Flushing River. So, those two bonus points they cannot use. That's a big problem for people who want to develop in Flushing West. And then, I agree with you senior housing is really important, but 275 feet might be too small. No, we are not living in Hong Kong or Tokyo, you know, we live in New York. We are living in New York, yeah. So, it's almost like a detention area, you know? For young people it's okay because they don't stay home. For seniors they stay home most of the time. So, I think 250, 275 is kind of small for an apartment for them to stay every day. So, there's the other point I want to bring up, and the other point is just the parking. Parking is important. Even though in Flushing Downtown we have all public transportation, train, railroad, buses, but people need to come to Flushing. They need to drive to Flushing. If they don't drive there, they take some other forms of transportation. Unless you're going to give them commuter vans, which is much cheaper than buses or mini buses. So those are options. I hope you will consider all those things. Thank you.

2 COMMISSIONER BEEN: Thank you. So, I
3 heard four things. I think two were in my
4 jurisdiction and two were in Chair Weisbrod's. So,
5 on Flushing West, let's have a conversation offline.
6 I understand that there have been some recent bumps
7 in the road on that. We certainly, you know, want to
8 work with you to work that out. On the minimum size,
9 we, HPD, regulate most of these units, and we have
10 very strict requirements about accessibility, about
11 motion, about layout, etcetera, and we will be
12 working very hard to make sure that those are quality
13 units that people enjoy spending lots of time on.
14 So, but I certainly hear you.

15 CARL WEISBROD: So, and I would like to
16 respond on parking and the transit zone. I grew up in
17 Flushing. I know the area very well and my parents,
18 you know, raised me there and died in Flushing. So
19 I'm really quite familiar with not only Flushing but
20 the need for senior housing and the need to keep our
21 seniors in the communities in which they lived their
22 entire lives. So, I think so important to all of us.
23 Just with respect to the transit zone in Flushing,
24 it's a very small part of your district. We
25 recognize that, and I certainly know that in the

2 larger Flushing area it's essential to have a car
3 really and it's really in a very small area where
4 cars are less important. That said, I just want to
5 say that for affordable senior housing and for
6 affordable housing the incidence of car ownership is
7 extremely low. We are making optional for future
8 affordable and senior housing, but it's only
9 available for the people who currently live in
10 developments and the complexes that for which the
11 parking is required. And so people coming to
12 Downtown Flushing wouldn't be able to take advantage
13 of it in any event, and so that parking throughout
14 the transit zone just sits there unused, unneeded,
15 paid for by the public where the public could be
16 devoting those resources to affordable housing.

17 COUNCIL MEMBER KOO: My final point is
18 that the plan is too ambitious. It's one size fits
19 all. It's really hard to-- New York is too big to
20 just have one formula for every neighborhood. Mayor
21 de Blasio addresses extra-large [sic].

22 CHAIRPERSON RICHARDS: Alrighty.

23 COUNCIL MEMBER KOO: So most of us, we're
24 only medium [sic], you know. So it's too big for us.

2 CHAIRPERSON RICHARDS: Alrighty. Thank
3 you, and I just want to reiterate what he said, that
4 275 square foot number is definitely something we
5 look forward to speaking more with the Administration
6 on. We will now go to Council Members Levin,
7 followed by Kallos and then Barron.

8 COUNCIL MEMBER LEVIN: Thank you very
9 much, Mr. Chairman. I want to thank my colleague Ben
10 Kallos for letting me jump in front of him in line.
11 Thanks, Ben. Commissioner, Chairman, just want to
12 ask a few questions. I represent Greenpoint and
13 Williamsburg, and I don't know if you've see this,
14 the New York Landmarks Conservancy did a report. If
15 you haven't seen it, we'll make sure that you guys
16 get a copy of it, and one of their study areas was
17 Manhattan Avenue which has an R7A, a C4-3A and an R6A
18 along that stretch, and one of my concerns with ZQA
19 is that on a stretch like that, which is a
20 contextually zoned stretch, but is actually pretty
21 underbuilt honestly, and there's a portion of it
22 that's a historic district. Most of it's not in the
23 historic district, but a lot of it is--even if it's
24 not in the historic district, they're older
25 buildings. They're kind of old style walk-ups,

1
2 railroads. I have--there's a lot of rent stabilized
3 units along that stretch, and my concern is that ZQA
4 will allow an incentive to possibly tear down these
5 rent stabilized buildings and replace them with the
6 newer buildings contemplated under ZQA to maximize
7 the efficiency and build to the full envelope, and my
8 concern is that we're going to displace affordable
9 units that are rent stabilized in the process, and
10 this is not Manhattan Avenue, but also Franklin
11 Street and other parts of my district that are not
12 landmarked, but are--have a lot of rent stabilized
13 buildings that are older buildings.

14 CARL WEISBROD: Well, let me start.

15 First of all, thank you, Council Member. We haven't
16 seen, at least I haven't seen the Landmarks
17 Conservancy Report, but two things. One, as I
18 testified at the outset here, if ZQA had been in
19 effect when Williamsburg and Greenpoint were rezoned.
20 We believe we would have seen a third more affordable
21 housing units, perhaps 300 more housing units,
22 affordable housing units in Williamsburg than we
23 otherwise thought, because the building and below
24 limits the amount of affordable housing that can be
25 built. With respect to the non--as you know, with

1 SUBCOMMITTEE ON ZONING AND FRANCHISES 150
2 respect to the landmarked portions of Manhattan
3 Avenue and elsewhere, nothing can happen with--

4 COUNCIL MEMBER LEVIN: [interposing]
5 Right, but I'm not talking about the landmarks.

6 CARL WEISBROD: With respect to the non-
7 landmark portions, we don't believe that ZQA in any
8 way incentivizes tear-downs because we are not
9 providing in this proposal the ability to do one
10 square foot more of market-rate housing than you can
11 do today, and consequently, this would not--what
12 we're trying to do is provide what was originally
13 anticipated by these contextual zones and by the
14 inclusionary housing program, which is that the
15 affordable housing that we had hoped for gets built.
16 That's all we're providing for here.

17 COUNCIL MEMBER LEVIN: And so that's--MIH
18 is kind of a different--

19 CARL WEISBROD: [interposing] MIH is
20 different.

21 COUNCIL MEMBER LEVIN: [interposing] We
22 would have--right.

23 CARL WEISBROD: MIH is--

24 COMMISSIONER BEEN: [interposing] PIH
25 [sic].

2 COUNCIL MEMBER LEVIN: But just to be
3 fair, when we--after the 2005 rezoning, we went back
4 with City Planning and contextually zoned 175 blocks
5 of Greenpoint and Williamsburg because we wanted to
6 seek that balance of maintaining the character of our
7 neighborhood with the mega-developments that are
8 going to happen on the waterfront. So, this has all
9 kind of been contemplated. It's not random that we
10 had--

11 CARL WEISBROD: [interposing] No, no.

12 COUNCIL MEMBER LEVIN: this limit.

13 CARL WEISBROD: And I certainly
14 understand that, but when those--when that area was
15 contextually rezoned, we also anticipated that we
16 would get a certain amount of affordable housing, and
17 in fact we didn't because the building envelope is
18 just too tight to accommodate, and so all we're doing
19 here is raising height limits modestly only to
20 provide, other than five feet of ground level, only
21 to provide affordable and senior affordable housing,
22 and to do it, and again, related to the discussion
23 that we had yesterday where there was a great deal of
24 concern among Council Members and a concern we share
25 that affordable housing be on site as much as

2 possible. This enables it to A., be on site, and B.,
3 to be permanent, and both of those are really
4 important goals [sic].

5 COUNCIL MEMBER LEVIN: Okay, but I would
6 just pause [sic] it that, in the whole--

7 CHAIRPERSON RICHARDS: [interposing]
8 Please wrap it up.

9 COUNCIL MEMBER LEVIN: conversations about
10 Williamsburg-Greenpoint that Manhattan Avenue was
11 never contemplated as the source of the affordable
12 housing, that the affordable housing was supposed to
13 happen in the new developments, the areas where that,
14 you know, that was supposed to be part of the
15 inclusionary, but Manhattan Avenue was kind of--
16 whether it's a historic district or not has a
17 historic character with a lot of rent stabilized
18 housing, I don't think that there necessarily needs
19 to be an incentive to build new affordable housing on
20 Manhattan Avenue where we have rent stabilized
21 housing that we just don't want torn down.

22 CARL WEISBROD: But we're not providing
23 an incentive. All we're really doing is saying that
24 the only, other than five feet, the additional height
25 that a particular project can get is to put in

2 affordable housing or senior affordable housing, not
3 to put in market-rate housing.

4 CHAIRPERSON RICHARDS: Alright.

5 COUNCIL MEMBER LEVIN: Thank you.

6 CHAIRPERSON RICHARDS: We're going to go
7 to Kallos. Followed by Kallos, Barron.

8 COUNCIL MEMBER KALLOS: So, I get to go
9 twice? Extra questions. Thank you, Chairman
10 Richards. We have an opportunity to protect our
11 neighborhoods, our mid-blocks, our public parks from
12 shadows and build a city that is affordable for all
13 New Yorkers. It's a plan that reflects the voices and
14 expertise of our city's communities. As with
15 yesterday and having touched base with the Borough
16 Presidents after our meeting, they still feel that
17 they have not been responded to, and I reiterate my
18 request, response in writing to them if not to this
19 body to some of the requests that we brought up
20 during--prior to this proposal. With regards to our
21 mid-blocks, we have to protect the light and air. I
22 was pleased with you letter in May of last year that
23 stated that an RAB [sic] height increase had been
24 dropped from the plan. Was decided--disappointed to

2 see it added back in. Will you keep your promise to
3 drop RAB from the final text?

4 CARL WEISBROD: It's not dropped back in,
5 Councilman.

6 COUNCIL MEMBER KALLOS: Say again?

7 CARL WEISBROD: It's not-- we did not
8 reintroduce.

9 COUNCIL MEMBER KALLOS: Okay, perfect.
10 Thank you as well for correcting the original ZQA
11 proposal that ignored street size and would have
12 provided 40 feet increases in R10A, which would have
13 meant 235 feet regardless of location on mid-block or
14 avenue. However, the proposal still provides a height
15 increase of 20 to 30 feet in R9 and R10 contextual
16 districts. Will you deduce the height increase to
17 five to 10 feet, which is what you've actually been
18 saying in most communities when you say this is how
19 tall it's going to be? You've been saying five to 10
20 feet, not 20 to 30. So we would like to see that
21 type of height increase on the R10 and R9 if a height
22 increase is necessary at all. ZQE [sic] is already
23 amending Section 23-65C1, which prevents the building
24 of towers piercing the sky exposure plane within 100
25 feet across the street from a public park. Would you

1 support adding a zero to the zoning text already
2 subject to amendment to expand this protection from
3 100 to 1,000 feet from a public park so that we can
4 protect from a public park so that we can protect our
5 parks from shadows. Similarly would you protect the
6 Sliver Law as its come under attack with super-
7 scrapers, and I will notice we are joined by
8 Elizabeth Ashby [sp?] who is one of the parents of
9 the Sliver Law from Ford Eight [sic]. In addition,
10 zoning for quality must be amending the zoning code
11 to stop developers from taking density that has been
12 spread all over the city or borough or community
13 district in using air right transfers and zoning lot
14 mergers to pile it up in one place for density that
15 could never have been constructed when zoning code
16 was originally drafted. Can we correct that piece so
17 we actually have quality? And last, but certainly
18 not least, we are giving additional density, but we
19 want to make sure we have a permanent benefit. It
20 should be clarified in the text that senior housing
21 built with this plan is permanent. So, just to sum
22 it up, will you protect the mid-block? Will you
23 limit the height in R9, R10 contextual districts?
24 Will you protect our parks? Will you protect the
25

2 Sliver Law? Will you fix the loopholes in the zoning
3 lot mergers, and will you require senior housing to
4 permanent so that in 30 years when financing expires
5 and I am ready to move into senior housing it's still
6 there?

7 CHAIRPERSON RICHARDS: Alrighty, please
8 answer all seven questions briefly as you can.

9 COMMISSIONER BEEN: Should we work
10 backwards?

11 CARL WEISBROD: Go ahead.

12 COMMISSIONER BEEN: So as I've mentioned,
13 to say that something is permanently affordable when
14 you are not providing any resources to pay for it is
15 just a lie, and I refuse to do that. Okay? So we
16 have structured these so that there is a regulatory
17 agreement for 30 years. At the end of that 30 years
18 the space could not be used for anything else. That
19 is the best leverage that we poss--for any other use.
20 So, that is the best possible leverage that we could
21 have in addition to all the other leverage that we
22 use to keep every affordable unit in a preservation
23 program over the long run.

24 COUNCIL MEMBER KALLOS: Forgive the
25 interruption, but you--just to-- in under a mandatory

1
2 inclusionary housing, that's going to be permanently
3 affordable, but--

4 COMMISSIONER BEEN: [interposing] Because
5 there is a cross-subsidy. These are all affordable
6 senior affordable units. There is no market-rate
7 cross-subsidizing.

8 COUNCIL MEMBER KALLOS: So we can do
9 permanent affordability under MIH, but we can't do it
10 for senior housing?

11 COMMISSIONER BEEN: We can do permanent
12 affordability whenever there is a permanent source of
13 income to pay for the upkeep of the housing.
14 Otherwise, we just have permanently not supported
15 housing. That declines. That's--we've seen that in
16 many places. It's just a lie to call that permanently
17 affordable.

18 COUNCIL MEMBER KALLOS: So, and these
19 are--a nursing home could be part of the senior
20 housing under ZQA, is that correct?

21 COMMISSIONER BEEN: A nursing home could
22 be--

23 CARL WEISBROD: Long term care-- Yeah.
24
25

2 COUNCIL MEMBER KALLOS: And so the
3 current reimbursement rates for nursing per room is
4 between 12 and 15,000 dollars a month for--

5 COMMISSIONER BEEN: Not the senior
6 affordable. I'm sorry. It's a different
7 classification. You're talk--that's a different
8 classification.

9 CARL WEISBROD: That's not--I'm sorry.
10 The senior affordable that you refer to is a separate
11 definition, separate category entirely from long term
12 care facilities which is a nursing home.

13 COUNCIL MEMBER KALLOS: And but both of
14 them receiving a height increase.

15 CARL WEISBROD: That is correct.

16 COUNCIL MEMBER KALLOS: And so there
17 would be other units within those complexes where you
18 could have the affordability and then these units at
19 15,000 dollars a month in addition to the low income.
20 So, they can achieve the same affordability that we
21 see under MIH.

22 COMMISSIONER BEEN: I think we're mixing
23 up different things. The senior affordable housing
24 that is under our regulatory agreement with me is not
25 nursing, is not a nursing home facility, right?

2 Those are the ones that I have a regulatory agreement
3 on, okay? So, there--

4 CARL WEISBROD: [interposing] Yeah,
5 they're two separate facilities, and I just point out
6 it's not like we're building a lot of nursing homes
7 in the city at the moment or in the last 20 years.
8 But these are two totally separate facilities.

9 CHAIRPERSON RICHARDS: We're going to get
10 more into nursing homes soon, but I'm going to go to--
11 -

12 COUNCIL MEMBER KALLOS: [interposing] If
13 we--

14 CHAIRPERSON RICHARDS: [interposing] Did
15 you get all your questions--

16 COUNCIL MEMBER KALLOS: [interposing] No,
17 sorry, I interrupted--

18 CHAIRPERSON RICHARDS: [interposing] Well,
19 I mean you had a lot of questions--

20 COUNCIL MEMBER KALLOS: [interposing] I
21 will let them answer the rest of them--

22 CHAIRPERSON RICHARDS: [interposing] they
23 can--

24

25

2 COUNCIL MEMBER KALLOS: [interposing] on
3 Sliver zoning lot mergers, shadows on parks, and R9,
4 R10.

5 CARL WEISBROD: Yeah, so let me just very
6 quickly say that some of what you mentioned, Council
7 Member, would be out of scope and not within this
8 proposal particularly, but Parks issue, and on the
9 Sliver Law, as I responded to Council Member
10 Rosenthal before and as I responded to Council Member
11 Dickens yesterday, we really did look at this. I'm
12 very, very committed to the Sliver Law. I was
13 involved in, as I said before, as the Executive
14 Director of the Planning Department when the Sliver
15 Law was enacted. It preceded contextual zoning. It
16 is very important and I support it. It's part of my
17 own legacy, but I do think that the very modest
18 change that we have proposed in the Sliver Law only
19 for affordable housing or senior affordable housing
20 is a real weighing of the balances, a balance of
21 weighing the critical need we have in this city for
22 affordable housing and senior affordable housing.

23 COUNCIL MEMBER KALLOS: Just to follow-up
24 with this--

2 CHAIRPERSON RICHARDS: [interposing] We're
3 going to ask you to wrap up.

4 COUNCIL MEMBER KALLOS: Yes. This is--

5 CHAIRPERSON RICHARDS: [interposing] We
6 got to get to the public.

7 COUNCIL MEMBER KALLOS: I'm just trying to
8 get the last--

9 CHAIRPERSON RICHARDS: [interposing] Last
10 question.

11 COUNCIL MEMBER KALLOS: question which is
12 just why do we need 30 feet in an R9X? Why do you
13 need 20 feet in an R10A? Again, you've been out
14 there saying you're only adding five to 10 feet.
15 These are three stories. These are two stories.

16 CHAIRPERSON RICHARDS: Alright, we're
17 going to let them answer that--

18 COUNCIL MEMBER KALLOS: [cross-talk] five
19 or 10 there.

20 CHAIRPERSON RICHARDS: question.

21 COMMISSIONER BEEN: Because we have a
22 critical need for senior affordable housing.

23 CHAIRPERSON RICHARDS: But that--we're
24 still open up for debate on these things, and we look
25 forward to that conversation continuing. Thank you,

2 Council Member Kallos. We're going to go to Barron,
3 then Menchaca, and we've also been joined, sorry, by
4 Council Member Chaim Deutsch who will be the third
5 question. Council Member Barron?

6 COUNCIL MEMBER BARRON: Thank you, Mr.
7 Chair. Thank you to the panel for coming again
8 today. I read that the ZQA, the zoning text
9 amendment is to support the creation of affordable
10 housing, particularly seniors. Is all of the housing
11 that we're looking at going to be built for seniors?
12 If not, what percentage do you project of housing
13 that will be built will be for seniors?

14 COMMISSIONER BEEN: You mean of the
15 affordable housing how much of it will be for
16 seniors.

17 COUNCIL MEMBER BARRON: No, you say you
18 want to create affordable housing. What do you
19 project this plan will create in terms of the number
20 of units for seniors?

21 COMMISSIONER BEEN: Okay. I'm sorry. So
22 we do expect that it will result in thousands of new
23 senior affordable homes, and as you know, we've
24 committed across the city to provide, to try to
25

2 provide affordable homes for our seniors, but we
3 think these proposals would result in thousands.

4 COUNCIL MEMBER BARRON: Is there a
5 possibility that a development would go up that a
6 portion of that would be for seniors and a portion
7 would be for other residents? Or are we talking
8 about building solely dedicated for seniors?

9 COMMISSIONER BEEN: So, most of the
10 buildings that get built are solely dedicated to
11 seniors. There's no prohibition on that, but it's
12 that--but the market-rate doesn't enjoy any of the
13 special treatment that's given--

14 COUNCIL MEMBER BARRON: [interposing] So
15 it could be a building that has market-rate but also
16 has a portion for seniors, and that portion would be
17 governed by this, but it's possible that a building
18 can go up, market-rate apartments, and a percentage
19 of that building set aside for seniors.

20 COMMISSIONER BEEN: Could be seniors,
21 yeah.

22 COUNCIL MEMBER BARRON: Okay, so they
23 could be mixed within a building [sic]?

24 COMMISSIONER BEEN: Uh-hm. It's not
25 usual, but it certainly it's--

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

COUNCIL MEMBER BARRON: [interposing] But it could be. So, a developer could figure out a way to arrange it so that it might be beneficial in that regard. I'm going to move quickly. The existing senior housing that exists, the parking lots can be repurposed. They can be used for another construction of another building. Would that building have to be affordable?

COMMISSIONER BEEN: Yes.

COUNCIL MEMBER BARRON: Okay, so that entire building that might go up there would have to be affordable?

CARL WEISBROD: Yes.

COUNCIL MEMBER BARRON: Okay. I have just two other comments. The EIS, the final EIS talks about detail shadow analysis concludes that proposed actions would potentially result in incremental shadows being cast on sunlight, and also I read that the narrow streets will no longer have a restriction on the heights. Is that true?

CARL WEISBROD: No.

COUNCIL MEMBER BARRON: Okay.

2 CARL WEISBROD: The narrow streets in
3 contextual zones that have height limits now will
4 continue to have height limits.

5 COUNCIL MEMBER BARRON: So they will be
6 continued?

7 CARL WEISBROD: They may be slightly
8 taller.

9 COUNCIL MEMBER BARRON: Okay.

10 CARL WEISBROD: And I think the EIS was
11 simply reflecting the fact that the height limits
12 might be slightly taller.

13 COUNCIL MEMBER BARRON: And finally I want
14 to say of course this is African History Month, Black
15 History Month, and just one block from here, you may
16 know, is the National African Burial Ground, and it
17 reflects the history of Africans who were kidnapped
18 and brought here, free labor, forced labor, to build
19 New York City to what it is now, to build the wall
20 that was on Wall Street, to build Broadway going
21 forward so that that transportation hub would be
22 there, and in your final EIS it says historical
23 cultural resources. There's an acknowledgement that
24 the archaeological resources concluded the proposed
25 actions could result in additional and/or deeper in

2 ground disturbance that could occur on sites where
3 archaeological remains exist. The only reason we
4 were able to get that monument there where it is at
5 Duke and Elk was because people protested and fought
6 and it was a government site, a federal site. If a
7 private developer in his construction comes across
8 remains of whatever group of people and artifacts
9 that were there which we fortunately were able to
10 have classified through Howard University. Would
11 there be a restriction on that site. Would there be
12 a halt to that site so that those remains could be
13 studied, or is he because he's a private developer
14 not restricted to regard the remains and artifacts
15 and culture of the people that remains might reflect?

16 COMMISSIONER BEEN: Nothing in this
17 statute would--nothing in this proposal would any way
18 affect that, right, but I actually--

19 COUNCIL MEMBER BARRON: [interposing]
20 Well, I read that from your--

21 COMMISSIONER BEEN: [interposing] don't
22 know all the--

23 COUNCIL MEMBER BARRON: [interposing]
24 final EIS.

1
2 CARL WEISBROD: I think in this case
3 since we don't know, we have no idea what sites are
4 going to be built on. as in any EIS we have to alert
5 and say what potentially might happen on any site,
6 and we--so that's--because EIS is a disclosure
7 document, all we can really say is on any site that
8 might be built on, not that we know which sites can
9 be built on--

10 COUNCIL MEMBER BARRON: [interposing] But
11 would the developer be able to just dig up the
12 remains and put them wherever--

13 CARL WEISBROD: [interposing] No.

14 COUNCIL MEMBER BARRON: and continue
15 construction.

16 CARL WEISBROD: Yeah--

17 COUNCIL MEMBER BARRON: [interposing]
18 Would there be restrictions? Because we had to fight
19 to get the federal government to stop construction
20 and to halt construction and to examine the remains
21 and do an appropriate acknowledgement of the work?

22 CARL WEISBROD: I would say no less or
23 nor more than would be true today.

24 COUNCIL MEMBER BARRON: Well, I would
25 love to see that recorded so that we can reflect and

1 SUBCOMMITTEE ON ZONING AND FRANCHISES 168
2 respect the culture of people whose remains might be
3 disturbed.

4 COMMISSIONER BEEN: Thank you.

5 CHAIRPERSON RICHARDS: Well said, Council
6 Member Barron. We will go to Menchaca, then Chaim
7 Deutsch.

8 COUNCIL MEMBER MENCHACA: Thank you,
9 Chair, and thanks again for this opportunity to ask a
10 few questions. So, I guess the first question is a
11 very kind of specific piece that's happening in Red
12 Hook right now. Chair, you mentioned earlier that
13 there aren't too many nursing homes being built, and
14 there's one in the process right now at Red Hook. I
15 mentioned that last--yesterday with hopes that you
16 can quickly get up to speed. I'm curious. This is a
17 manufacturing district. This is within a--not within
18 inside a zone that got gerrymandered politically in
19 my previous Administration, or all our previous
20 Administrations, but I'm concerned here that this
21 would allow for immediate about face and really move
22 toward housing. And so tell us a little bit about how
23 in the manufacturing zones you're protecting us? And
24 there are a lot of concerns of building a nursing
25 home in a flood zone already, creating traffic that's

2 not well thought out, and so tell us--if you can kind
3 of talk a little bit about how ZQA affects this
4 conversation, and then I have a couple of other
5 questions.

6 CARL WEISBROD: So, I believe I'm
7 familiar with the nursing home you're talking about,
8 and that is in the middle of the public review
9 process now. We're waiting for a recommendation from
10 the local Community Board. It will come before City
11 Planning--

12 COUNCIL MEMBER MENCHACA: [interposing]
13 Right.

14 CARL WEISBROD: and the City Planning
15 Commission.

16 COUNCIL MEMBER MENCHACA: And I'll just
17 jump to the conclusion. I'm not going to support it.
18 I want to vote no on it. So, just letting you know.

19 CARL WEISBROD: Good to know in advance,
20 Council Member.

21 COUNCIL MEMBER MENCHACA: I'm glad we're
22 face to face in front of the public here.

23 CARL WEISBROD: But in no way does ZQA
24 effect the underlying zoning. So, if a site that
25 currently for example under zoning have let's say a

2 nursing home, but not residential use, that
3 continues. The ZQA doesn't--

4 COUNCIL MEMBER MENCHACA: [interposing]
5 Well, the zoning will permit a residential use and
6 can be converted at their will.

7 CARL WEISBROD: So, that just I would say
8 has nothing to do with ZQA itself.

9 COUNCIL MEMBER MENCHACA: Okay.

10 CARL WEISBROD: But it is something that
11 we would look at. And let me just correct one thing
12 if I--well, I don't want to take the Council Member's
13 time.

14 COUNCIL MEMBER MENCHACA: How about you
15 hold that and then correct me after I ask a few--

16 CARL WEISBROD: [interposing] I will
17 correct one thing.

18 COUNCIL MEMBER MENCHACA: questions on
19 land marking. I know we talked about that earlier,
20 and parking and transit zones. Land marking is a
21 big--we're in a big moment in Sunset Park right now
22 to landmark a bunch of brownstones that are locally
23 owned by residents that have been there for
24 generations. ZQA has been a very scary concept.

25 Just years, a few years the dust is still settling on

1 a very complicated and not so well received rezoning
2 in Sunset Park. This kind of speaks to 20 more feet
3 for bonus in ZQA. Can you help us understand how the
4 Administration can move forward land marking, because
5 LPC can be a, and I think you've said it many times,
6 an opportunity to stop. We're not there yet.
7 There's a back log. How can we move communities like
8 Sunset Park up the line and get them landmarks that
9 we can be safe in those parts of the community?
10

11 CARL WEISBROD: I would say that's really
12 outside the scope of ZQA and better addressed to
13 Landmarks.

14 COUNCIL MEMBER MENCHACA: Agreed, agreed.
15 And so I'm just letting you know the tensions here,
16 and if the Administration isn't--I doubt I'm the only
17 community. I think the Public Advocate talked about
18 Bed-Stuy. We're not the only community that's being
19 affected by this. And so back to Rushing, I think we
20 need to set our pieces in motion. And the last thing
21 I want to say about the transit zone, and I think
22 this is what Council Member Koo talked to, is
23 multiple modes of transportation that are not in any
24 form regulated at all. I found out very recently
25 through community conversations in Sunset Park that

2 we have a direct line of buses that are moving people
3 from Sunset Park China Town to Manhattan China Town
4 for less of a price for a metro card. This stuff is
5 active and real, and I'm hoping that we--as we get
6 through some of this conversation on the transit zone
7 we get to see what's happening in our communities.
8 So, and I don't have too much time, but let's
9 continue to work together on those issues.

10 COMMISSIONER BEEN: Thank you.

11 CARL WEISBROD: Thank you. And Mr.
12 Chair, if I just can correct one thing I said earlier
13 in response to Council Member Barron who asked what
14 if a provider built on a site that currently
15 affordable housing, senior affordable housing site
16 that currently has parking, what could be built
17 there, and the zoning as proposed now does not
18 directly restrict the senior affordable housing or
19 open space. However, most of the existing senior
20 affordable housing sites are Federal 202 financed,
21 and those do restrict the land to be used only for
22 senior affordable housing, and we look forward to
23 working with the Council to address the issue and
24 make sure that whatever happens on land that is

2 currently used for senior affordable housing meets
3 the objectives that we all seek.

4 CHAIRPERSON RICHARDS: Appreciate that.

5 COMMISSIONER BEEN: Chair, I'm sorry.
6 While we're dealing with the ways in which the
7 federal law effects this, my team informs me that I
8 may have misspoken when you, Council Member, asked me
9 about whether or not there could be market-rate and
10 senior. I'm informed that that may cause problems
11 with the Fair Housing Act, and so in fact, we have
12 never done a senior marked--a senior market that is
13 in the same building because of those fair housing
14 concerns. So, I'll have to work all that out, but I
15 just don't want to leave a misstatement. Okay?

16 CHAIRPERSON RICHARDS: Thank you for being
17 straightforward. We really appreciate that.
18 Alright, we're going to go to Council Member Chaim
19 Deutsch.

20 COUNCIL MEMBER DEUTSCH: Thank you,
21 Chair, for getting my name right. Good afternoon,
22 Commissioners. So, according to this affordable
23 housing plan within the next 10 years, it's 8.2
24 billion dollars. Also it was mentioned that there

2 will be approximately a billion dollars towards
3 infrastructure. Is that correct?

4 COMMISSIONER BEEN: Uh-hm.

5 COUNCIL MEMBER DEUTSCH: Do you know what
6 those infrastructure upgrades are?

7 CARL WEISBROD: Well, what we've done as
8 we testified yesterday is we've created unique, I
9 think, pioneering Neighborhood Development Fund, and
10 that billion dollar fund will be deployed in areas
11 which we are looking at for significant new housing
12 capacity, really the areas where we've been
13 undertaking neighborhood plans starting with East New
14 York. Council Member Gibson mentioned Jerome Avenue.
15 There are five other areas beyond that that we've
16 already announced plans to look at the neighborhood
17 and see how we can improve them, and they're going to
18 be--the Administration's made a commitment to look
19 over time at 50 neighborhoods throughout the city
20 where we think we can not only provide additional
21 housing capacity, but really help change the
22 neighborhood for the residents who live there now and
23 for future residents to make their lives better. And
24 what we have committed to is that that billion dollar
25 fund will be used for public investments,

1 infrastructure investments in those neighborhoods as
2 we work with each of those neighborhoods to see their
3 needs. So, we can't tell you today what the specific
4 public investments or infrastructure investments will
5 be in those neighborhoods, but that's what that fund
6 is deployed--will be used for. In addition to that,
7 again, we testified yesterday, we've really changed
8 our internal working relationship between
9 particularly City Planning and the Office of
10 Management and Budgets so that the 10 year capital
11 strategy can be not just a financial strategy, but a
12 planning strategy as well so that we can
13 appropriately make investments in communities as our
14 communities grow, and so we can't today identify or
15 tell you because we don't know what public
16 improvements will be made where.

18 COUNCIL MEMBER DEUTSCH: So, the issues I
19 have is that Commissioner Been mentioned before if
20 not now, then when? And I agree we need affordable
21 housing, especially senior housing, but if you give
22 me one billion dollars, I could tell you what
23 infrastructure repairs I need for my district. I'm in
24 the flood zone area, and we currently have a number
25 of as-of-right development, high-rise buildings going

1 up as well, and my infrastructure in my district is
2 totally--is antiquated, and I would tell you what
3 repairs need to be done. So, the issues I have with
4 the plan is that we need to first use what we can and
5 maybe incorporate into the plan for those areas that
6 have infrastructure problems to first repair our
7 infrastructure, and then we can talk about the
8 developments, the as-of-right developments that are
9 going on and how our sewer systems are going to hold
10 all that extra water going through, and then we could
11 talk about affordable housing and building of the
12 affordable housing in other, you know, other
13 buildings especially when we also discussed there's
14 no parking. So, you also mentioned in your
15 testimony, Commissioner, that those who do own cars
16 especially seniors aren't able or willing to pay the
17 fees for parking. So, I could tell you in my
18 district, DOT it's the City that regulates how much
19 the seniors are paying for parking in some areas, and
20 they approximately 330 dollars every three months,
21 and every time the prices are starting to raise on
22 the seniors who aren't able or willing to pay the
23 fees for parking I try to fight with the agencies to
24 make sure that the parking remains the same. So,
25

2 yes, we do have a parking issue. Seniors are not
3 going to pay, you know, as you said for the parking
4 for--high prices for parking, but that's why we try
5 to keep it low and keep on finding as elected
6 officials with city agencies to keep it at a minimum.

7 CHAIRPERSON RICHARDS: Ask you to wrap
8 up.

9 COUNCIL MEMBER DEUTSCH: So, my issues is
10 number one, is that the parking issue, we do have a
11 major parking issue. I also have an overpass, a MTA
12 overpass that runs along my district which I'm trying
13 to get additional parking underneath, but there's a
14 disagreement of who owns the property underneath
15 between the MTA and DOT, and until this day we're
16 still trying to--it's unresolved. So these are
17 issues that we need to go bottom up and correct the
18 issues that we have currently and then we could work
19 on affordable housing and senior housing and building
20 more buildings and putting more of a strain on our
21 infrastructure.

22 COMMISSIONER BEEN: So, I appreciate your
23 comments, and obviously we're trying to work on all
24 fronts at once, trying to bring infrastructure and--
25 Chair Weisbrod, correct me if I'm wrong because

2 you're the expert on this, but I--isn't part of the
3 Neighborhood Development Fund dedicated to the
4 sewerage, the sewerage issues in many--that's a
5 separate fund, I'm sorry.

6 CARL WEISBROD: A separate 300 million
7 dollar fund, but again, in areas where we are doing
8 and we are committed to enhancing housing capacity.

9 COUNCIL MEMBER DEUTSCH: So, the last
10 three days I've been busy in my district with the
11 high tides and flooding throughout my district,
12 Manhattan Beach and Sheepshead being they're the
13 waterfront.

14 CHAIRPERSON RICHARDS: Going to ask you to
15 wrap up.

16 COUNCIL MEMBER DEUTSCH: So, I will wrap
17 it up, and so I'm going to say again, if not now,
18 then when? And I keep on asking that question. So
19 before you move forward, we need to make sure those
20 questions are answered, and the 300 million dollars
21 or the one billion dollars, whatever it is, should be
22 used to improve our infrastructure so my residents in
23 my district do not live in fear each and every day.
24 Thank you, very much.

2 CHAIRPERSON RICHARDS: Thank you Chaim.
3 Good way to leverage public dollars for your
4 district. Council Member Gentile followed by
5 Williams, and you have one minute. We're going to
6 just put one minute on the clock, and these are
7 because there are subcommittee members. I also want
8 to acknowledge we've been joined by Council Member
9 Miller.

10 COUNCIL MEMBER GENTILE: Thank you, Mr.
11 Chairman. Let me just be absolutely sure based on
12 what you said a couple minutes ago. Can a six story
13 as-of-right building that has been given the sixth
14 story in a low density neighborhood because of its
15 senior status be a mixed building with market-rate
16 housing in it?

17 COMMISSIONER BEEN: No. So, I think
18 we're getting all kinds of issues confused here, but
19 in those buildings, no, because that space is only
20 available for affordable senior. Is that correct
21 Purnima?

22 PURNIMA KAPUR: Yes.

23 COMMISSIONER BEEN: Yes. Okay.

24 COUNCIL MEMBER GENTILE: Okay.
25

2 COMMISSIONER BEEN: That space is only
3 available in the example that you gave for senior
4 affordable.

5 COUNCIL MEMBER GENTILE: So it was
6 different than the answer you gave Councilwoman
7 Barron?

8 COMMISSIONER BEEN: For that--I
9 understood her to be asking about IZ, inclusionary,
10 and as I then said, my team informed me that because
11 of fair housing concerns you don't--you can't put
12 senior affordable and mixed income in the same
13 building.

14 COUNCIL MEMBER GENTILE: Okay. Just
15 quickly, on nursing homes, they have to go before
16 BSA, long term care facilities have to go for BSA for
17 a newly created permit? Is that--am I correct?

18 CARL WEISBROD: No. Nursing homes today
19 in some areas there's a special permit that's
20 required in most parts of the city. They're as of
21 right if the underlying zoning permits them. We
22 don't see that many. We've seen in the last 14 years
23 in the City I think three nursing homes that have
24 been built in areas that were require a permit, three

2 nursing homes built in areas that don't require a
3 permit. But what we--

4 COUNCIL MEMBER GENTILE: [interposing] So,
5 ZQA won't change this?

6 CARL WEISBROD: ZQA would remove the
7 requirement for permit in areas that currently
8 require one, and the only reason that we had the
9 permit, this goes back to the mid-1970's was when we
10 were seeing a saturation of nursing homes in certain
11 areas. We're not seeing that today and what we're
12 seeing instead is that nursing homes that are simply
13 being replaced on site or they're expanding or need
14 to modernize have to go through a special permit
15 process that again makes it very, very difficult,
16 time consuming, expensive, and is really contrary to
17 the needs of the people who are in those nursing
18 homes and makes life very difficult for them. So,
19 that's what we're proposing.

20 COUNCIL MEMBER GENTILE: Okay. Not fully
21 satisfied with the answer.

22 CHAIRPERSON RICHARDS: Oh, we're going to
23 get back into that. Okay, Council Member Williams to
24 close with the last questions.

2 COUNCIL MEMBER WILLIAMS: Thank you. Thank
3 you very much. I look forward to continuing our
4 conversation on the transit zone sized and contextual
5 heights and long term care facilities, and in
6 particular I want to just add my name to the concern
7 that Council Member Barron brought. I did have a
8 question. I know we've said a few times that if ZQA
9 was in place we would have had x amount of
10 affordable, additional affordable housing. What were
11 the AMI's of the affordable housing we would have had
12 if ZQA was in place?

13 COMMISSIONER BEEN: Well--

14 CARL WEISBROD: Eighty--

15 COMMISSIONER BEEN: Yeah, 80 percent AMI
16 under those. That's the voluntary inclusionary
17 program.

18 COUNCIL MEMBER WILLIAMS: And that was my
19 point--

20 COMMISSIONER BEEN: [interposing] It's
21 been under--

22 COUNCIL MEMBER WILLIAMS: [interposing]
23 to one of my questions before. I understand you say
24 we layer on and they can get deeper, but the concern
25 still exists. What happens when another

2 Administration are they going to use the same tools?
3 We don't know, and so I still submit that if folks
4 are going to be able to build additional units, not
5 the five, not that they're going to change the
6 apartment size. If they're going to build additional
7 units, there may be some profit there. There may be
8 some way to make sure that we lower the AMI's to get
9 some people who really need assistance.

10 COMMISSIONER BEEN: So, I just want to be
11 clear. What we were talking about in terms of the 80
12 percent is the existing voluntary inclusionary
13 program, which is what made--which already created
14 the, you know, that right to move forward. On new
15 senior facilities that may be built as part of all of
16 this, then we would be working out the AMI's on each
17 and every one based upon the financing, etcetera.
18 So--

19 COUNCIL MEMBER WILLIAMS: [interposing]
20 Sure.

21 COMMISSIONER BEEN: they can't be higher
22 than 80 percent, but we would work that out.

23 COUNCIL MEMBER WILLIAMS: Sure.

24 COMMISSIONER BEEN: But I take your point.
25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

COUNCIL MEMBER WILLIAMS: Yes, and I think Council Member Barron as well saying we could maybe establish specific income bands, which I looked--I'd just love to research [sic] and discuss a little bit further. Thank you.

CHAIRPERSON RICHARDS: Thank you.

Alrighty, so thank you for testifying today. We really look forward to continuing this conversation with you. Just want to point out, and I think Council Member Gentile certainly started to allude to it, the issue with nursing home oversaturation in certain areas. So what protections are being put in place to ensure that particular communities aren't being oversaturated? And I understand, I'm very grateful that you put back in the R1 and R2 special permit requirement, but why did we exclude other contextual zones, and I'm also interested in hearing how we're going to ensure that in East New York and communities like the Rockaways, for instance, where I have 70 percent of all the nursing homes on the peninsula. How do we ensure that particular communities aren't going to be oversaturated? What protections are being put in place? What measures

2 are going to be--are going to tell you if an area is
3 oversaturated? Can you spell that out for me?

4 CARL WEISBROD: Yeah. So, I would say,
5 and I recall when we first implemented this special
6 permit it was a different time, and you may remember
7 the nursing home scandals of the 70's, and that's a
8 different era than it is today. We don't see in new
9 nursing home applications a saturation in any way or
10 desire to be in any particular neighborhood. Quite
11 the contrary. We really want to see to the extent we
12 see new nursing homes we want them in various
13 different parts of the city. So, again, as part of
14 our real commitment to seniors being able to age in
15 their communities that they would be able to do so.
16 We've seen six new nursing homes in the city in the
17 last 20 years. So, the issue isn't oversaturation.
18 The issue is how do we remove impediments so that we
19 have--can meet the needs of our seniors. And what
20 the special permit does today really is limit the
21 ability of nursing homes that are in areas that
22 require a special permit to modernize, to replace
23 their facility because they have to go through an
24 extraordinarily laborious process. They frequently
25 don't do that, and the victims of that, the people

2 who suffer, are not the nursing home operators. It's
3 the people who live in those nursing homes. We want
4 them to modernize. We want them to be, to provide
5 the dignity to our seniors that we all want. You
6 know it's a highly regulated industry and process,
7 and so that's why we are proposing to eliminate this
8 requirement because we really don't think it's
9 necessary, but we understand--

10 CHAIRPERSON RICHARDS: [interposing] So,
11 I--

12 CARL WEISBROD: the issues that--

13 CHAIRPERSON RICHARDS: [interposing] So,
14 I'm going to--

15 CARL WEISBROD: [interposing] are seen in
16 the Rockaways and we look forward to talking to you
17 further.

18 CHAIRPERSON RICHARDS: I'm going to
19 respectfully disagree with you. I think that these
20 particular facilities are not regulated to the degree
21 they need to because we--you know, my office has to
22 call the AG's office when we see certain things. So,
23 I think that we need to seriously have more of a
24 conversation on this, but I think these particular
25 facilities at this moment need more oversight, not

2 necessarily less and you know we share, like I said,
3 the goal of creating more housing, senior housing
4 facilities in our communities, but we also need to
5 just ensure it, you know, because 30 years down the
6 line, you know, as you lose some restrictions it's
7 just going to happen more. There's no--that's what
8 happens when you lose--when you deregulate, right?

9 CARL WEISBROD: And it may be, Mr.
10 Chairman, that the kinds of oversight they're
11 needed that are needed are not zoning or land use
12 oversight, but other kinds of oversight. But we look
13 forward to--

14 CHAIRPERSON RICHARDS: [interposing]
15 Right, exactly. So, I just want to make sure that
16 Council Members have more leverage in these
17 conversations, because we know that these particular
18 facilities are overseen by the State, but perhaps the
19 City should play more of a role there if we're going
20 to allow more density and deregulate certain aspects
21 of the application. So, I would like to thank you.
22 We look forward to continuing to work with you as we
23 move forward. Once again, we share the goal. I
24 think it's a very bold plan, but we also have to make
25 sure that this is done the right way as much as we

2 can for all communities, you know, the one-size-fits-
3 all approach. It's a very big city. It's rough, but
4 I think that if you work with members and work with
5 this Council, we'll try to find common ground on this
6 plan.

7 CARL WEISBROD: Yes.

8 COMMISSIONER BEEN: Well, we thank you for
9 delving into the details of what is a bold but a
10 complicated and dense proposal, and we appreciate all
11 that the Council is doing to be sure that we can meet
12 the needs of our vulnerable seniors. So, thank you.

13 CARL WEISBROD: Yes, and likewise, Mr.
14 Chairman and Mr. Chairman and all members of the
15 Council. We really appreciate the opportunity to
16 discuss what is a very detailed proposal to be sure.
17 We think it's very, very important. We appreciate
18 the time, your patience, your--the attention you've
19 paid to this and the thought and look forward as
20 Commissioner Been said, to continue to work with you
21 to optimize this for all of us, and as much as we
22 look forward to seeing you again tomorrow--

23 [laughter]

24 CARL WEISBROD: we're happy to have a day
25 of rest. Thank you very much.

2 COMMISSIONER BEEN: Thank you.

3 CHAIRPERSON RICHARDS: Thank you so much.

4 We look forward to continuing to work with you.

5 Perhaps we may call another hearing tomorrow.

6 Alrighty, so we're going to start with the public
7 now. It's my favorite part. We're now going to hear
8 from a panel of opposition, and we'll first hear from
9 Robert Cassara from the Brooklyn Housing Preservation
10 Alliance of Bay Ridge, Andrew Berman, GVSHP, Lauren
11 Snetiker, GVSHP, also Sam Moskowitz, I believe GVSHP,
12 Sarah Bean Apmann, GVSHP, and that is numbers 24, 25,
13 26, 27, 28. [off mic comments] Alrighty, do we have
14 everybody? Alrighty, do we have--alright, Robert
15 Cassara, number 24, Andrew Berman, number 25, 26,
16 Lauren Snetiker, GVSHP, Number 26, Sam Moskowitz, 27,
17 Sarah Bean Apmann, 28. Someone coming who I called?
18 No? Okay. We're going to go to number 29, Matthew
19 Morowitz, Greenwich Village Society for Historic
20 Preservation, Ted Mineau, number 30, GVSHP, number
21 31, Sean Khorsandi, Landmark West, number 31. Please
22 raise your hand if you're here. Jean Standish,
23 number 32, Bowery Alliance of Neighborhoods, you can
24 come up. Michael Beltzer, an active citizen, number
25 37. I'm going to say this again, Matthew Morowitz,

2 Greenwich Village Society for Historic Preservation,
3 Ted Mineau, Number 30, Sean Khorsandi, Number 31,
4 Landmark West. Jean Standish, I think you came up,
5 right? Bowery Alliance of Neighborhood. Alright,
6 you're coming up, okay. Making progress. Michael
7 Beltzer, active citizen. Alrighty, so I'm going to
8 ask you--I guess we can start ladies first. So I'm
9 going to ask you all to just state your name for the
10 record and the organization or who you're
11 representing today, and then you may begin, and you
12 have--we're putting three minutes on the clock. So,
13 yes, three minutes. Thank you.

14 JEAN STANDISH: My name is Jean Standish
15 and I represent the Bowery Alliance of Neighbors.
16 The Zoning for Quality and Affordability and
17 Mandatory Inclusionary Housing initiatives would
18 unnecessarily weaken neighborhood zoning protections
19 and significantly increase height limits for new
20 developments with little or no public benefit. What
21 it will do is increase out of scale construction in
22 residential neighborhoods and eliminate hard fought
23 for height limits which were often delicate
24 compromises that took years to craft and achieve.
25 Linking MIH as large scale increases in the allowable

1 amount of market-rate development would undermine the
2 supposed goal of increasing affordability to say
3 nothing of maintaining neighborhood character and
4 livable communities. The following are major short
5 comings with ZQA and MIH initiatives. Both ZQA and
6 MIH rely on a wholesale up-zoning of the entire city
7 without consideration to borough, neighborhood, side
8 street, or wide street. Current height limits are
9 not proven to impede developer's decisions to
10 participate in inclusionary zoning, so raise them if
11 it will still be optional in ZQA. There is no study
12 or proposed solution to preserving existing
13 affordable units. Up-zoning could incentivize
14 demolition of these units. There is no provision for
15 existing affordable housing to be preserved. It may
16 be erased by new development. Housing will not be
17 affordable to a majority of residents of MIH zones as
18 explored in Comptroller Stringer's examination of
19 East New York, and there are no requirements for
20 equal access, amenities or finishes in affordable
21 housing, i.e., poor doors or poor floors. To
22 conclude, zoning for quality and affordability is a
23 gift to real estate developers pure and simple. I
24 urge the City Council to oppose the Zoning for
25

2 Quality and Affordability and Mandatory Inclusionary
3 Housing initiatives. Thank you.

4 CHAIRPERSON RICHARDS: Thank you for your
5 attendance today.

6 SEAN KHORSANDI: Good afternoon, Council
7 Members. This is Sean Khorsandi for Landmark West.
8 Landmark West supports the goal of affordable housing
9 for all New Yorkers, but it's time to call out the
10 plan for the fact that the emperor has no clothes.
11 Mayor de Blasio's affordable housing plan is no plan
12 at all. It's a smokescreen for developer giveaways.
13 Please do not allow yourselves to become enablers of
14 such a dangerous public policy. The sad reality is
15 that ZQA and MIH will not deliver on real
16 affordability. Believing that they will is at best
17 wishful thinking. At worst, it's buying into a
18 developer's vision of New York in which nothing
19 matters but the bottom line. Consider both the
20 substance and process of these proposals. ZQA and
21 MIH were introduced simultaneously as though they
22 were somehow interdependent when in fact they are
23 wholly separate ideas. ZQA which does nothing more
24 than enable developers to exploit every square foot
25 of allowable floor area on a site to maximize profit

1 turned progressive by its association with MIH. Yet,
2 while MIH contains gaping developer hardship and
3 other loopholes that undermine the inclusionary
4 premise, ZQA does not guarantee a single unit of
5 permanent affordable housing, not one. Where is the
6 public benefit that would justify such sweeping
7 changes in our city's policy? This is the key
8 question of any government regulation, but the idea
9 of legitimate public purpose has been totally
10 railroaded by this rushed, opaque, unkosher process.
11 Bear in mind that we are not in ULURP, only in a
12 ULURP-like process. Both proposals have been in an
13 almost constant state of flux since they were
14 introduced. They have been subjected to a fast and
15 loosed environmental review that fails to consider
16 how specific neighborhoods would be impacted. Our
17 group Landmark West worked with recognized zoning
18 experts from the firm of BFJ Planning who stated, "A
19 single project would be subjected to much more far
20 reaching public review than what has been billed by
21 the Administration as the most ambitious plan in the
22 nation." Zoning is but one planning tool intended to
23 manage development and protect the public interest.
24 ZQA and MIH reinforced the dangerous idea that so-

1 called development rights created by zoning trump all
2 other public rights. For example, a child's right to
3 walk down a street that is not plunged in shadow or
4 be educated in a classroom that is not overcrowded as
5 a result of headless densification. This is the
6 collateral damage of zoning without planning. This is
7 what happens when we put our city up for sale.

8 Edward R. Murough [sp?] said, "A nation of sheep will
9 beget a government of wolves." You are not sheep.

10 Please do not--please do the right thing and
11 disapprove these proposals. Thank you.

12 CHAIRPERSON RICHARDS: Thank you. Hoped
13 you'd intend to say wolves, but that's alright. Next
14 person may begin.

15 ROBERT CASSARA: Good afternoon, Mr.
16 Chairman, Council Members, ladies and gentleman. My
17 name is Bob Cassara. I'm a longtime resident of Diker
18 [sic] Heights of Brooklyn, New York. I'm here to
19 speak out against the Zoning for Quality and
20 Affordability mainly because I do not believe it has
21 much to do with quality and affordability, and it has
22 all to do with allowing investors to build more
23 bigger--and bigger buildings regardless of what they
24 do to the neighborhood or the community or its
25

1 concerns. People choose to live in a particular
2 neighborhood not by chance, but usually because it
3 has what they are seeking. Perhaps it is the
4 neighborhood's character, the fact that it is zoned
5 for one and two-family homes. So when those one and
6 two-family homes unexpectedly become multi-family
7 dwellings as we are now witnessing with the ever
8 increase in the number of illegal home conversions in
9 Diker Heights and Bay Ridge, the neighborhood
10 character begins to change as well. Suddenly, there
11 are a multitude of people coming and going from
12 homes, houses. More garbage is put out for
13 collections. Schools become over-crowded. Area
14 parking becomes more difficult. Approximately 10
15 years ago Bay Ridge and Diker Heights fought to have
16 a majority of our community down-zoned because
17 developers were coming in as-of-right. They would
18 tear down a building and put up another building that
19 was much larger and greater in density right in the
20 middle of a block, and that the building would be
21 totally out of character to what existed there for
22 many years. After fighting to protect us from this
23 destructive as-of-right rule, the City Zoning for
24 Quality and Affordability proposal would take us back
25

1 to the way it was. The proposal affects not only our
2 community, but communities all across the city. We
3 are told that the zoning changes in this proposal
4 will have a minimal effect on us. Representatives
5 from City Planning pointing out that the zoning
6 proposal in our community will primarily change the
7 zoning along the major corridor such as Fourth
8 Avenue, Fifth Avenue, Fort Hamilton Parkway, 13th
9 Avenue. This is true, but when you change one thing,
10 you change everything. If you build more and bulkier
11 buildings like 10 to 40 feet on top of already
12 existing height limits along these avenues, the
13 neighborhood's density also increases. Streets
14 become more clogged with pedestrians, cars, bikes,
15 parking will be at a premium. Moreover, part of the
16 plan allows senior housing facilities to eliminate
17 parking requirements. City Planning states that the
18 seniors do not--don't drive and accordingly don't
19 require parking. This is--that's not true. Even
20 though I may not look or act like the part, I am a
21 senior. I do drive, and I love my cars, and I
22 probably have too many. A major portion of our
23 community is comprised of one and two-family homes,
24 attached and semi-attached homes. Under this
25

2 proposal, independent senior housing and long-term
3 care facilities can be placed in R1 and R2 zones as
4 of right. Imagine that a developer decides to
5 purchase a one or two family home and tears them down
6 to erect the senior housing. Remember and affordable
7 and independent senior housing units can be of
8 greater height with units therein [sic] as small as
9 275 square feet. Under this proposal it can happen.
10 The high-rise building on the street with a one and
11 two-family homes would change the character of the
12 street and the density.

13 CHAIRPERSON RICHARDS: We'll ask you to
14 wrap up.

15 ROBERT CASSARA: Okay. This is only the
16 tip of the iceberg. The effect is that the one-size-
17 fits-all approach would change the rules governing
18 the allowable scale of development. I'll get to the
19 end. The plan must be voted down. We already have
20 quality and affordability which is being threatened
21 by the illegal home conversions and we don't need to
22 be hammered by the city's wrong-headed zoning
23 proposal. What is needed is for the city's
24 Administration to get its agency namely the BOB to

2 enforce the existing zoning and keep our housing
3 affordable and livable. Thank you very much.

4 CHAIRPERSON RICHARDS: Thank you so much
5 for your testimony all three of you, and I just want
6 to put on the record that due to the Council's push,
7 actually R1 and R2 are no longer even included.

8 ROBERT CASSARA: I heard that.

9 CHAIRPERSON RICHARDS: In that, so I just
10 wanted to make sure we put that out there.

11 ROBERT CASSARA: Okay.

12 CHAIRPERSON RICHARDS: So, just one
13 question. If you could can change anything about the
14 proposal, is there room to change anything that could
15 make this a proposal that would work for your
16 communities? If each one of you, any of you want to
17 take a shot at it, it's fine. If there's a
18 suggestion for the proposal.

19 ROBERT CASSARA: I suggest that the City
20 Council go back to the communities, have it be a
21 community approach and not from the city agency.

22 CHAIRPERSON RICHARDS: Got it. We've been
23 hearing that loud and clear. Alright, anyone else
24 want to take a shot at that?

2 SEAN KHORSANDI: You know, we can tinker
3 with many issues that we have from the height
4 increases on narrow and wide streets that are still
5 multiple stories, but the bottom line is that there's
6 still no public benefit in this. It's just a give-
7 away to developers. So, negotiating small points
8 will make it look better, but it's still not in the
9 public interest to approve this bill.

10 ROBERT CASSARA: Correct.

11 CHAIRPERSON RICHARDS: Thank you all.

12 Oh, you wanted to--

13 JEAN STANDISH: Yes, I also agree with
14 Sean. I live in a low-rise, low density community,
15 and I have seen the destruction that is created by
16 huge--the influx of these hotels and larger
17 buildings, and we were contextually rezoned, and to
18 go back on it and start bringing in market-rate
19 housing, luxury development it's going to change the
20 demographics. We're going to lose all those wonderful
21 small businesses. The small business owner is the
22 backbone of this city and we are losing many of them,
23 and we're also going to probably be losing more low
24 and middle income housing, and it's going to be a
25 disaster. You know, the Mayor talks about a tale of

2 two cities. That's going to be exacerbated even more
3 under this plan.

4 CHAIRPERSON RICHARDS: Thank you all for
5 your testimony. Thank you for coming out today.
6 Thank you for patience as well. Alrighty, we're going
7 to go on. Martin Dunn from Dunn Development, Jerilyn
8 Perine, CHPC. That is number two, Jerilyn Perine,
9 CHPC. She's coming up, okay. Joe Rosenberg,
10 Catholic Charities. Sandy Meyers, Selfhelp, number
11 seven. Jolie Milstein, New York NYSAFAH. Thank you.
12 Woah, you're here two days in a row. You love it
13 here, huh? Alrighty, you may begin. Just state your--
14 if everyone can state their name for the record and
15 the agency or organization they represent.

16 JOLIE MILSTEIN: Thank you. My name is
17 Jolie Milstein. Nice to be back. President and CEO
18 for New York State Association for Affordable
19 Housing. NYSAFAH is the statewide trade association
20 for New York's affordable housing industry. Our 375
21 members are responsible for most of the affordable
22 housing built in New York State with federal, state
23 or local subsidies. Thank you, Chair Richards and
24 members of the Council, for the opportunity to
25 testify today on the Zoning for Quality and

1 Affordability proposal. I am here today to express
2 NYSAFAH's strong support for ZQA which will help
3 serve New York City's critical need for affordable
4 housing. I would like to note that NYSAFAH also
5 supports mandatory inclusionary housing which was
6 addressed in our testimony at yesterday's hearing.
7 ZQA is essential to the future production of much
8 needed affordable housing for New York City's
9 residents. The proposed text changes fix many of the
10 zoning issues that NYSAFAH members have struggled
11 with over the years when designing affordable housing
12 projects. These changes will mean more affordable
13 housing, better designed buildings and higher quality
14 units and ground floor retail. The zoning rules that
15 dictate building envelopes have not kept pace with
16 fire and building and requirements, modern
17 construction practices or the city's priority to
18 build affordable housing. As a result, NYSAFAH
19 members must often leave floor area ratio, FAR,
20 unused resulting in the loss of affordable units in a
21 time when the city is experiencing a housing crisis.
22 Modernizing building envelope requirements under ZQA
23 will ensure that affordable housing developers can
24 maximize the number of affordable units as well as
25

1 provide better design units, buildings that better
2 fit in with neighborhood character and more quality
3 retail and community facility spaces. ZQA would also
4 allow options for more appropriate designs on
5 irregularly shaped lots and sloping sites, which
6 currently pose a significant challenge to affordable
7 development. Another major challenge for affordable
8 housing is the requirement to provide parking which
9 can cost upwards of 60,000 dollars per space. A
10 large number of spaces regularly go unused in
11 affordable developments throughout the city while we
12 see huge wait lists for affordable units. Parking
13 requirements drawing subsidy and space away from the
14 production of affordable units and detract from such
15 uses as ground floor retail, children's play areas
16 and green spaces. In addition, subsidy that could be
17 used to drive down rents and create deeper
18 affordability must instead go to supporting
19 underutilized parking. In some cases these
20 requirements make affordable housing developments
21 infeasible. The elimination of parking requirements
22 for affordable units in transit zones would enable
23 NYSFAH's members to focus on scarce land and
24 financial resources on--and land, scarce land and
25

2 financial resources on building more affordable
3 units. One population that's been hit particularly
4 hard by the housing crisis in New York City is New
5 York City's seniors, many of whom must contend with
6 fixed incomes and housing market pressures in the
7 face of declining federal funding for new senior
8 housing. ZQA would help NYSAFAH members serve the
9 housing needs of New York City's seniors by providing
10 the opportunity to take advantage of FAR bonus and
11 eliminating parking requirements for senior
12 developments. Helping the seniors, city's seniors,
13 stay in their communities. In conclusion, NYSAFAH
14 strongly supports ZQA which will support the
15 production of more affordable housing as well as
16 better buildings, units, ground floors, shops and
17 community spaces. Thank you for your consideration
18 of NYSAFAH's comments.

19 SANDY MEYERS: Hi, everyone. Good
20 afternoon. My name is Sandy Meyers. I'm the
21 Director of Government and External Relations at
22 Selfhelp Community Services. We're a senior-serving
23 organization providing senior housing which I'll
24 focus on today, case management, senior centers,
25 guardianship, the whole nine yards. So, you have my

1 testimony as well as three testimonies from clients
2 that we serve, two of whom currently live in our
3 housing and one who is on the waitlist to get onto
4 the Selfhelp wait list that really tells the
5 combination for those three really tell the story as
6 to why we're encouraging the Council to pass ZQA,
7 which would give us that flexibility to build more
8 senior housing. So, I'm not going to read through my
9 testimony. I just want to highlight a few points and
10 respond to a few concerns that have been raised
11 today. So, again, we have nine buildings. Seven are
12 in Flushing, two in Nassau County, which is less
13 relevant but just worthy of mention, and we have a
14 couple more that are coming online in Brooklyn and
15 the Bronx very shortly. Throughout those nine
16 buildings we serve 1,300 tenants, and this again, is
17 just for our housing. Selfhelp is a mission-driven
18 organization, and I really want to highlight that
19 because I know that there was a lot of conversation
20 about these providers not necessarily sticking to
21 building affordable housing, but Selfhelp's mission
22 is to help seniors age with dignity and independence,
23 and we take that mission very seriously, and we
24 structure all of our programs and our housing in a
25

2 way that best enables them to do so. So, we build
3 our housing in ways that both in terms of layout
4 that's big enough to accommodate wheel chairs and
5 walkers but not big enough that they can't maintain
6 it. All of our buildings have elevators. We also
7 incorporate technology into all of our buildings to
8 help homebound seniors to connect to their senior
9 center classes or to make sure that if they're living
10 alone they have connection with social workers or
11 other family members who can check in on them if
12 something's not quite right. So, we know that the
13 need is there and I really just want to underscore
14 that we are committed to serving this population, and
15 that when we build new housing, we're not necessarily
16 looking for an out or how to make a profit. We
17 really want to make sure that the community is
18 served. I know that you all know about the data,
19 about the population boom for this population. We
20 want to make sure that we're serving them. The other
21 thing I want to highlight is that we have 4,000
22 people on just Selfhelp's waitlist. So, as I
23 mentioned, we have one client who's waiting to get on
24 our waitlist, so this doesn't even capture that
25 segment of the population. There's a waiting period

1 of up to 11 years for our buildings, which when
2 you're talking about this population is really
3 unfathomable, and they don't necessarily have the
4 time to wait at that point. Then in terms of the
5 need for parking, again, I know that that's something
6 that the Council has concerns about. Twenty--we only
7 have about a 25 percent utilization in our parking
8 lots of our buildings. We know that these seniors
9 don't necessarily have the means to keep or maintain
10 cars. Sometimes they might move in with a car, but
11 then don't have the ability to maintain it, and then
12 they just get rid of it. So we would much rather
13 spend that money, you know, that 20,000 to 50,000 per
14 parking spot to build more units of affordable
15 housing, and we certainly urge the Council to approve
16 this to allow us to do so. I will stop there just in
17 five seconds to go. Thank you.

19 JOSEPH ROSENBERG: Good afternoon,
20 Chairman Richards, members of the City Council. I'm
21 Joseph Rosenberg, Director of Catholic Community
22 Relations Council, representing the Archdiocese and
23 New York and the Diocese of Brooklyn on legislative
24 and policy matters in New York City. I'm pleased to
25 express our support of the Mayor's Housing Plan in

1 several of the proposals that are before you today.

2 We can all agree that our city is in desperate need

3 of affordable housing. This crisis is evident in the

4 financial burdens that threaten the displacement of

5 families from their apartments. It is vivid in the

6 plight of the homeless in shelters and on our

7 streets. The means to confront many of these

8 challenges are contained in the Mayor's Housing Plan

9 and that is why we strongly support the ZQA proposal,

10 especially the provisions allowing the development of

11 affordable and senior housing and the elimination of

12 both underutilized in unnecessary parking facilities

13 on sites within transit zones. Assisting the poorest

14 and most needy New Yorkers has long been the focus of

15 the Catholic Church. Over the last several decades,

16 the Archdiocese of New York and Dioceses of Brooklyn

17 through Catholic Charities, Parishes, community-based

18 affiliates have maintained and developed thousands of

19 housing units for the working poor, the elderly and

20 the homeless. Constructing and preserving housing

21 for the growing number of poor elderly in New York

22 City is an absolute priority. This vulnerable

23 population increasingly faces the challenges of

24 staying in their existing homes due to escalating

25

1 costs of finding low income alternatives. In the
2 Diocese of Brooklyn and Queens, 2,300 units of low
3 income housing for the elderly are owned and operated
4 by Progress of Peoples, an affiliate of Catholic
5 Charities. They have a waiting list of 16,000
6 individuals. The Institute of Human Development of
7 Catholic Charities of the Archdiocese of New York
8 also owns and operates hundreds of low income senior
9 units in Manhattan, Staten Island and the Bronx.
10 This continuing commitment has made the Catholic
11 Church one of the largest providers of low income
12 senior housing in New York City. We also have an
13 active pipeline of development sites targeted for the
14 production of low income housing for families and the
15 elderly. Our city today bears little resemblance to
16 the New York of past decades where large blocks of
17 vacant public and privately owned land were available
18 for the development of affordable housing. The
19 scarcity of vacant land requires new strategies to
20 meet the challenges facing us. The ZQA contains
21 several proposals by the design to create much needed
22 housing for low income seniors. Parking in
23 affordable housing developments is expensive to
24 construct and frequently not needed. This is
25

1 especially the case in low income senior housing
2 development where few residents own cars. Many
3 residents no longer drive and the site is closed to
4 public transportation. ZQA removes the requirement
5 of parking for the new construction of senior and
6 affordable housing that is within half a mile radius
7 of the subway station. This important reform
8 acknowledges what many housing advocates have always
9 known, namely that the focus should be on the
10 construction of affordable housing instead of the
11 construction of underutilized parking lots. We also
12 limit--we also urge that elimination of parking
13 requirements should be available to developers of
14 affordable housing bus near--affordable housing sites
15 near bus lines and not just subway stations,
16 therefore permitting the construction of desperately
17 needed low income apartments. Another significant
18 proposal would allow the owners of existing low
19 income senior housing to eliminate parking as-of-
20 right to the development of additional senior units
21 and permit owners of existing affordable housing to
22 do so through the Board of Standards and Appeals
23 process. Creating housing especially for low income
24 elderly in our city instead of underutilized parking
25

2 spaces is an important and innovative focus of the
3 ZQA. That is why it is strongly endorsed by the
4 Catholic Church. We urge that this provision as well
5 as several others that deal with density and allow
6 the ability to construction community facilities on a
7 ground floor site will be embraced by you and passed.
8 Thank you very much.

9 MARTIN DUNN: Good afternoon. I'm Martin
10 Dunn from Dunn Development Corp., a Brooklyn-based
11 developer of affordable and supportive housing. You
12 know, I've spent the 23 years building high-quality
13 homes for low and moderate income New Yorkers
14 including the homeless, including seniors, including
15 people with special needs. I first want to speak in
16 favor of the mandatory inclusionary housing proposal.
17 I've been a longtime advocate for this. Back in 2003
18 I sat in the same chair, it's why I picked this one,
19 and testified in favor of mandatory inclusionary
20 zoning when it was being contemplated for the
21 Williamsburg-Greenpoint. This is a very critical
22 tool for the city so that in stronger markets the
23 market-rate units can cross subsidize the affordable
24 and enable the limited capital subsidies to be used
25 in neighborhoods like Brownsville and East New York

1 where development can't occur without and where
2 deeper affordability for the community can be driven
3 with the subsidies. At the same time, it'll create a
4 hedge against future gentrification in lower income
5 neighborhoods like East New York. If we had passed
6 this back in 2005, Greenpoint and Williamsburg would
7 be a different neighborhood today as would Fourth
8 Avenue and Park Slope where this was also debated and
9 wasn't passed. This has been a long time coming and
10 the city needs this critical tool. I next want to
11 speak in favor of Zoning for Quality and
12 Affordability. You've already heard all the
13 examples, all the arguments about parking. I want to
14 give you a few actual examples from our actual
15 projects. Our Liberty Apartments project in East New
16 York we did in collaboration with Cypress Hills LDC,
17 100 percent affordable. We have 18 parking spaces to
18 meet the zoning requirements. Only six of them are
19 used, one-third of the space. At our King Garden
20 Seniors Project in Brownsville, three percent of the
21 residents own cars, which means that of the 15
22 parking spaces, only two are utilized, and we expect
23 that to go down over time. At our Hybridge Overlook
24 Project in the Bronx we build on a steeply slope site
25

1 with a rock outcroppings. I could explain the
2 details, but because of the site conditions where
3 parking normally would have cost 50,000 a unit, it
4 cost more than 80,000 dollars per space. The revenue
5 generated from that parking, zero dollars. In terms
6 of building envelope restrictions, too often we're
7 forced to choose between having quality retail or
8 community facility space on ground floors. We're
9 losing a floor of the residential housing, and
10 therefore the affordable housing. Or alternatively,
11 we put apartments on the ground floors, because
12 that's better than building marginal retail spaces
13 that we can't rent to quality tenants. So, then the
14 residential tenants are given two choices, having no
15 privacy or having no natural light. We've seen the
16 positive impacts that come when we've rezoned to
17 allow better first floor heights, most recently on
18 our Lovonia [sp?] Commons Project in East New York
19 where we have 15 to 16 foot ground floor first floor
20 heights, which has enabled us to do high quality
21 spaces. We've signed up a pharmacy, a supermarket, a
22 neighborhood art center, a Catholic Charities program
23 space. A huge win for the neighborhood. On voluntary
24 inclusionary sites, the senior FAR bonus on usually
25

2 safe sites, we're not able to--I have more examples,
3 and if you ask me a question I would love to tell you
4 a little bit more about the economics of this,
5 because it's not what people claim about trying to
6 make a profit. This is all about the mission.

7 JERILYN PERINE: My name is Jerilyn
8 Perine and I'm the Executive Director of the Citizens
9 Housing and Planning Council. We're the oldest civic
10 and educational organization focusing on the concerns
11 of the city's housing stock. Prior to this position
12 I served the New York City Government for 28 years.
13 I was Commissioner of HPD for four years between 2000
14 and 2004. Our report, the building envelope
15 conundrum has helped to raise awareness of the
16 difficulties facing developers when building the
17 permitted FAR, not more, just permitted, and I want
18 to just talk about one thing. Whether we like it or
19 not or plan for it or not, our population is growing
20 and will likely be nine million people by 2040. This
21 growth has impacted our historically tight housing
22 market. The result, those with financial means have
23 housing choices in New York City never before
24 imagined. From old tenements and neighborhoods now
25 sporting exuberant street life to newly constructed

1 high rises in old industrial areas once off limits,
2 but for those with less income, the choices are
3 virtually non-existent. They're losing out more and
4 more in the competition for our city's scarcest
5 commodity of vacant affordable apartment. So now
6 nearly a quarter of our households, 2.3 million
7 people, share their apartment with either extended
8 family members or other unrelated single adults in
9 order to keep a roof over their heads. More than a
10 quarter million people live in illegal spaces that
11 are often unsafe and nearly always lacking legal
12 tenant protections. And nearly 60,000 of our New
13 Yorkers are living in homeless shelters, thousands
14 more on the streets. At the same time, our
15 construction costs are the highest of any place in
16 the United States. The Mayor has smartly created a
17 strategy to both use the city's financial resources
18 to directly subsidize housing, to reach below-market
19 households and has looked for ways to improve housing
20 regulations to help reduce cost of development and
21 increased supply of affordable housing. ZQA is an
22 important part of that strategy with needed changes
23 that will update rules so that the already permitted
24 FAR can yield the amount of housing that was
25

1 intended. It will encourage affordable housing for
2 the elderly and families earning 80 percent of median
3 or less. It will reduce in some cases parking
4 requirements that increase cost and decrease
5 affordable housing. It will allow for more efficient
6 construction techniques like modular construction,
7 and by allowing flexibility in the building envelope
8 it will be possible to improve the interior design of
9 apartments and the exterior design of buildings. Or
10 we could do nothing and stand by and watch as the
11 number of New Yorkers who are severely rent burdened
12 or overcrowded or living in combined households
13 continues unabated, and as our city becomes
14 essentially unattainable to all but the wealthy,
15 we're simply those lucky enough to have gotten there
16 first.

18 CHAIRPERSON RICHARDS: Thank you so much
19 for attending today. Just around two questions. So,
20 I noticed the difference in the parking utilization
21 rates. So, Mr. Dunn, I believe you mentioned 20--was
22 it you or someone--someone mentioned 25 percent
23 utilization rate.

24 SANDY MEYERS: Yeah.

2 CHAIRPERSON RICHARDS: That was you?

3 Alrighty.

4 UNIDENTIFIED: Yeah.

5 UNIDENTIFIED: I act--oh, I'm sorry.

6 CHAIRPERSON RICHARDS: So, what is your
7 answer to the city saying that we should remove
8 blankly [sic] all parking and transit zones? Is
9 there a need for parking? And then the question I
10 also have is for, I guess, NYSAFAH too, your members.
11 How many members did you survey who are currently
12 parking who can do without the parking? I mean, how-
13 -has this been a concern?

14 SANDY MEYERS: Sure.

15 CHAIRPERSON RICHARDS: Have you seen many
16 of your members not utilizing parking at all? And
17 then also, do you foresee what the elimination of
18 parking much more development stimulation going on to
19 actually increase the capacity of these buildings?

20 SANDY MEYERS: Sure.

21 CHAIRPERSON RICHARDS: Those are my two
22 questions.

23 SANDY MEYERS: Sure. So, we're not
24 looking to get rid of parking. What we are looking
25 for is the flexibility. So, if we have a development

2 in an area where we both have an understanding that
3 the client have either very few--or very few of the
4 clients own cars or don't anticipate to own cars, we
5 would build the number of parking spots that we fee
6 are needed in consultation with the residents of the
7 buildings. So, it's purely about asking for the
8 flexibility. It's not eliminating parking. And we
9 really want to stress that.

10 CHAIRPERSON RICHARDS: And would you mind
11 going through at least some sort of community process
12 if that's the case?

13 SANDY MEYERS: So, you know, we're--
14 again, as a community-based organization we're
15 regularly in contact with our Community Board. We
16 get referrals from Community Boards for clients who
17 need meals or case management or housing, as probably
18 one of the biggest needs, and we're constantly in
19 communication with them.

20 CHAIRPERSON RICHARDS: Did they vote in
21 favor of this proposal?

22 SANDY MEYERS: Most of them did not, but--
23 -

24 CHAIRPERSON RICHARDS: [interposing] Okay.
25

2 SANDY MEYERS: Again, I think there's a
3 need for more dialogue--

4 CHAIRPERSON RICHARDS: [interposing] And I
5 get it.

6 SANDY MEYERS: about understanding what
7 the need it.

8 CHAIRPERSON RICHARDS: It's a hard--

9 SANDY MEYERS: [interposing] But--

10 CHAIRPERSON RICHARDS: [interposing] But
11 would you mind going to them to at least, you know?

12 SANDY MEYERS: A lot--the process really
13 takes a long time from start to finish. So, we don't
14 want to necessarily have more things that would delay
15 a process, because we see a real--an urgency. Again,
16 we have 4,000 people on our waitlist. The one number
17 I didn't get to mention is in partnership with
18 LiveOn, we have 200,000 seniors citywide. The
19 urgency is there we don't want to wait. We're happy
20 to be collaborative with the Community Boards, but I
21 think we would need to think more and talk more about
22 over--

23 CHAIRPERSON RICHARDS: [interposing] The
24 Community Board meets once a month I'm assuming in
25 that area, at least once a month?

2 SANDY MEYERS: well we're kind of
3 citywide, yeah.

4 CHAIRPERSON RICHARDS: Great. Citywide, I
5 would assume most Community Boards meet.

6 SANDY MEYERS: There's also committees.
7 There's other opportunities for engagement with
8 Community Boards.

9 CHAIRPERSON RICHARDS: Right, right,
10 exactly. But you would be open--if there was a
11 process, would you be open to acknowledging that?

12 SANDY MEYERS: We're really concerned
13 about the time and every other kind of variance or
14 application that we have to go through takes time and
15 again. We're working with a population that has a
16 very different relationship with time than kids do,
17 for example.

18 CHAIRPERSON RICHARDS: Would you mind
19 coming to the Council then?

20 SANDY MEYERS: We're happy to--we're
21 happy to talk to all partners, and we would want to
22 know more about what a detailed process would look
23 like.

24 CHAIRPERSON RICHARDS: Alrighty, and this
25 is my last question on development stimulation. Once

1 you--if, you know, we were to pass this proposal with
2 the elimination of parking or reductions, would--do
3 you predict stimulation, more development stimulation
4 happening?
5

6 SANDY MEYERS: Well, you know, that we--

7 CHAIRPERSON RICHARDS: [interposing]

8 Anyone can answer. It doesn't have to be you.

9 SANDY MEYERS: Okay, I'll let you.

10 JOSEPH ROSENBERG: Okay, well I want to--
11 actually Councilman Lander brought this up. He
12 mentioned the Bishop Ordman [sic] Elderly Project in
13 his district in Windsor Terrace. That's 200 units
14 currently of 100 percent low income housing, housing
15 exclusively for the elderly. Forty-six parking
16 spaces on site, only six are used. So, this is a
17 vivid instance.

18 CHAIRPERSON RICHARDS: So if I went there
19 right now, there's only six people utilizing?

20 JOSEPH ROSENBERG: Yes, that's right.

21 CHAIRPERSON RICHARDS: Okay.

22 JOSEPH ROSENBERG: Maybe four if you went
23 there right now, but only six people are there right
24 now who are utilizing it. So, with vacant land of
25 this nature, this is natural to create the impotence

1 [sic] for the construction of additional low income
2 100 percent elderly housing. That's why the church
3 strongly supports this provision, and there are
4 similar instances of underutilized sites across the
5 five boroughs under the jurisdiction of the
6 Archdiocese of New York through Catholic Charities
7 and the Diocese of Brooklyn, again, through Catholic
8 Charities that would spur this. And also, one thing
9 that shouldn't go unnoticed is that the Community
10 Board preference is still in effect. So, this not
11 only benefits the elderly residents of the City of
12 New York, but the elderly residents of the district
13 in which the project is located. So, we strongly
14 support this provision.

16 MARTIN DUNN: And in addition to all the
17 opportunities to build on the underutilized senior
18 housing parking lots, there's a lot of sites that you
19 just can't build on now because of steep slopes and
20 rock. We've looked at a number along the Metro North
21 railroad cuts in the Bronx. There's lots of sites
22 where you just can't build parking without spending,
23 you know, millions and millions of dollars of
24 government subsidy that's not available for the
25 parking. So, you pass ZQA, there's a number of sites

2 that we previously passed on that we would actively
3 develop for senior and/or affordable housing. All we
4 do is affordable housing, so that's all we're going
5 to do in the future.

6 JERILYN PERINE: Yeah, and I just wanted
7 to add--

8 CHAIRPERSON RICHARDS: [interposing]
9 former HPD Commissioner?

10 JERILYN PERINE: Former, very former. The
11 proposal doesn't ban parking. I mean, the proposal
12 simply says we're not going to create an arbitrary
13 requirement for parking that you may not need. So,
14 any time a project is developed, the developer, not
15 for profit, for profit, whoever's doing it always has
16 the opportunity to add parking if it's really need in
17 a particular situation.

18 CHAIRPERSON RICHARDS: But we know if
19 there's no requirement in particular, like a transit
20 zone. They're just not going to do it.

21 JERILYN PERINE: I don't know that that's
22 the case. But I think--

23 CHAIRPERSON RICHARDS: [interposing] Who's
24 going to--you know, I meant--

25 JERILYN PERINE: I think Selfhelp--

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

CHAIRPERSON RICHARDS: [interposing] Would you say majority of developers are not going to do it?

SANDY MEYERS: Again, you know, our focus is making sure that if the seniors that are living in our buildings need a car to get to the grocery store, to get to their medical appointments, we will provide that parking that's necessary. It's in our best interest to make sure that our clients are well served. So, we take that very seriously. That being said, I also want to add one--I just want to continue to underscore, it's not removing parking. It's the flexibility and determining the need. The other thing is for a lot of our programs we have vans that we use to take clients to their doctor's appointments or to the grocery store or on socialization trips or whatever it may be. So, we're not, you know, depriving them of access or anything, and in fact, we're really enabling it by one, that flexibility, the ability to potentially build more units where that money and space could be better utilized and making sure that the seniors still have the independence and flexibility that they need.

2 CHAIRPERSON RICHARDS: Well, I commend
3 your program. I just don't have faith in everyone.

4 MARTIN DUNN: I think a lot of it has to
5 do--

6 CHAIRPERSON RICHARDS: [interposing] I'm a
7 little jaded.

8 MARTIN DUNN: I think a lot of it has to
9 do with what the tradeoff is to put that parking in
10 there, and I think there will be times people choose
11 parking. Parking can be a benefit to, you know,
12 renting units, but it depends what the tradeoff is.
13 Are we giving up a children's play area to have
14 parking. We would choose the children's play area.
15 Are we giving ground--day care centers to ground
16 floor retail to have the parking? We would,
17 depending on the location, we would choose that, and
18 if you're talking about spending 80,000 dollars a
19 space to dig into a hill, we could use that same
20 money to do units of 30 and 40 and 50 percent of AMI.
21 We would choose the deeper affordability. And that--
22 so I think the flexibility is key as well.

23 CHAIRPERSON RICHARDS: Okay, thank you.
24 I'm going to go Chair Greenfield.

2 COUNCIL MEMBER GREENFIELD: Thank you
3 very much and I want to thank the panel. Just want
4 to follow up on two specific issues, first the
5 parking and then I think ground floor heights issue.
6 So, on the parking, I think part of the confusion is
7 that we're sort of hearing different things from
8 different folks, right? So, City Planning has told
9 us that when it comes to senior affordable they
10 believe that there's only a need for five percent
11 outside of the transit zone. Sandy, I think you told
12 us that in some of your senior affordable
13 developments you have 25 percent.

14 SANDY MEYERS: That's an average.

15 COUNCIL MEMBER GREENFIELD: As an
16 average, okay. So that's significantly different
17 than the five percent. I think that's actually five
18 times more than the five percent that was cited. I
19 think Joe and Martin, you told us that there were
20 different ranges in terms of on affordable housing
21 what the percentage is as well. And so our concern
22 partially is out of these folks, right, which is two
23 perspectives, one is if you're a senior who wants to
24 have a car, who owns a car, we actually believe, and
25 you know, this is a legitimate policy discussion, we

2 actually believe that if you own a car and you're
3 moving into a senior development you should still
4 keep a car. For many seniors it's a very important
5 part of their independence is having access to a car.
6 So, that's our first concern. So, I guess to that
7 particular question, and then before I just get to
8 the general affordable housing, for senior affordable
9 housing which right now I think ranges between 12 and
10 a half percent and 35 percent requirements on parking
11 depending on the zoning district, should we be
12 eliminating it altogether, which is the ZQA proposal?

13 SANDY MEYERS: So, first I want to
14 clarify because I didn't hear the beginning of your
15 question, my colleague pointed out. So, the 25
16 percent--

17 COUNCIL MEMBER GREENFIELD: [interposing]
18 Can you bring the mic a little bit closer to you--

19 SANDY MEYERS: [interposing] Sure.

20 COUNCIL MEMBER GREENFIELD: so we could
21 hear you more clearly.

22 SANDY MEYERS: Yeah.

23 COUNCIL MEMBER GREENFIELD: Thank you.

24 SANDY MEYERS: So, the 25 percent utili--
25 the 25 percent figure I quoted is the utilization of

2 the spot in our parking lot. So it's not that we
3 have 25 spots, it's only 25 percent of them are
4 utilized by our seniors.

5 COUNCIL MEMBER GREENFIELD: Got it.
6 Twenty-five percent out of how many percents? You're
7 not sure?

8 SANDY MEYERS: I'm try--I--

9 COUNCIL MEMBER GREENFIELD: [interposing]
10 Okay.

11 SANDY MEYERS: I anticipated some
12 questions on this--

13 COUNCIL MEMBER GREENFIELD: [interposing]
14 That's fine.

15 SANDY MEYERS: So, I'm trying to get the
16 individual data of spots compared to units and so and
17 so forth. So, when I get that I'll share that with
18 you, but it's of the spots that we have available,
19 only 25 percent are used.

20 COUNCIL MEMBER GREENFIELD: Martin, you
21 seem like you want to weigh in on this issue?

22 MARTIN DUNN: No, I just--yeah, so the
23 idea is that the parking--

24

25

2 COUNCIL MEMBER GREENFIELD: [interposing]
3 You do senior affordable or regular affordable or
4 both?

5 MARTIN DUNN: We've done both.

6 COUNCIL MEMBER GREENFIELD: Okay.

7 MARTIN DUNN: Again, in our senior we did
8 a senior affordable in Brownsville and it was three
9 percent of the residents had cars. So we had 15
10 spots and two were used. So, I think, you know, if
11 in their projects the senior parking requirement was
12 20 percent and only a quarter are used, you're
13 talking a similar percentage.

14 COUNCIL MEMBER GREENFIELD: Or it could
15 have been 35 percent, but yes, I--

16 MARTIN DUNN: [interposing] Three to five
17 percent--

18 COUNCIL MEMBER GREENFIELD: [interposing]
19 I hear what you're saying. Okay, so then the
20 question is maybe the requirement should be five
21 percent or 10 percent or maybe it should depend on
22 the neighborhoods, or the AMI, right? And I think
23 this is sort of what we speak about when sort of
24 there's concern about a proposal that's going to go
25 citywide, and it's a genuine question. It's not a

1 matter of criticism. We genuinely want to support
2 the development of senior affordable housing. We
3 also genuinely want to make sure that those seniors
4 who have cars have that ability to do so. The next
5 thing I'll ask you in terms of the affordability, I
6 think it's a similar question when it comes to
7 affordable housing as to non-senior affordable
8 housing, right, where the city says okay. In most
9 cases utilization is five percent or 10 percent or
10 whatever it is. Whereas, when it comes to families
11 living in affordable housing and especially at higher
12 AMI's, they may have a need for cars. Wouldn't you
13 agree with that, Martin?

14
15 MARTIN DUNN: There are some people that
16 have a need for cars, and we found even charging a
17 small amount--we have a project in Liberty Apartments
18 I mentioned. We were charging 40 dollars for a spot,
19 and a lot of the tenants that had cars chose to park
20 on the street to save that 40 dollars, low income
21 tenants owning a car, if you have to have a car as a
22 low income tenant.

23 COUNCIL MEMBER GREENFIELD: Yeah, so I
24 think the AMI's, I think as you said, the AMI's
25 actually matter. So, that's all we're trying to

2 point out. Different projects, different needs. I
3 want to get back to the issue--

4 MARTIN DUNN: [interposing] And I think
5 this goes up to they're waiving the parking up to 80
6 percent AMI, I think, in the current proposal.

7 COUNCIL MEMBER GREENFIELD: Yeah, I
8 understand. I want to get back to the issue that you
9 mentioned about heights, particularly on ground floor
10 heights. I just want to distinguish that. So, the
11 ground floor heights, you're--you, I understand, feel
12 passionately about the five feet. Can you elaborate
13 a little bit about that, and then I'll ask you a
14 follow up question.

15 MARTIN DUNN: Sure. So, the--you need to
16 start at 15 or 16 feet if you're going to have a
17 daycare center or a senior center, healthcare or
18 retail space because you have then steel beams. So,
19 our Lavonia Commons Project, the steel beams were 24
20 to 30 inches. Then we had HVAC ducts and sprinkler
21 pipes and all that. So when we start at 15 to 16
22 feet, you come--you end up with, you know, a nine
23 foot ceiling, which is if you started at 10, 11 or 12
24 feet, you obviously can't do anything but
25 residential, and even then we can't raise the first

1 floor to have privacy in the windows. And look, I
2 heard at the City Planning Commission some of the
3 preservation advocates say they looked at a lot of
4 buildings and the buildings weren't using all of
5 their height, and that may be true, but we still
6 can't raise our first floor, because we're up against
7 the street wall height, and we've done I think five
8 buildings that have that exact situation. We have a
9 less than 11-foot first floor height, and we're
10 hitting our street wall height, which is 65, you
11 know, 65 feet let's say, and we're five feet under
12 our overall height. And I have all that data I can
13 give you floor by floor, but the reality is we're two
14 inches under our street wall height, and we're five
15 feet under our overall building height in those
16 cases. If we raise the first floor we would lose
17 affordable housing. We have other ones. We have R6
18 wide street where we're up against the street wall
19 height and up against the overall height, but when
20 people say you go into stores and they have 10-foot
21 ceilings, isn't that fine? Why doesn't it work for
22 us? If you want a nine or 10 foot ceiling in a store,
23 you got to start with 15, 16, 18. The five feet's
24 critical.
25

2 COUNCIL MEMBER GREENFIELD: So, Martin, in
3 layman's terms just for the five feet, basically
4 what's happening is that your floors are smooshed,
5 right?

6 MARTIN DUNN: Absolutely, yep.

7 COUNCIL MEMBER GREENFIELD: Basically
8 that's in layman's terms, right?

9 MARTIN DUNN: Yes, the floors are
10 smooshed.

11 COUNCIL MEMBER GREENFIELD: Is that--
12 that's right. You really want a little more space.
13 You're not going to get more floor area.

14 MARTIN DUNN: Correct.

15 COUNCIL MEMBER GREENFIELD: You just want
16 to have a little more breathing space, and that's why
17 the five feet is important. For some reason my
18 counsel just stole my document. So, I don't know if
19 this is like a practical joke that they're trying to
20 play on me over here. But I wanted to follow up
21 particularly on--you mentioned the R7A, right? So,
22 under the proposals under ZQA--I'm just looking at
23 our little cheat sheet over here, which is why I
24 needed the document. And it seems like under an R7A
25 you could get an additional 20 feet under the ZQA.

2 And so I just wanted to--because you were
3 particularly testifying about 100 percent affordable
4 project in R7A district. I want to just talk about
5 that aspect which is not the five feet aspect, but
6 the additional two stories?

7 MARTIN DUNN: And you're talking about
8 only in inclusionary zones not in general?

9 COUNCIL MEMBER GREENFIELD: Yes.

10 MARTIN DUNN: Right.

11 COUNCIL MEMBER GREENFIELD: Inclusionary
12 and affordable senior housing, yes.

13 MARTIN DUNN: Yeah, so I think the issue
14 is in both cases there's--they allow a higher FAR but
15 they never allowed height, right? So, you can have a
16 higher FAR for senior affordable, but you just can't
17 fit it within the height limit. So when the senior
18 affordable we built, we did not build all the senior
19 house--we did not build all the floor area. We built
20 well under it because of the height limits. Same
21 thing in the inclusionary zones. I mean, look we've
22 done all affordable and tried to sell it to market-
23 rate developers who say we can't fit it. We're
24 already at the height limit. So, doing it, buying
25 affordable, doing it on site doesn't make sense. So,

2 the idea if you have a 3.6 FAR instead of, you know,
3 2.7 that might be the R6 example. I think in R7 it's
4 4.6 R7A instead of four. With no extra height, how
5 do you fit that extra, I think it's 4.6 over four--

6 COUNCIL MEMBER GREENFIELD: [interposing]
7 R7A is 4.0, but yes.

8 MARTIN DUNN: But the inclusionary R7A is
9 4.6.

10 COUNCIL MEMBER GREENFIELD: Yes.

11 MARTIN DUNN: And so you--it's very hard
12 to fit that extra 0.6 when you have the same height
13 limits as someone doing 4.0, and that's the reality.
14 You ask--when we did make--when we did voluntary
15 inclusionary, we said you can build tall--you can
16 build more but you can't build taller. So people
17 can't physically fit it on the sites.

18 COUNCIL MEMBER GREENFIELD: Got it, okay.
19 Once again, layman's terms for those watching at
20 home--

21 MARTIN DUNN: [interposing] If you want
22 the affordable unit--

23 COUNCIL MEMBER GREENFIELD: [interposing]
24 Under the inclusionary, you could build 15 percent
25 more. The problem is that because the heights were

2 restricted you were not able to actually build that
3 15 percent more because you have to build within the
4 heights, only allowed you to build a lesser amount.
5 And so that would solve your problem over here and
6 create more affordable housing on those projects.

7 MARTIN DUNN: Very well said.

8 COUNCIL MEMBER GREENFIELD: Thank you.

9 MARTIN DUNN: I need to learn to speak in
10 layman's terms.

11 COUNCIL MEMBER GREENFIELD: Not everybody
12 who watches at home is a professional. As the Chair
13 points out, when we want to punish our children for
14 waking us up late at night, we make them watch
15 council hearings on television. So we like for them
16 to understand at an early age what's going on. Thank
17 you.

18 MARTIN DUNN: Thank you.

19 CHAIRPERSON RICHARDS: Thank you. And
20 that is channel 74. Council Member Menchaca?

21 COUNCIL MEMBER MENCHACA: Thank you.

22 Chair Greenfield, I think you have a future in
23 teaching, maybe even--he's not even listening.
24 That's good. So--

1 CHAIRPERSON RICHARDS: [interposing]
2
3 That's part of the package.

4 COUNCIL MEMBER MENCHACA: Right, that's
5 part of the package. Council Member Greenfield goes
6 to public school. So, tell me a little bit, Mr.
7 Dunn, that we have a situation in front of us where
8 you just clearly defined and opportunity here to give
9 more space and build to the maximum amount of senior
10 housing. We're very interested, and I'm glad you
11 talked about MIH as well, so I'm going to kind of
12 give you a more broader question about mission-driven
13 developers taking on responsibility for job pipeline
14 and work around our local workforce, building,
15 bringing our local workforce. I've kind of followed
16 your career in Brooklyn, and how do you respond to
17 yesterday's big conversation, the big idea on the
18 table which is to incorporate some extra bonus for
19 developers that want to work with unions in our local
20 workforce and create a real pipeline of
21 apprenticeship? How real is that? Can you tell us?
22 As a mission-driven developer, how real is this?

23 MARTIN DUNN: So, I wasn't here
24 yesterday, so but I picked--I understand the--

25

2 COUNCIL MEMBER MENCHACA: [interposing]
3 The concept.

4 MARTIN DUNN: the concept.

5 COUNCIL MEMBER MENCHACA: It's another
6 things we've been talking a lot about for the 20
7 years [sic].

8 MARTIN DUNN: And so look, I think we've
9 been at the forefront of doing extensive local
10 hiring, and our Lavonia Commons project through local
11 training and hiring, working with local partners, we
12 had more than--I think more than 55 new jobs for
13 local residents, and by using local subcontractors
14 many more jobs, and we--in all of our projects we set
15 a minimum wage of 15 dollars an hour in our
16 construction projects, and we look to get people in
17 career paths opportunities. So, all for, you know, a
18 lot of the mission-driven developers do that. That's
19 very different than you working with the union
20 construction. The unions are not represented in the
21 neighborhoods that we're working in, and so union
22 hiring and local hiring are two opposite things. And
23 I think the one other thing, especially when you're
24 talking about the mandatory inclusionary, you're
25 going to increase land value, whatever it is.

1 There's some pot of money that comes from that
2 increased land value. You of course have to recognize
3 that commercial properties that are generating
4 triple-net income are valuable as they are. And so,
5 but there's a--let's say on a particular site you're
6 adding four million dollars of land value to the
7 rezoning, you can ask for up to four million dollars
8 of stuff back, theoretically. So, you can ask for
9 deep affordability or you can ask for it to be built
10 at a much higher cost with union construction. Out
11 of the same land value, you can't ask for it all, or
12 you could do parking. So, we could build a parking
13 garage. In a Williamsburg rezoning project we spent
14 five million dollars of the government's money to
15 build parking that satisfied local pressures. That
16 same money could have gone to deep affordability,
17 local hiring, etcetera. But it's the same money.
18 So, if you're going to spend it on, you know, union
19 wages, we're not going to see local hiring. We're
20 not going to see deep affordability, and obviously
21 the parking's in the midst.

22 COUNCIL MEMBER MENCHACA: That was a
23 really well laid out in layman's terms actually, so
24 props.
25

1 MARTIN DUNN: Learning.

2 COUNCIL MEMBER MENCHACA: You're learning.
3 He's not even paying attention. So, the other piece
4 to this is really thinking about options and tools.
5 And everyone talked about the tools, increasing the
6 tools that we have. Would you consider it a positive
7 thing to add another tool so that we have other
8 options like pipeline apprenticeship and doing that
9 with more bonus? So we're--I like the way kind of
10 put it. We're creating more value for property. You
11 get more if you can come up with a plan, a workforce
12 plan and work with us, the City Council, the
13 Community Board, etcetera, to develop that. Is that
14 enticing to you?
15

16 MARTIN DUNN: Again, if it was a local
17 workforce plan and we could build bigger, that would
18 be enticing. If you--when you use the word
19 apprenticeship, there's only--

20 COUNCIL MEMBER MENCHACA: [interposing]
21 Right, that's--

22 MARTIN DUNN: [interposing] Only the trade
23 and not [sic]--

24 COUNCIL MEMBER MENCHACA: [interposing]
25 And I--that's well said.

2 MARTIN DUNN: apprenticeship. But as
3 long as there's--if you have an option that works
4 without that and we get more, I think for people, you
5 know, sure I'd welcome that because it'd give me a
6 competitive advantage. If you required it for
7 everyone, not--look, what we did on Lavonia, we
8 mobilized a huge effort. We did, you know, tons of
9 OSHA trainings and how to--but that was a 300,000
10 square foot development, and so if someone was doing
11 a 30 unit project or a 20 unit project, you can't
12 expect the same type of mobilization. We spent a
13 fortune implementing that local hiring and training.

14 COUNCIL MEMBER MENCHACA: Got it.

15 MARTIN DUNN: And we do it on any large
16 site like that, but I don't necessarily do the same
17 thing on a 40 unit project.

18 COUNCIL MEMBER MENCHACA: It's really
19 interesting how you kind of give that texture. Very
20 interested in continuing that conversation offline,
21 and help me get into the brain of a developer.

22 MARTIN DUNN: Okay.

23 COUNCIL MEMBER MENCHACA: Great. Thank
24 you.

2 CHAIRPERSON RICHARDS: Thank you, Council
3 Member Menchaca. Alrighty, thank you all for coming
4 out today. Thank you. Alright, we'll next hear from
5 members of the Greenwich Village Society for Historic
6 Preservation. We'll start with numbers 25, Andrew
7 Berman, 29, Matthew Morowitz [sp?], 30, Ted Mineau
8 [sic], Sarah Bean Apmann, number 28, Sam Moskowitz, I
9 believe, I want to say that right number, 27, and
10 number 26, Lauren Snetiker. And each one of you will
11 get three minutes. AARP hanging in there? Alrighty.
12 You look too young to be AARP, actually. They made
13 you wear a disguise today, is that it? Alrighty.

14 ANDREW BERMAN: Thank you very much. I'm
15 Andrew Berman, Executive Director of the Greenwich
16 Village Society for Historic Preservation. Our
17 testimony will reference the packet being handed out.
18 We strongly urge you to vote no on Zoning for Quality
19 and Affordability which will improve neither quality
20 or affordability. What it will do is gut
21 neighborhood zoning protections which took years to
22 achieve and were compromises to begin with. Many of
23 ZQA's basic premises are false. It claims existing
24 height limits force new market-rate developments to
25 have ground floors of insufficient height. In fact,

2 our survey found no case in our neighborhood where
3 new developments were prevented from having 13-foot
4 ground floors which DCP calls for. ZQA claims
5 market-rate developments must have 11 to 12 foot
6 floor to floor heights, and to allow this, we should
7 lift height limits by five to 20 feet, but we found
8 most new developments in these districts in our
9 neighborhood either already had those heights or
10 chose slightly shorter ones even though existing
11 height limits would have allowed taller ones. ZQA
12 claims that large height increases are necessary to
13 accommodate new market-rate developments that will
14 include a fraction of senior affordable housing,
15 which can be phased out after 30 years. But there's
16 no reason why such developments cannot be built
17 within the existing height limits for contextual
18 zones and quality housing developments. ZQA claims
19 that Sliver Law protections and limits on rear yard
20 incursions must be eliminated in order to allow new
21 market-rate developments with 20 percent affordable
22 housing. But there is no reason why such
23 developments cannot be built while maintaining these
24 essential protections for our neighborhoods. City
25 Planning claims existing height limits prevent the

1 voluntary inclusion of 20 percent affordable units in
2 new developments in inclusionary zones, but the
3 Department's own report on the effectiveness of
4 inclusionary zones contradicts that claim, as does
5 our analysis which shows that in our area, nearly
6 every new development in inclusionary zones either
7 included affordable housing or could have done so
8 under the existing height limits, but chose not to.
9 Further, our investigations have shown that the
10 Department of Buildings has been granting extra floor
11 area to new developments in inclusionary zones
12 without providing the required affordable housing.
13 This, the inclusionary program's red tapes, tax
14 incentives for market-rate housing and the complexity
15 of including affordable units in smaller developments
16 are why developers don't always opt into the current
17 voluntary program, not height limits. None of this
18 would be changed by ZQA. ZQA is a one-size-fits-all
19 approach that fails to take into account or analyze
20 local impacts and needs. A much more targeted
21 approach could be taken to address the few legitimate
22 weaknesses in the existing zoning without destroying
23 necessary neighborhood zoning protections and years
24

2 of hard work. Thus, we strongly urge you to reject
3 these proposals.

4 CHAIRPERSON RICHARDS: Thank you.

5 LAUREN SNETIKER: ZQA proposes to
6 increase height limits under a variety of
7 circumstances for purely market-rate housing, five to
8 10 feet in contextual zones and up to 20 feet for
9 quality housing. We believe this is absolutely wrong
10 and should not be approved. The Department of City
11 Planning originally stated that such changes were
12 necessary to allow market-rate developments to
13 utilize their full allowable FAR, but in a survey we
14 did of new market-rate developments in our
15 neighborhood in contextual zones, we are unable to
16 find a single--

17 COUNCIL MEMBER GREENFIELD: [interposing]
18 I'm sorry, ma'am, would you mind identifying yourself
19 for the record?

20 LAUREN SNETIKER: Oh, sorry. I'm Lauren
21 Snetiker from the Greenwich Village Society.

22 COUNCIL MEMBER GREENFIELD: Thank you
23 very much.

24 LAUREN SNETIKER: Thank you. But in a
25 survey we did of new market-rate developments in our

1 neighborhood in contextual zones, we were unable to
2 find a single example of one which could not utilize
3 their full FAR as a result of contextual height
4 limits. Even though DCP claims that our R7A and R8A
5 districts are particularly onerous in this regard.
6 Quite the contrary we found several examples of
7 market-rate developments in existing contextual zones
8 which utilize full allowable FAR and even less
9 allowable height on the table, thus showing the
10 existing height limits in no way impede maximum
11 allowable development. DCP says height increases for
12 market-rate developments are necessary to ensure that
13 we don't have inadequately scaled ground floors in
14 new contextual developments, which it defines as less
15 than 13 feet. Here again, DCP's logic and data are
16 faulty. We found that many of the new developments
17 in our contextual zones already have 13-foot ground
18 floors and existing height limits rarely if ever
19 prevent new developments from having them. Under ZQA
20 they would simply be allowed to grow an additional
21 five to 20 feet in height with no additional public
22 benefit. Why endure years of hard work and
23 thoughtful deliberation to ensure that every building
24 has a 13 foot ground floor? Not only do many of our
25

1
2 older and newer buildings have slightly shorter
3 ground floor heights, but in many cases, that is
4 actually more desirable or appropriate. Retail
5 should have a neighborhood scale and feel such as 11
6 or 12 foot ground floors provide. Regardless, we are
7 yet to find a single development in a contextual zone
8 with an eight foot ground floor. So, even if one
9 accepts DCP's premise that 13-foot ground floors must
10 be incentivized by the zoning, raising height limits
11 by five feet or more to try ensure this outcome is
12 totally unnecessary and makes no sense. ZQA also
13 proposes to allow greater flexibility in the setback
14 requirements for buildings in contextual districts.
15 We question whether such changes are necessary, but
16 increasing the allowable height of new buildings to
17 accommodate such increased such flexibility is
18 neither worth the tradeoff nor necessary. DCP had
19 admitted that the proposed height increases for
20 market-rate developments are not needed to allow
21 greater flexibility and façade depths or setbacks.
22 Since ZQA also allowed lesser setbacks at the upper
23 levels of new developments to compensate for the
24 greater setbacks it would allow at the base. For all
25 these reasons we strongly urge you to disapprove of

1 any of the proposed height increases for market-rate
2 developments.
3

4 SAM MOSKOWITZ: There we go. My name's
5 Sam Moskowitz, and I'm continuing the testimony of
6 the Greenwich Village Society for Historic
7 Preservation. ZQA proposes to increase height limits
8 for inclusionary developments which contain 20
9 percent affordable housing by up to 25 feet or more
10 up to 31 percent, a very significant increase. The
11 premise is current contextual height limits prevent
12 the inclusion of the additional affordable housing
13 and lifting the height limits will result in more
14 affordable units being built, but all evidence
15 indicates the height limits are not an impediment and
16 lifting them will not result in a single additional
17 unit of affordable housing being built. It would
18 simply allow some developments which would be built
19 anyway to increase their height significantly, and
20 the city's failure to properly enforce existing rules
21 in inclusionary housing districts likely provides the
22 biggest incentive against developers including
23 affordable housing. According to the Department of
24 City Planning's own study of the effectiveness of the
25 inclusionary housing program between 2005 and 2013,

1 they found that 19 percent of all units that received
2 new building permits in affordable housing designated
3 areas were affordable units out of a possible 20
4 percent. According to DCP's own report, this figure
5 is very close to the 20 percent rate that is targeted
6 by the program and indicates that at a citywide level
7 the program has been successful in promoting
8 affordable housing in conjunction with new
9 development. In areas where the program has produced
10 limited numbers of units there are several possible
11 contributing factors, including limited local
12 capacity in affordable housing nonprofits and
13 affordable housing development and a predominance of
14 small sites where transaction costs make
15 participation in the program less economical. More
16 information on that is available in your packets.
17 This is consistent with the analysis of a 2013 City
18 Council report by Council Member Lander which also
19 cited these factors as begin most likely to explain
20 cases where developers did not opt to include
21 affordable housing. According to both studies, every
22 development which chose to include affordable units
23 was 50 units or more. Why? Because participation in
24 the program involves navigating significant
25

1 bureaucracies, greater uncertainty in terms of
2 timeframes and a certain savvy in terms of
3 negotiating a complicated regulatory system. The
4 Council study also noted that developments outside of
5 the 421A exclusion zone rarely include the affordable
6 units because the incentive provided by this tax
7 abatement for doing so is minimal. They get nearly
8 the same tax abatement simply for building market
9 rate units. Looking at the inclusionary zones in our
10 neighborhood over the last two years since these
11 reports were issued, we found that most developments
12 did include the affordable housing. Where they did
13 not there was sufficient room for them to do so, only
14 under the existing height limits. They simply chose
15 not to. In several of those cases, however, we also
16 found that the Department of Buildings violated the
17 rules for inclusionary housing districts and granted
18 developers extra bulk without requiring the
19 commensurate affordable housing in return. This
20 blatant give-away to developers appears to be a real
21 disincentive to include affordable housing, not
22 existing height limits. ZQA won't change the factors
23 which are the true reasons why some developers are
24 not voluntarily including affordable units in
25

2 inclusionary zones. Lifting the height limits only
3 contribute to out of scale development that violates
4 hard-fought for unreasonable parameters for new
5 development in residential neighborhoods. We
6 strongly urge you to vote no on these proposed
7 changes.

8 SARAH BEAN APMANN: Sarah Bean Apmann,
9 continuing the testimony of GVSHP. A detailed look
10 at actual developments in our area built under the
11 existing height limits consistently refutes the
12 arguments for ZQA and its lifting of height limits.
13 Examples are in your packet. For example, we found
14 that every one of the new developments with
15 affordable housing in the inclusionary zones in the
16 East Village were able to build under the existing
17 height limits without even filling out the entire
18 zoning envelope. Seventy-nine to 89 Avenue D, which
19 is under construction, 21 East First Street and 101
20 Avenue D all left height on the table, thus
21 illustrating that ZQA's proposed height increases are
22 absolutely unnecessary. The two Avenue D
23 developments are even both in uninterior [sic] lots
24 which have more restrictive lot coverage rules. All
25 have more than adequately scaled ground floors and

1 floor to floor heights, which DCP would have you
2 believe is impossible to achieve under the existing
3 height limits. In all three cases, the existing
4 height limits would have actually allowed even more
5 generous floor to floor heights which DCP claims
6 developers would provide if only they were not
7 prevented from doing so by existing height limits.
8 Had ZQA been enacted, none of these developments
9 would have provided a single additional square foot
10 of affordable housing. The only difference would
11 have been that these developments could have been 25
12 feet taller. Looking at those developments in
13 inclusionary zones which did not include affordable
14 housing is equally instructive. Both 138th East 12th
15 Street and 152 Second Avenue chose to only include
16 market-rate units, but had more than ample room to
17 include affordable units. Thus, their decision had
18 nothing to do with the height limit. 138 East 12th
19 Street which reaches 91 feet, but could have gone to
20 120 while 152 Second Avenue rises to 60 feet when it
21 could have reached 80. 138th East 12th Street has
22 ground floor height of 13 feet 8 inches, which DCP
23 says developments in contextual zones with full FAR
24 are prevented from reaching by current height limits.
25

1 It should be noted that this developer could have
2 actually made their ground floor over 40 feet tall
3 under the existing height limit while still keeping
4 all of the upper floors the same height they are now
5 and still maxing out the allowable floor area rate
6 area. Pointing to the ludicrous lack of need for
7 these height limit increases. Fifty-two Second
8 Avenue has a 12 and a half foot ground floor, which
9 lines up perfectly with its older neighbors. The
10 building is only 60 feet tall, which not only does
11 not even meet the maximum allowable height of 80
12 feet. It does not even meet the maximum allowable
13 base height of 65 feet. This building utilized the
14 full allowable FAR for a market rate building but
15 could have gone 20 feet higher, undercutting DCP's
16 claims about the restrictions and impediments imposed
17 by the existing zoning height limits. It should be
18 noted that 152 Second Avenue is also on an interior
19 lot which has greater lot coverage restrictions.
20 Under ZQA, 138 East 12th Street could have been 34
21 feet taller, and 152 Second Avenue could have been 25
22 feet taller without providing a single unit of
23 affordable housing and arguably without any
24 improvement in its aesthetic or retail space. These
25

1 real life examples show how flawed DCP's analysis and
2 the entire rationale for ZQA are.

3
4 MATTHEW MOROWITZ: Matthew Morowitz,
5 continuing testimony for Greenwich Village Society.
6 DCP has based much of their case for listing height
7 limits in contextual zones on citizen's housing
8 planning council report the building envelope
9 conundrum, and on their own analysis in their
10 environmental review, but both are deeply flawed and
11 do not reflect the types of buildings or conditions
12 that ZQA would affect. See examples in your packet.
13 The CHPC report purports to show how difficult it is
14 to access full FAR in new developments in contextual
15 zones. What it actually shows is 17 specifically
16 chosen developments, less than half of which are
17 enabled to use full FAR as a result of the building
18 envelope. However, it should be noted that in all
19 but two cases the differences between the built
20 development and the maximum allowable floor area is
21 minute, typically a one or two percent difference.
22 In one case, the development is actually near two
23 square feet less than the maximum allowable. It
24 should also be noted that according to the report,
25 many of the development cited are located on

1 irregularly shaped lots or split between multiple
2 zoning districts, conditions which always make
3 fitting standard zoning criteria difficult. Some are
4 not even in contextual zones, thus making them
5 irrelevant to the argument for ZQA and for raising
6 height limits in contextual zones altogether.

7 Further it should be noted that most of the
8 developments covered by the report are 100 percent
9 affordable housing developments, not the 80/20 or
10 market-rate developments covered by ZQA. A hundred
11 percent affordable housing developments often have
12 different needs and configurations than 80/20 or
13 market-rate developments. To use such developments
14 to argue that changes are needed for the types of
15 developments covered by ZQA is false. While there
16 may be--while the accommodations which are reasonable
17 and appropriate to make for 100 percent affordable
18 developments, such accommodations are not necessarily
19 reasonable or appropriate or even necessary for 80/20
20 or market-rate developments which ZQA covers.

21 Similarly, DCP's environmental review said it is
22 impossible to fit the full FAR for affordable housing
23 in inclusionary contextual zones without packing the
24 bulk or cramming in the floor area, and thus, height
25

1 limits should be lifted, but this analysis is based
2 entirely upon narrow street interior lot sites which
3 are the most restrictive type zoning laws. Worse the
4 narrow street interior lots that DCP uses as the
5 basis for its environmental review actually rarely
6 have inclusionary zoning in many parts of the city as
7 inclusionary districts are typically mapped on major
8 avenues, and thus, DCP is supposed analysis almost
9 never actually applies to them. For example, in
10 Community Board Three less than one percent of the
11 lots covered by inclusionary contextual zoning
12 districts are narrow street interior lots, and yet,
13 based upon analysis of these types of lots, DCP is
14 recommending lifting the height limits for the other
15 99 percent of the lots covered by inclusionary
16 contextual zones. Given this deeply flawed analysis,
17 we urge you to reject these proposed changes and
18 preserve the existing height limits.

19
20 TED MINEAU: Ted Mineau, GVSHF. If the
21 city is truly interested in addressing our
22 affordability challenges through zoning, a much more
23 targeted approach could be taken than proposed by
24 ZQA. Clearly, in many cases the current height
25 limits are perfectly adequate to allow full

1 utilization of FAR with adequately scaled ground
2 floors and floor to floor heights. The challenges
3 are largely on irregularly shaped lots, lots split
4 between zoning districts or other unusually
5 restrictive lots. Instead of trying to address these
6 cases where more generous allowances might genuinely
7 be needed, and only doing so to the degree necessary,
8 ZQA throws the baby out with the bath water offering
9 generous height increases for purely market-rate
10 housing and for 80/20's in cases where such increases
11 might not even be necessary or result in a single
12 additional units of affordable housing to be built.
13 If the Council is to consider lifting the height
14 limits for which communities often worked for so many
15 years, here are some ways they could be done to
16 address real affordability concerns without
17 destroying these important protections. Number one,
18 make changes necessary to accommodate 100 percent
19 affordable developments, not 80/20's. Number two,
20 keep the existing floor to floor height limits in
21 place, but arrive at a minimum ground floor and floor
22 to floor height that every development is entitled to
23 achieve, such as 13 foot ground floors and ten and a
24 half foot floor to floor heights. If a new
25

1 development cannot reach those dimensions while
2 utilizing full FAR under the existing height limits,
3 then it could be allowed to be exceed these height
4 limits only to the degree necessary to access the
5 full FAR and attain prescribed floor heights. This
6 would achieve the supposed goals of ZQA of ensuring
7 adequately scaled floors and eliminating impediments
8 to including affordable housing, but it would make
9 surpassing existing height limits the exception, not
10 the rule, allowed only when needed and to the degree
11 necessary. Number three, make special allowances for
12 ground floor uses that may truly require higher
13 ceiling heights and serve a public good such as
14 health clinics, but don't lift height limits for all
15 market-rate buildings by five to 20 percent as
16 proposed just so another bank or Dwayne Reed [sic]
17 can have 18 foot ceilings, which ZQA would allow.
18 Number four, make the existing inclusionary program
19 easier to access and navigate, especially for smaller
20 developers. Number five, ensure that tax incentives
21 for affordable housing are not undermined by almost
22 equally generous tax incentives for purely market-
23 rate housing, as the old 421A program often did.
24 Number six, ensure that this city is actually
25

1 enforcing the current rules for the inclusionary
2 program and not giving away additional market-rate
3 floor area, which is supposed to be reserved for
4 affordable housing as they have been doing. Number
5 seven, make the affordable housing component in
6 current optional inclusionary housing zones mandatory
7 while keeping the existing floor area and height
8 limits. Changes such as these would truly improve
9 the production of affordable housing in contextual
10 zones, preserve height limits communities fought so
11 hard for, and ensure that generous allowances are not
12 provided where not needed or without real public
13 benefit and return. ZQA does not do this. We
14 therefore urge you to vote no. Thank you.

16 CHAIRPERSON RICHARDS: Well, thank you
17 all for that well-timed approach. You all stayed
18 within your time limits just about, just a round one
19 [sic]. So, you're saying within your particular
20 testimony no height increases. Is that what I'm
21 hearing?

22 ANDREW BERMAN: Yes. We believe that all
23 of the goals that ZQA says it's seeking to achieve
24 for the most part can be achieved without height
25 limits, changing the height limits. However, we do

2 offer a way of doing that that would involve only
3 doing it where necessary and to the degree necessary.

4 CHAIRPERSON RICHARDS: Alright. I'm going
5 to play devil's advocate here if you don't mind. So
6 zero minus zero gets you zero, zero plus zero gets
7 you zero. The Administration certainly raised
8 concerns today about the amount of affordable housing
9 needed, senior affordable housing in particular
10 needed in the city, right? So, if we don't have the
11 space now to accommodate many of these seniors now
12 who are in need of housing, how do we get there
13 without building additional heights in the city?

14 ANDREW BERMAN: Well, looking
15 specifically at what ZQA would do, so the city's
16 premise is those height limits right now don't allow
17 you to include affordable housing whether it's senior
18 or otherwise. We looked on a case by case basis and
19 found that simply was not true in most cases. So,
20 lifting the height limits wouldn't change the amount
21 of affordable housing refused [sic] at all. In most
22 cases we found either they included the affordable
23 housing or they chose not to, but there was enough
24 space for them to include the affordable housing. So
25 the height limits weren't the impediment. If you look

1 at the testimony and the attachments we gave we show
2 a litany of things that clearly are the impediments,
3 none of which ZQA addresses. And here again, if
4 there are cases and there probably are when you have
5 irregularly shaped lots or split zoning districts
6 where the current rules might be overly restrictive,
7 there are ways that you could address that in a
8 targeted way to make sure that in those cases you can
9 access the full FAR. You can include all of the
10 affordable housing, all of the senior housing without
11 having to get rid of the height limits in the other
12 90 percent of the cases where they're perfectly
13 adequate as they are.

14
15 CHAIRPERSON RICHARDS: So, let me just--
16 so, New York City's a very big place, and Greenwich
17 Village certainly is one piece of New York City, and
18 so very unique city with, you know, different
19 densities and different demographics, different
20 heights in the contextual zoning. So, would you
21 suggest the city not piecing all of this together and
22 perhaps looking at piece-mealing it all together and
23 looking at different districts differently? Would
24 that be something? So, Greenwich Village, for
25 instance, you have your particular height

1 requirements now. Are you working with your local
2 Council Member to ensure that if there are particular
3 areas of concern to you that they are aware of it as
4 we move through this process?
5

6 ANDREW BERMAN: Sure. We certainly work
7 very closely with our local Council Members, one of
8 whom is sitting right here. You know, we wouldn't
9 pretend to speak for communities that we don't
10 represent. Clearly, this is a strongly expressed
11 sentiment in Community Boards two and three, which we
12 both represent. You know, one of the other
13 alternatives that we offered to DCP was instead of
14 changing the zoning text retroactively, which is what
15 this would do, is make this new text that they add to
16 the zoning text and turn it into something that could
17 then be mapped through a later action, which would
18 allow you, members of the City Council, to have much
19 greater control, and it would require more of a
20 community by community analysis of what the impact
21 would be. That would seem to be the best of all
22 worlds and the fairest approach, but DCP, as I
23 understand, has been very resistant to taking that
24 route.
25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

CHAIRPERSON RICHARDS: Well, I'm going to let Council Member Johnson go as the representative of your district, and I just want to say that the Council is certainly going to be driving this car as we move forward. So, I suggest you continue to work with your esteemed Council Member who has been a huge advocate for this community and this body. So, Council Member Johnson?

COUNCIL MEMBER JOHNSON: Thank you, Chair. Thank you, Andrew and you all, for being here, for being patient, for coming to testify on behalf of your organizations and neighborhoods and communities. GVSHP and its advocacy throughout this entire process has been helpful for me in understanding some of the local impact given the contextual zoning districts that exist not just in Greenwich Village but also in Chelsea, then in Hell's Kitchen and how it would affect these areas. Andrew, you had mentioned in your testimony, and I know that you weren't able to get through all of it, just sort of the first part of it. Some of the things you talked about were the Sliver Law protections, the rear [sic] incursions, the elimination of those existing protections that exist. I can't guess what

1 the Council's going to ultimately do, but what I've
2 heard from many members is that at least in Manhattan
3 that they want to see those eliminated from the plan.
4 Similarly, I think I've heard from many members that
5 they want to see the senior housing to be permanently
6 affordable throughout these hearings. One of the
7 things that I think has been slightly more difficult
8 is the height issue, which I think is the crux of
9 what you've been talking about. If the Council was
10 able to remove the re-ard [sic] incursion language,
11 the Sliver Law language, making the senior housing
12 permanently affordable and not expiring after 30
13 years, but there was still going to be an issue in
14 these contextual areas where there would be a height
15 increase. Would ZQA be any more palatable?

17 ANDREW BERMAN: Well, obviously
18 eliminating any piece of it that's unnecessary or
19 harmful improves it, but regarding the height limits,
20 I would just say that given how unnecessary in
21 probably at least 90 percent of the cases, the height
22 limit increases are, it would seem as though there is
23 a way of addressing the concern that we allow in
24 every case the affordable housing to be built and
25 included without having to throw the baby out with

2 the bath water as sort of we described it. There
3 could be these much more targeted approaches. So,
4 I'm hopeful that the Council can find a way of doing
5 that. We've offered a few routes to achieving that.
6 You know, we get how important it is that we don't
7 have zoning rule that prohibit the inclusion of
8 affordable housing. We think that can be achieved
9 without simply blowing the roof, so to speak, off of
10 the height limits that we fought for so many years to
11 achieve.

12 COUNCIL MEMBER JOHNSON: Thank you.

13 CHAIRPERSON RICHARDS: Thank you all for
14 testifying. Thank you.

15 ANDREW BERMAN: Thank you very much.

16 CHAIRPERSON RICHARDS: Thank you for that.

17 Alrighty, next panel. Alrighty, Nick Lugo, New York
18 City Hispanic Chamber of Commerce, Brenda Rosen,
19 Breaking Ground, number 15, Bobbie Sackman, LiveOn
20 Coalition, Chris Widelo, AARP, Lisa Gomez, L&M.
21 Alrighty, I'll go through the names again. Is Nick
22 Lugo up?

23 SULMA ARZU-BROWN: Hi, I know I don't
24 look like a Nick Lugo. He's the President of the New

1 SUBCOMMITTEE ON ZONING AND FRANCHISES 265
2 York City Hispanic Chamber of Commerce, and due to
3 unfortunate super circumstances--

4 CHAIRPERSON RICHARDS: [interposing] Okay.

5 SULMA ARZU-BROWN: I'm Sulma Arzu-Brown.

6 CHAIRPERSON RICHARDS: Okay, alright.

7 Alrighty, you may begin. Please state your name for
8 the record and who you're representing today, each
9 one of you, as you go through testimony. Thank you.

10 SULMA ARZU-BROWN: Yep, sure. My name is
11 Sulma Arzu-Brown. I'm with the New York City
12 Hispanic Chamber of Commerce representing Nick Lugo,
13 and now--again, I want to apologize for him not being
14 able to be here today. The New York City Hispanic
15 Chamber of Commerce is in support of the Mayor's
16 Housing Plan for Zoning for Quality and
17 Affordability. The proposal will promote the
18 development of multi-functional business spaces and
19 the additional affordable units that will help to
20 ensure that existing that community members are able
21 to remain. This plan will support aesthetically
22 sound solutions to make it more attractive to both
23 business, new business and community members. We
24 believe that business and community--I'm sorry. We
25 believe that business community and residential

2 community are one. They cannot exist nor thrive if
3 they do not work together. Providing a ground floor
4 with sufficient height to provide a usable high
5 quality diverse retail space that can be entered from
6 the sidewalks at grade will be more quality--will
7 bring more quality retailer and encourage community
8 members to support their local businesses. We
9 believe that ZQA will revitalize the communities and
10 offer more opportunities for small business owners.
11 Thank you.

12 CHAIRPERSON RICHARDS: Thank you. You
13 could restart the clocks, Sergeant.

14 BRENDA ROSEN: Thank you. Hello, my name
15 is Brenda Rosen. I'm the President and CEO of
16 Breaking Ground, New York City's largest supportive
17 housing developer and provider to low income and
18 chronically homeless New Yorkers. We currently
19 operate 3,300 units of permanent and transitional
20 housing, the majority of which are located in
21 Manhattan, Brooklyn, the Bronx and Queens, and we
22 have a development pipeline of 1,000 more units over
23 the next five years. We serve individuals and
24 families who are homeless or at risk of becoming
25 homeless. Over the last 25 years we've helped more

1 than 12,000 people escape homelessness including
2 veterans, seniors, artists, youth aging out of foster
3 care, those living with addiction and chronic
4 illnesses and many more. For the chronic
5 homelessness, homeless, we create safe, secure
6 housing with essential onsite services to help them
7 address the psychosocial, mental and physical health
8 problems that are obstacles to independent living.
9 For individuals who find themselves at the edge of
10 homelessness, our affordable housing provides an all-
11 important safety net. On average, the minimum
12 qualifying income for these individuals is 18,000
13 dollars a year. Ninety-nine percent of our residents
14 remain stably housed. Less than one percent of our
15 residents leave us each year because of some
16 unresolvable behavior or financial issue. As we're
17 all aware, New York City is facing an affordability
18 crisis. Last year, more than a third of New York
19 City renters paid more than half of their income
20 towards rent, and on any given night, nearly 65,000
21 people in New York City were sleeping in shelters.
22 It's critical we significantly increase New York
23 City's affordable housing stock. The requirements
24 set out in an MIH combined with public subsidies are
25

1 our most valuable option to expand the pool of
2 affordable housing for everyone and most especially
3 for New Yorkers in need. MIH will require that all
4 developers set aside 25 to 30 percent of the housing
5 they build is affordable apartments. Those homes
6 would be permanently affordable through continuing
7 cross subsidy from the market-rate housing with which
8 they are paired. Requiring private developers to
9 build affordable units will free up public dollars to
10 target housing to those who need the most help, very
11 low income and extremely low income New Yorkers, and
12 as a result, developers like Breaking Ground will be
13 able to create and operate more housing throughout
14 New York City. Alongside MIH, ZQA will provide more
15 flexibility to accommodate the diverse housing needs
16 of a growing senior population. Developers of senior
17 and affordable housing near transit would be able to
18 assess whether providing costly parking facilities
19 are necessary for projects. The increased density
20 for senior housing that would be permitted by ZQA
21 would help bring online a much needed more affordable
22 homes for our growing senior population, many of whom
23 cannot afford rents above 30 to 40 percent of AMI.
24 Breaking Ground owns and operates the Domeninch
25

1 [sp?], a HUD-funded 72 unit affordable senior
2 building in Brownsville, Brooklyn. As required, the
3 building includes a very costly onsite parking lot
4 that is significantly underutilized. The lot
5 accommodates 15 spots and only three residents have
6 cars. With ZQA's allowance for no onsite parking in
7 greater density, we would have been able to create an
8 additional 30 units of affordable housing at the
9 Domeninch for low income seniors from the community.
10 ZQA would also encourage street level retail and
11 accessory community facility uses in affordable
12 housing creating a more dynamic streetscape. Many of
13 Breaking Ground affordable housing buildings have
14 storefronts with community serving retail or
15 accessory community facility uses. For example, our
16 Escamahorn [sp?] building in Downtown Brooklyn has
17 217 units of supportive housing and is home to the
18 community's Brooklyn Ballet, which has a store front
19 space on the ground floor. Another one of our
20 buildings located in Manhattan, the Prince George,
21 contains 416 units of supportive housing and operates
22 the historic Prince George Ballroom, an event venue
23 used by private companies and community organizations
24 alike. One hundred percent of rental proceeds
25

2 benefit Breaking Ground's housing and outreach
3 programs for homeowners and other vulnerable New
4 Yorkers. Our experience is that communities want
5 mixed use buildings. ZQA would encourage and make it
6 easier for developers to incorporate storefront
7 retail and community facility use into their
8 projects. On behalf of breaking ground, thank you
9 for this opportunity. We greatly support the
10 policies to create more affordable and supportive
11 housing in New York City to serve our most vulnerable
12 populations.

13 CHRIS WIDELO: Good afternoon, Chairman
14 Richards and members of the Subcommittee on Zoning
15 and Franchises. My name is Chris Widelo and I'm
16 AARP's Associate State Director for New York City. I
17 was here yesterday to testify, so I'm going to skip a
18 few things that I already mentioned last time. But
19 we are a social mission organization. We have
20 800,000 members in New York City, and I especially
21 want to thank my volunteers that came out today in
22 support of Zoning for Quality and Affordability.
23 AARP, as you know, supports Mayor de Blasio's
24 affordable housing plan and we are also part of the
25 United for Affordable NYC Coalition. There is an

1 urgent need for affordable housing in the five
2 boroughs, and we believe this plan is the best way
3 for the city to create permanent affordable housing
4 for middle and low income residents of the city.
5 Yesterday I talked about a number of statistics that
6 you heard, so I won't repeat them again in my oral
7 testimony, but they're included in my written
8 testimony. But one stat that is particularly
9 relevant to ZQA is that in our 2014 survey of
10 registered voters 50 and older in New York City over
11 90 percent responded that it is important to be able
12 to stay in their homes as they age, and in that same
13 survey, 73 percent of respondents noted that it
14 should be a top priority for public officials to
15 create age-friendly communities. These are places
16 where people can age in place and have the service
17 that they need. AARP believes that ZQA is a necessary
18 and important step to modernize the city's zoning
19 laws and support the creation of affordable housing
20 in the five boroughs. In particular, it will result
21 in the creation of appropriate senior housing in New
22 York City and enable the blending of housing and
23 amenities that creates an age-friendly community.
24 LiveOn New York will be testifying shortly, and
25

1 they're going to I hope hit upon their survey showing
2 the incredible wait lists that exist for senior
3 housing, over 100,000. I don't want to spoil Bobbi's
4 testimony, but when you hear that, if it's not a
5 warning bell I really don't know what is. In December
6 of 2014, the last baby boomers turned 50,
7 representing a massive demographic shift across the
8 country. Thirty-one percent or about 2.6 million of
9 all New York City residents are 50 years of age or
10 older. Thirteen percent are 65-plus, and the 65-plus
11 population is expected to increase to 16 percent by
12 2030. Simply put, New York City is quickly aging. We
13 need to make sure that the tools and flexibility
14 exists to meet the needs of an aging population
15 through the creation of affordable, appropriate
16 senior housing that is part of an age-friendly
17 community where older New York City residents can age
18 successfully in place. As this plan moves forth, we
19 continue to believe that it is critical that each
20 community have a voice and be invited to engage as
21 participants in the community planning and zoning
22 process. This will provide valuable insights into
23 the needs of each neighborhood and the residents who
24 live there. So, Chairman Richards and members of the
25

2 committee, thank you again for the opportunity to
3 testify today on ZQA, and it is our hope that both
4 MIH and ZQA are approved. Thank you.

5 LISA GOMEZ: Thank you, Chair Richards,
6 for the opportunity to address you and your Council
7 Members today. My name is Lisa Gomez. I'm Principal
8 of L&M Development Partners, a New York City-based
9 developer of affordable and mixed income housing.
10 I'm also Chair of the Board of NYSFAFH who you heard
11 from earlier, and I'm also a former City Planning
12 Commissioner and have spent more than 25 years
13 working at Housing and Economic Development for the
14 nonprofit governmental and private sectors. I'm here
15 today to speak in favor of ZQA. I believe that the
16 modifications are smart, thoughtful and will not
17 result in the post-apocalyptic streetscape that some
18 people fear. Some of the modifications which you've
19 heard about include parking. We own more than 15,000
20 apartments, most of those in New York City and most
21 of those affordable with rare exception our parking
22 lots are underutilized, yet they're expensive to
23 build, and sometimes parking requirements actually
24 drive the building program limiting what you can
25 build. Remaining vacant land in the city is often

1 challenged unlike in the 80's and 90's when the city-
2 owned and other vacant land was more plentiful. The
3 remaining vacant land is often irregularly shaped
4 and/or sloped. ZQA proposals address some of that by
5 allowing more of the zoning area that actually exists
6 to be used for the development of affordable housing
7 versus leaving it unbuilt. The proposed height
8 increases are both modest and logical. Current
9 height caps often have one of two less than ideal
10 results. One, all allowable floor area can't be used,
11 which results in fewer units of affordable housing.
12 Number two, height limits restrict ground floor uses
13 resulting in hard to lease, cramped retail space on
14 the ground floor, or residential units that are
15 directly on the street with very little privacy.
16 These are all ways to achieve more affordable housing
17 in a city that desperately needs it. The housing
18 lotteries regularly garner thousands if not hundreds
19 of thousands of applicants for about 100 apartments.
20 Our homeless shelters are at an all-time high in
21 population. We support any proposals that work to
22 even the odds a little bit for New York City families
23 who desperately need apartments. I thank you for
24

2 listening and urge you to vote the merits of these
3 proposals.

4 BOBBIE SACKMAN: Thank you. Good
5 afternoon. My name is Bobbie Sackman. I'm the
6 Director of Public Policy with LiveOn New York. I'd
7 like to thank the two Chairs and Councilman Cohen for
8 holding this hearing today. LiveOn New York's
9 Affordable Senior Housing Coalition is comprised of
10 25 of the leading nonprofit providers who already
11 operate 20,000 units of affordable housing across the
12 city. They're the same organizations that you all
13 turn to when you get those dozens of phone calls from
14 seniors at your office needing affordable housing.
15 Those phone calls have probably continued while
16 you're at these hearings yesterday and today. We did
17 a parking lot study which you've heard a lot about.
18 These were the parking lots attached to section 202
19 buildings. There are 276 of them across the city, 39
20 were found feasible for building additional housing,
21 upwards of 2,000 units across the city without the
22 passage of ZQA as proposed. They will sit
23 underutilized and we lose that opportunity, and
24 you've heard others, you know, sort of supporting
25 evidence of that as well. You've heard a lot about

1 this study done with taking the DMV records. Again,
2 it was done against the addresses of 202 buildings,
3 and that's where the five to 11 percent utilization.
4 It's five percent, that could be two spots, and it
5 stands to reason these are low income seniors. They
6 do age in place, which is the beauty of these
7 buildings, and so they either cannot afford a car or
8 they don't drive any longer, and as mentioned by
9 someone else earlier, these building operators tend
10 to have a van to help them get around. I think the
11 most astounding study we did recently, again, as
12 you've heard about is the waiting list. Again, this
13 was the 202 buildings. A hundred and two thousand
14 seniors waiting an averages of seven years that was
15 the 43 percent return rate. So, if you extrapolate
16 that into 100 percent return rate, that's where we
17 get the 200,000. It's astounding. I don't know what
18 other adjectives we can keep using, and clearly we're
19 not going to build 200,000 units of senior housing,
20 but equally clearly we need a system that is
21 streamlined. And so what's been asked a lot is, you
22 know, what was--how would ZQA help? What is the
23 process currently with Community Boards and with
24 Councilmatic input? We have a system that's
25

2 burdensome. It's costly. It takes years. There was
3 one project that took eight years in pre-development,
4 two years to build now. Seniors can't wait 10 years.
5 When you get to your 50's, 60's, 70's, and above your
6 relationship with time changes. You don't have
7 decades ahead of you. So, for those who are saying
8 let's start over, I'm saying that you're not
9 answering the needs of an elderly constituency that
10 doesn't have that time to build and go through this.
11 We need a process where it doesn't--it isn't so
12 burdensome. It's gotten dense, more dense and more
13 dense over the years. I just--was just thinking that
14 this hasn't been changed--I'm about to finish--since
15 1961. Well, in 1961 I was 13 and I was listening to
16 Motown. I obviously have changed, and things need to
17 change. Thank you very much.

18 CHAIRPERSON RICHARDS: Thank you so much.
19 You look far too young to have been listening to
20 Motown back then. Thank you for being here.
21 Questions for AARP and also for LiveOn, definitely.
22 So, the big question I have, and I'm a little biased,
23 I must apologize, representing Queens. How many of
24 these seniors did you survey in Queens?

2 CHRIS WIDELo: I don't have the exact
3 breakdown, but I can send it to your office later
4 today.

5 CHAIRPERSON RICHARDS: Okay.

6 CHRIS WIDELo: It was proportional
7 throughout the five boroughs.

8 CHAIRPERSON RICHARDS: You sure?

9 CHRIS WIDELo: Yes, and that was--

10 CHAIRPERSON RICHARDS: [interposing] You
11 positive?

12 CHRIS WIDELo: That was part of the
13 scientific method that we needed to use, we needed to
14 have, and of all the boroughs that responded, all but
15 Staten Island had placed housing concerns higher than
16 any other community concern and you heard what some
17 of those were yesterday.

18 CHAIRPERSON RICHARDS: Well, definitely
19 agree with that. I mean, without a doubt we know that
20 seniors, definitely housing is at the top of the
21 list, we know that. But I just wanted to know how
22 much emphasis did you really put in the survey and on
23 the importance of parking. Was there a rate system?
24 And did you not couple it with--you know, of course
25 if you put housing and parking, and you know, I don't

1 know, shopping, you know, people are going to go for
2 housing because that's obviously the big need.

3
4 CHRIS WIDEL0: Right.

5 CHAIRPERSON RICHARDS: But you know, I'm
6 just not convinced that seniors in Queens--I mean, we
7 hear from them every day and they want their parking.
8 Matter of fact, many seniors in Queens don't even
9 want you to park in their parking spots on the public
10 street, and that's just another story for another
11 day. But I'm just interested in knowing was that
12 taken into account.

13 BOBBIE SACKMAN: Just to respond. Again,
14 the parking lots we surveyed are attached to section
15 202 buildings. That means by federal law through HUD
16 only residents of those buildings are allowed to
17 park, and the nonprofits are not allowed to charge
18 any fees. So, by wanting to use this land for
19 housing, senior center, healthcare, even a community
20 garden, it doesn't take parking away from the greater
21 community. It is unused land. We've shown
22 statistics that these seniors don't own cars, but I
23 think importantly we need to pay attention to 200,000
24 people waiting. What do their children think about
25 their mothers and fathers that need those apartments.

2 There are no waiting lists for parking. And to
3 answer your question a little bit about the--I know
4 you were talking to AARP, but did we pay attention
5 to--

6 CHAIRPERSON RICHARDS: [interposing] No,
7 you too as well.

8 BOBBIE SACKMAN: So, when we did our
9 parking lot study, we went all--we called all over
10 the city equally, and seven of the feasible lots are
11 in--out of the 39 identified are in the borough of
12 Queens, and then when we did--

13 CHAIRPERSON RICHARDS: [interposing] Do
14 you have that--

15 BOBBIE SACKMAN: [interposing] I have it
16 right here.

17 CHAIRPERSON RICHARDS: for the record?

18 BOBBIE SACKMAN: And you're welcome. I
19 can even hand it to you. I can send it to you. And
20 when we did a waiting list study we got an 86
21 percent--actually, Queens was the highest, and 86
22 return rate on our waiting list study, and it showed
23 that just short of 28,000 people are on a wait list
24 in the borough of Queens. And the chart's actually

25

2 in your testimony, copy of your testimony that we
3 gave you.

4 CHAIRPERSON RICHARDS: And I don't
5 dispute that there's definitely, like I said, a need
6 for more units. I think we all agree with that, but
7 I think that we also have to be responsible and, you
8 know, there are communities that really don't have
9 the parking, and there are communities that really do
10 depend on their cars. So, you know, I know it's a
11 tradeoff, but we also have to do it responsibly as we
12 move forward. For instance, L&M, and I'm a former--
13 before it was L&M I actually lived in affordable
14 housing, and I know that I would say a nice
15 percentage of members in that complex, Arverne View
16 now, you know, do utilize the parking, and matter of
17 fact they're parking under the train trestles now
18 because there's just no parking in the area. So, you
19 know, I'm not speaking from non-experience. I'm
20 speaking from experience. So, I'm interested in
21 hearing on process, you know, if you're in a transit
22 zone. Perhaps, obviously you don't have to, you
23 know, build parking; it's optional, but certainly
24 outside of the transit zone a reduction of parking,
25 the BSA waiver, the special permit process. Would

2 your--for instance, would you be open to going
3 through some sim--some sort of process?

4 LISA GOMEZ: I think that the transit zone
5 is in fact the key. I mean, I know your
6 neighborhood.

7 CHAIRPERSON RICHARDS: Say that again.
8 I'm sorry?

9 LISA GOMEZ: I think that being located
10 in the transit zone is key because I think that that
11 is where you don't see the utilization. Clearly,
12 your peninsula wants parking, wants its cars, and
13 that is a fact. But I think that many neighborhoods
14 if you are in Upper Manhattan, the Bronx, denser
15 neighborhoods in Brooklyn--even in sort of further
16 out neighborhoods in Brooklyn that are not as close
17 to the core, we still see very, very low utilization
18 in the parking lot, and it ultimately becomes a
19 tradeoff. Is it do you want housing or do you want
20 parking? And that is--those are very real choices
21 when you're trying to fit a building into a
22 complicated site that, you know, has a parking
23 requirement. It becomes to be a tradeoff between
24 affordable housing, community facilities,
25 playgrounds, gardens, etcetera, and parking. That

2 being said, I agree that you need to have reliable
3 transit nearby. Your neighborhood in particular I
4 think would not meet that requirement.

5 BOBBIE SACKMAN: And if I could add one
6 more quick thing, and of course, you know, we're
7 making generalizations. We have 1.4 people over the
8 age of 60 in this city. So, nobody can speak for
9 everybody, but a lot of older adults frankly stop
10 using the trains at some point, not many, you know,
11 not everybody. I'm sure many people here came today
12 used the trains, but they prefer the bus, to use a
13 bus, express bus, local bus, and as I mentioned these
14 buildings tend to--the nonprofits, you know, they
15 have vans to get them around. So, I think again when
16 we think about from the viewpoint of an older adult
17 what is transportation, what does it mean to be near,
18 and of course what does it mean to have a good
19 affordable unit. It's not necessarily always the
20 same as a viewpoint of someone who's younger, and I
21 say that respectfully. I'm 67, so I say that really
22 respectfully, but we have to--it changes. Your
23 lifestyle changes with age, not in a bad way, it just
24 changes, and so I think we need to take that into
25 effect. And then just the final piece is a lot of

2 seniors in this city, especially low income, are very
3 isolated. They're living in substandard housing.
4 They're living in walk-ups. They don't get to talk
5 to people. They can't even get out of their house if
6 they're in walk-ups. This isn't independence. This
7 is sort of not necessarily as good of quality of life
8 as any of us would accept. Living in affordable
9 housing you have good housing. You have a community
10 around you. You probably have some social services,
11 you know, intact to support you, and I think that
12 needs to be our goal. So again, the idea of
13 independence is also in the eye of the beholder
14 sometimes and it changes. It does change with age.

15 CHAIRPERSON RICHARDS: Just--you can stay
16 there. So, you know, we often hear, you know, about
17 Access-a-Ride, for instance--

18 BOBBIE SACKMAN: [interposing] Right.

19 CHAIRPERSON RICHARDS: which is obviously--
20 -it has huge issues in my opinion. Has that been
21 something that you focused on and had conversations
22 with the Administration on, perhaps how to make that
23 service more efficient? Because obviously as you
24 give up this tradeoff, you know, listen, getting on
25 the bus, getting on the train, I mean, I dread the

2 days I get on the train because they're just so
3 overcrowded.

4 BOBBIE SACKMAN: I agree with you.

5 Access-a-Ride is known as the stress-a-ride. So--

6 CHAIRPERSON RICHARDS: [interposing]

7 That's a good one.

8 BOBBIE SACKMAN: And I think in

9 particular--you can see, they're smiling. I don't
10 even have to say--

11 CHAIRPERSON RICHARDS: [interposing] Am I
12 speaking your language.

13 BOBBIE SACKMAN: You know, and--

14 CHAIRPERSON RICHARDS: [interposing]

15 Alrighty, thank you. Okay.

16 BOBBIE SACKMAN: And I've had friends
17 that, you know, maybe it was even temporary, because
18 they--

19 CHAIRPERSON RICHARDS: [interposing] I
20 want them up here. I want all--

21 BOBBIE SACKMAN: [interposing] Because
22 they go through rehab they can't get on Access-a-Ride
23 fast enough while they're healing. It is a huge
24 problem, but what I do want to say, we have a lot of
25 huge challenges in this city, and part of it is

2 transit, but if we wait for the transit to get fixed
3 we're not going to build housing. So, we need to
4 sort of wrap our arms around everything together, and
5 what's good about all these discussions. You know,
6 I've been doing this for many years. I have I think
7 the level of detail. Being paid [sic] during these
8 hearings and this whole process on housing to the
9 needs of older adults is remarkable because we don't
10 always see this level of detail overall, and I think
11 this is really good, and again, to just take into
12 account from the viewpoint of somebody who's 70, 80,
13 whatever. What do they need, and what does life look
14 like at that point? It could be different than what
15 it looked like a few decades ago for people.

16 CHAIRPERSON RICHARDS: Definitely agree,
17 but I would just urge us to continue to make sure we
18 wrap--

19 BOBBIE SACKMAN: [interposing] And we
20 should work on it because--

21 CHAIRPERSON RICHARDS: [interposing]
22 around our arms and all that.

23 BOBBIE SACKMAN: it's all together. It
24 is all together.

1 CHAIRPERSON RICHARDS: Right. And then I
2
3 just lastly the new rule obviously they would allow a
4 minimal size apartment around 275 square feet. Now,
5 I mentioned this earlier like my grandmother's church
6 that's probably would take up half of that room or if
7 not more. Wanted to get your thoughts around
8 minimizing the square footage down to allowing it to
9 be 275 square feet, and is that something that your
10 members in particular would support? AARP can also
11 touch on this as well.

12 BOBBIE SACKMAN: Right.

13 CHAIRPERSON RICHARDS: But is that enough
14 livable space quality--

15 BOBBIE SACKMAN: Right. The members that
16 I represent do not build apartments that small, and
17 nor have I heard them say that that's what they would
18 care to do.

19 CHAIRPERSON RICHARDS: But if you change
20 the rule it may.

21 BOBBIE SACKMAN: If they change the rule
22 I guess it would allow it, but what I want to say
23 again, these are nonprofits that are mission driven.
24 They want to build apartments that are a good size
25 for people. They realize people are already making a

2 major change in their life perhaps. They may be
3 downsizing in some space, and they tend to build one
4 bedrooms and some studios. You know the one bedrooms
5 are going to be the most popular. So, I think in
6 terms of the micro units I think quite honestly we
7 don't have an official position in my organization,
8 but what I would like to say is that my members would
9 probably build apartments larger than the micro
10 units, but it's not like we have an official
11 position. I want to be honest about that, but they
12 want to serve people well and that's going to be more
13 through one bedroom or a studio.

14 CHAIRPERSON RICHARDS: And I hear the
15 word nonprofit and not all nonprofits are good
16 actors. So, you know, so--

17 BOBBIE SACKMAN: [interposing] Only the
18 ones I represent.

19 CHAIRPERSON RICHARDS: Right.

20 BRENDA ROSEN: Can I--can I chime in from
21 the provider perspective? The large majority of our
22 apartments are--and we're a nonprofit, and they are.
23 The average square foot is about 265 to 275 square
24 feet, and so in our dominant target [sic]--

1 CHAIRPERSON RICHARDS: [interposing] Where
2
3 is that?

4 BRENDA ROSEN: Across our portfolio of
5 3,300 units, and we maintain years' long wait lists
6 for those units. So--

7 CHAIRPERSON RICHARDS: [interposing] But I
8 would assume because the need is so immense not
9 because of the quality.

10 BRENDA ROSEN: Yeah, but they happen to
11 be incredibly high quality and depending on how you
12 construct them, you can take 275 square feet and make
13 it feel a lot larger combined with the, you know, the
14 other services and ways to bring you outside of, you
15 know, being isolated in your apartment. I think on a
16 whole the model works extraordinarily well and we're
17 able to house a lot more people, and again, it is a
18 tradeoff, but we don't have people moving out saying
19 I'm moving out because I can't, you know, I can't
20 bear living in this size space.

21 BOBBIE SACKMAN: Can I clarify something?
22 The model that LiveOn New York talks about is a
23 senior housing model with services. It is not
24 supportive housing. It's different. Supportive
25 housing does tend to serve a population that gets

2 very intense, perhaps mental health services or job
3 training, you know, substance abuses. We want
4 housing services which is basically a social worker,
5 a service coordinator in the building. So, if you
6 need homecare or you need to get to the doctor or
7 meals on wheels, somebody connects you to that. So,
8 in general, we probably, or my members would seek as
9 I mentioned earlier the more usual one bedroom or
10 studio size. I just wanted to say that there are
11 different kinds of housing and historically senior
12 housing has not had those small units.

13 CHAIRPERSON RICHARDS: Okay.

14 CHRIS WIDELO: SO, we don't have a formal
15 policy on micro units, but I can say that I know what
16 we have folks that have said, have expressed that
17 they would affordable housing and in some cases, you
18 know, they would just be happy to have something that
19 is more affordable. Not all the housing will be built
20 at a--at that small of size. Of course, the bigger
21 the space, the better, but I also have a number of
22 folks that I have talked to that said that they want
23 to downsize, that they--but what's important to them
24 is they can't afford what they have, and so they need
25 a place where they could call their home where it can

1 be integrated in a community that is appropriate for
2 them to age in place. By aging in place you are
3 centralized hopefully services that would help take
4 the dependency off of a car.
5

6 CHAIRPERSON RICHARDS: Okay. We're going
7 to go to Chair Greenfield, but I'm, you know,
8 interested in speaking to your members, too, because
9 I'm sure, you know, there's room there somewhere.

10 COUNCIL MEMBER GREENFIELD: Thank you,
11 Chair Richards. Thank you for those incisive
12 questions, and I did want to follow up on a few of
13 the issues that we discussed today. So, the first
14 issue is just a clarity point. You mentioned that
15 Move On did a study and that 30-odd locations of
16 section 202 housing could be used to develop more
17 housing. The Commissioner mentioned before the
18 section 202 is restricted, but you wouldn't have a
19 problem if we just clarify the language or we tweaked
20 it and made it clear that that was only to build
21 senior affordable housing, would you?

22 BOBBIE SACKMAN: On those parking lots?

23 COUNCIL MEMBER GREENFIELD: For parking,
24 yes. The question really relates to the--right now
25 in the ZQA it doesn't clearly state that parking that

2 could be converted into housing needs to be
3 affordable. You wouldn't have a problem with us
4 adding that into the ZQA, would you?

5 BOBBIE SACKMAN: It would say affordable
6 senior housing?

7 COUNCIL MEMBER GREENFIELD: Affordable
8 senior housing, that's right.

9 BOBBIE SACKMAN: No, we wouldn't have no
10 problem.

11 COUNCIL MEMBER GREENFIELD: That's fine
12 by you? Okay, good. Important point. Thank you. A
13 lot of confusion today around the 30 year affordable
14 issue whether or not those units would be permanently
15 affordable and, you know, we had some good answers
16 from the Administration, but quite frankly some folks
17 still left without clarity. I'm curious as to what
18 your position is on that. And just to be clear, by
19 the way, we're not taking anything away. Everything
20 that we're discussing so far is adding to the ZQA is
21 to enhance those protections when it comes to senior
22 affordable housing. So, do you have your own
23 understanding or your own view on the question of 30
24 years versus permanence, and what's your perspective
25 on that?

1
2 BOBBIE SACKMAN: I'm going to answer you
3 as far as I can. I am not always the in the weeds
4 person of somebody who actually finances and builds
5 housing.

6 COUNCIL MEMBER GREENFIELD: Okay, and if
7 anyone else on the panel afterwards--

8 BOBBIE SACKMAN: [interposing] And if
9 anyone else who wants to go after me, because--

10 COUNCIL MEMBER GREENFIELD: [interposing]
11 would like to follow up, we'd be happy to--

12 BOBBIE SACKMAN: [interposing] housing as
13 you know is complex.

14 COUNCIL MEMBER GREENFIELD: take that
15 answer as well, yes.

16 BOBBIE SACKMAN: My understanding, and
17 this is what I did hear earlier and we agree with is
18 that it does depend on what existing subsidy there is
19 of how long, you know, you can subsidize a building
20 for. There is a challenge at the end of 30 years of
21 keeping that building intact and keeping it in good
22 shape, and I think maybe it was Commissioner Been,
23 but somebody said, you know, not falling into
24 disarray. And so that remains a challenge, and of
25 course we want it to be affordable permanently. So,

2 any language that strengthens that 30 years from now,
3 you know, we can ensure that that building will be
4 kept in good shape. We would always welcome, but I
5 think, and I'm going to stop in one minute, there are
6 limitations by the formal kind of financing
7 subsidies.

8 COUNCIL MEMBER GREENFIELD: Based on the
9 current 30 year programs, yes.

10 BOBBIE SACKMAN: Going beyond 30 years.

11 COUNCIL MEMBER GREENFIELD: Sure.

12 LISA GOMEZ: So, there are two challenges
13 with that. One is that there are in fact operating
14 subsidies needed for very low AMI's and the length to
15 determine those subsidies, how do you pay the bills.
16 And the other perhaps looming one is really the
17 length of the tax abatement. When you have a
18 mismatch in terms of affordability and you have sort
19 of a flat income for forever and then the water
20 charges go up, and then if the tax abatement runs off
21 it's a real challenge to sort of keep that property
22 operational.

23 COUNCIL MEMBER GREENFIELD: Okay.

24 LISA GOMEZ: So we really need a tax
25 abatement that matches the term of the affordability.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

COUNCIL MEMBER GREENFIELD: So, the Administration's explanation was that the way the zoning text is written it would not allow it to be used for anything but affordable senior housing. I think part of the confusion is that--meaning in the future even post 30 years. I think part of the confusion for Council Members is what would it be used for. Potentially, sort of I guess, it might be empty and who really would enforce that, but the point that I really want to focus on over here is are you comfortable as the advocates, right, at the table, are you comfortable with the ZQA as it's currently written or would you prefer to have some changes to strengthen that in any way? Don't everybody answer at once.

BOBBIE SACKMAN: Well, we, you know, we've been supporting it as written. So, if there's a way to strengthen it to protect the permanency of it to make it clear about senior housing parking lots and all that, I think we would, you know, would like to see the language, but it's something we would certainly consider. But as a very base we are supporting what's there now.

2 COUNCIL MEMBER GREENFIELD: Okay, great.
3 Let me.

4 SULMA ARZU-BROWN: Hold on. I'm so
5 sorry, can I chime in?

6 COUNCIL MEMBER GREENFIELD: I'm sorry,
7 yes. I see you there. Apologies.

8 SULMA ARZU-BROWN: Actually, I would like
9 probably a little bit more clarification when it
10 comes to the tenants which are the small business
11 owners who will be taking up these spaces, whether or
12 not it will also be part of affordability and will
13 they also have--would they save the rent hikes, or
14 would it be made affordable?

15 COUNCIL MEMBER GREENFIELD: You're
16 referring to the retail space.

17 SULMA ARZU-BROWN: Yes, the retail
18 spaces, that's correct.

19 COUNCIL MEMBER GREENFIELD: Okay. Sorry,
20 I just want to clarify. Chatting [sic] about the
21 senior piece. Okay. Let me just ask another follow-
22 up in relation to a question that's been asked today
23 and to get your perspective and your response
24 perhaps. So there's been a lot of discussion today
25 about affordable senior housing in low density

1 districts, and a lot of the concerns that we've heard
2 especially out of Brooklyn and Queens has to do with
3 those affordable senior housing low density districts
4 where effectively the envelope of the building and
5 the height could be close to twice as large. Can you
6 give your perspective and your thoughts about that in
7 terms of balancing the need for communities to have
8 contextual zoning versus the need for more senior
9 affordable housing?
10

11 BOBBIE SACKMAN: I think those are tough
12 choices, don't get me wrong. I live in Sheepshead Bay
13 and they're building a 28-story gated community
14 building abutting the Sheepshead Bay station in a
15 neighborhood of six stories buildings. They have as-
16 of-right. That's going to be luxury condos, and I
17 think that's a big fear that understandably everybody
18 in this city has. I do think because of the
19 demographics, because of the numbers we've seen of
20 those waiting, people now, you know, what's going to
21 happen to people now in their 50's coming up? That
22 we are going to have to make choices in these
23 communities to build buildings that might be bigger
24 than what's nearby, because these are decisions that
25 we're going to live with for literally generations.

1 I think there's a reasonableness as to height. I
2 don't think--I don't know. Speaking from my
3 coalition, I don't think anyone's planning to build
4 an extraordinarily out of the way very high building.
5 They might, as they've talked about, want another,
6 you know, floor so they can build some more units and
7 have retail space, but these are tough choices, and I
8 think if we want to keep people in the communities
9 they've aged in place in and we want to keep older
10 adults in this city altogether that we're going to
11 have to make these choices.

13 COUNCIL MEMBER GREENFIELD: So, I mean,
14 just a follow-up on that, and once again I'm just
15 exploring the issue. So, what you mentioned would be
16 a potential compromise, right? So, the R32
17 districts, for example, the current maximum height's
18 at 35 feet, and the ability under ZQA would be to
19 build 65 feet, right? So, I think for Community
20 Boards especially who we're hearing from, it's a big
21 different whether it's going to be one more foot,
22 right, which would accommodate in fact those four-
23 story elevator buildings versus, I'm sorry, one more
24 floor which would accommodate those elevators, versus
25 three more floors, right? So, is there sort of a

1 middle ground to be had from your perspective? The
2 other reality is that the cost of property in some
3 R32 districts are likely to be cheaper than other
4 districts, right, because they are lower density so
5 you can build less. So, in a certain sense you are
6 in fact incentivizing people to build in those lower
7 density districts because they know they can get that
8 bonus as opposed to the higher density districts.
9 So, I hear you. I'm curious if there's a middle path,
10 and I'm curious if whether in the R32 in particular
11 whether that was part of a specific plan where you
12 feel like you need those extra three stories or
13 whether legitimately it's just a matter of maximizing
14 the potential of building affordable housing, in
15 which case we want to sort of try to find the right
16 balance.

17
18 BOBBIE SACKMAN: Again, I want to give an
19 answer, and then I would like to--you know, I know
20 there's others here today who actually build the
21 housing. So, I think in some ways they're on the
22 front lines. I think that it's--you know, there's
23 been talk that ZQA is one-size-fits-all and it's--
24 they're zoning laws that can never fully be one-size-
25 fits-all. So, I think it will be in some sense a

2 case by case, but without the changes you don't even
3 have the option. So, I don't know frankly that I can
4 fully answer that question. I certainly hear your
5 concern, but I think, and I think that the groups I
6 represent, the nonprofits I represent, they've been
7 embedded in these communities for 30, 40 years, so I
8 think that at the very least they try to work within
9 that community. I can't give you a clearer answer
10 than that--

11 COUNCIL MEMBER GREENFIELD: [interposing]
12 Right, and I don't question that, just to be clear. I
13 have nothing bad--

14 BOBBIE SACKMAN: [interposing] No, no, I
15 understand.

16 COUNCIL MEMBER GREENFIELD: but
17 admiration for the groups that you represent. I'm
18 very grateful for the work in particular that you do,
19 Bobbie, and the rest of the crew to advocate on
20 behalf of seniors and we agree with that. We're
21 simply trying to find the balance. So, we discussed
22 earlier when City Planning was here the idea of maybe
23 a special BSA permit, and now we're just discussing
24 maybe there's another way to do it. I'm just trying
25 to get that feedback from, you know, the advocacy

1 groups as to understand in particular the need in
2 those areas, because those are areas that we heard a
3 lot of objections particularly in Brooklyn and Queens
4 and I just want to be forthright about addressing
5 those concerns.
6

7 BOBBIE SACKMAN: And one of the things--
8 this is going to be a general statement again from
9 someone who doesn't do the actual building of
10 housing. When me and my colleagues hear about well
11 let's have a special permit for this or that, the
12 concern will be in a matter of balance. How much do
13 we do special permits and how much does that continue
14 to have a burdensome process, because it takes time,
15 it takes money, and you know the rest of that.

16 COUNCIL MEMBER GREENFIELD: No,
17 absolutely, and I'm just--

18 BOBBIE SACKMAN: [interposing] So, again,
19 it's how can we streamline what we have.

20 COUNCIL MEMBER GREENFIELD: We agree, and
21 all I'm pointing out is that that's certainly better
22 than what you have right now where you have to
23 actually change the zoning, which takes two to four
24 years. The special permit takes six to 12 months.
25 So not perfect, but certainly better and these are

2 part of the challenges that we have in terms of
3 trying to find the right balance. To be clear, I
4 don't know a single member of the City Council that
5 does not support the increase of building affordable
6 senior housing. It doesn't exist, right? Everybody
7 agrees with that, and I don't want that message to
8 get lost, and we certainly appreciate your advocacy
9 and bringing it to this point, and we agree with the
10 goals. The question just is how do we balance that
11 with the pushback from neighborhoods that say, "Hey,
12 we spent a lot of time contextually zoning our
13 districts." Many cases as you know, seniors live in
14 those districts as well, and they're very passionate
15 about these issues as well, and we're just trying to
16 find that right balance. I just want to explore those
17 possibilities with you folks as advocates. Anyone
18 else want to weigh in on any of these issues?

19 CHRIS WIDEL0: I think we've--AARP has
20 long asserted that we do need the community input to
21 make sure what is being built is contextually, you
22 know, relevant, and that, you know, putting in
23 buildings that don't make sense in the community.
24 But it's hard for me to, you know, hear from our
25 members and hear their stories about what they are

1 going through when it comes to affordable housing,
2 and to see the staggering number that Bobbie's survey
3 produced about how many people are on a wait list, I
4 think in some cases we have to figure out ways that
5 we can maximize the amount of affordable housing in
6 communities, but make sure that we are staying true
7 to what that community would like as far as the look
8 of their community. I don't think it makes sense to
9 have a sky scraper in a lower density low rise
10 neighborhood, but I think we are going to have to
11 push the envelope at some point in some ways to make
12 sure that we can address as many affordable housing
13 needs for seniors in these communities.

15 COUNCIL MEMBER GREENFIELD: I think we
16 agree, which is that it's about the balance, right?
17 On the one hand we don't want 25-story buildings. On
18 the other hand it's not helpful just to give you an
19 extra bedroom. So, we certainly want to find the
20 right balance, and that's really what we're trying to
21 do which is to explore that balance and to get
22 feedback on what you think would work or what you
23 think wouldn't work on in the context of folks who
24 are building that senior affordable housing. That's
25 something that we certainly want to encourage and use

2 our zoning tools to be helpful with. So, thank you
3 very much.

4 CHRIS WIDEL0: Thank you.

5 CHAIRPERSON RICHARDS: Thank you all for
6 your testimony today and thank you for your advocacy.
7 Alrighty, we're going to call the next panel, and
8 that includes our Manhattan Borough President Gale
9 Brewer, who's back for day two. We'll also have her
10 with Michael Beltzer, Active Citizen, Sherman Kane, I
11 believe, Queens Community Board Nine, Rachel Levy,
12 Friends of the Upper East Side Historic Districts,
13 and James Rodriguez from GOLES, Good Old Lower East
14 Side. If you're present--James Rodriguez present?
15 Okay. Alrighty, you may begin. Start with Madam
16 Borough President.

17 GALE BREWER: Thank you, Mr. Chair, and
18 thank you, Chair Greenfield, and I just want to point
19 out that the Upper West Side was number one in AARP
20 study of best neighborhoods for seniors. Not part of
21 my testimony, just want to point that out. Got
22 that, David Greenfield?

23 COUNCIL MEMBER GREENFIELD: The most
24 affordable neighborhood for seniors or just the best
25 neighborhood?

2 GALE BREWER: The best, the best, the
3 best.

4 COUNCIL MEMBER GREENFIELD: Not
5 necessarily the most affordable, though.

6 GALE BREWER: I didn't say anything about
7 affordable--

8 CHAIRPERSON RICHARDS: [interposing] I'm
9 not sure--

10 GALE BREWER: [interposing] I said the
11 best.

12 CHAIRPERSON RICHARDS: We're not sure if
13 that report was skewed a little bit.

14 GALE BREWER: I said the best.

15 CHAIRPERSON RICHARDS: Alright.

16 GALE BREWER: I didn't get into
17 affordability.

18 CHAIRPERSON RICHARDS: Okay.

19 GALE BREWER: Anyway, thank you very much
20 for the opportunity to testify. As you know only too
21 well about ZQA text amendment. As you know, because
22 I'm on this panel, I do not agree with the text
23 amendment for a number of reasons, and not because
24 it's complex and got so many so alphabet soup
25 initials. The problem is that in my opinion the ZQA

1 height provision undermine previously created
2 comprehensive neighborhood planning processes. One
3 change would allow for additional height in special
4 districts where there are no special FAR or building
5 envelope rules. This is treated as a technical
6 change to bring them in line with changes proposed
7 for the quality housing option. However, this change
8 disregards the fact that just because a new height
9 wasn't established with a special district does not
10 mean height was not part of the original community
11 discussion or consideration, and the other change
12 would make the Sliver Law, which is really to prevent
13 Sliver buildings started on the West Side, not apply
14 to affordable housing or senior housing. I know this
15 is considered a modest change, but I don't think so,
16 and I'm here to say it's not modest to the people who
17 live next door and it's not modest to the Community
18 Boards that have already said we want this rule to
19 stay. It's a balance between building height and
20 housing that we decided on decades ago. So, I think
21 it's disingenuous to tell folks that the text cannot
22 unilaterally be changed to give the types of retail
23 protections I got as a Council Member for the Upper
24 West Side, but that it can be unilaterally changed to
25

1 undermine the neighborhood balance for height. The
2 City Planning Commission has made some progress with
3 the height issue recognizing thanks to my voice and
4 the unified voice of the Manhattan Borough Board that
5 the difference between our wide and narrow streets
6 matter. At the City Planning hearing on this issue,
7 I told the Commission that the text could be revised
8 to maintain the separation between wide and narrow
9 streets so that the resulting heights are not the
10 same. The provision allowing residential use to
11 encroach upon the historic donut of our row house
12 blocks could be removed. Commission listened. The
13 text before the City Council today no longer allows
14 residential use to be permitted in the rear yard if
15 on narrow streets. The proposed height increases for
16 R9 and R10 districts have been minimally scaled back
17 for overall increases of four stories to two or
18 three. So, while height increases are still
19 proposed, there's now a clear distinction between the
20 heights. That's why I continue to recommend removing
21 all height increase for special districts that rely
22 on underlying zoning height requirements, remove
23 contextual height increases and remove all height
24 increases for areas subject to a rezoning process in
25

1 the last 10 years. And I know that that information
2 is in my text. I want to just talk for two minutes
3 about senior housing. This is a very serious issue
4 in terms of senior housing. You asked a lot of good
5 questions. I think in neighborhoods where the
6 communities have undertaken their own balancing act
7 of valid public purposes weighing both pro and con we
8 need to make 100 percent certain that affordable
9 senior housing is permanent. I know that came up
10 earlier. I understand that the zoning text now
11 contains a use restriction. You should ensure as
12 many protections are put in place as possible, but I
13 do think the zoning text, and this is important,
14 should be revised to include a separate action for
15 parking lot in-fill to ensure that in-fill is
16 appropriate and that any impacts to existing
17 residents and residences offered. And then just
18 finally I just want to say that we have to study and
19 correct the voluntary program. I know you've heard
20 that before. That's the program that qualifies
21 people for the height increases we're talking about
22 today and we should push. So, thank you very much
23 for this opportunity to testify. I still recommend
24 disapproval of the text in its current revised form.
25

2 I believe there's still time for the goals of this
3 text amendment to be realized. The CPC has made
4 progress, but a lot remains--a lot of work remains
5 and it needs a lot of work. Thank you very much.

6 CHAIRPERSON RICHARDS: Thank you, Madam
7 Borough President Gale Brewer.

8 SHERMAN KANE: Oh, thank you. I'm
9 Sherman Kane and I'm here as a resident of Queens and
10 as the Co-chair of the Land Use Committee on Queens
11 Community Board Nine. I've lived in Woodhaven, Queens
12 for over 30 years now, and when we moved there you
13 could easily park on the streets. It was safer.
14 There was less graffiti. We knew our neighbors.
15 Gradually these things began to change. There was
16 increasing vandalism and graffiti. People living in
17 other homes kept changing. Illegal property
18 conversions and uses steadily increased. Now you
19 often can't park even after searching for several
20 blocks. Quality of life is steadily deteriorating. I
21 joined my local Community Board hoping to address
22 these problems. I've been co-chair of the Queens
23 Community Board Nine Land Use Committee for about 10
24 years. When ZQA and MIH were proposed last year the
25 Land Use Committee painstakingly reviewed them and

1 ultimately last November Queens Community Board Nine
2 voted unanimously to support a resolution rejecting
3 them. Yesterday I delivered 50 copies of this
4 resolution to the City Council Sergeant at Arms. I
5 hope you all have a copy. Density has already
6 increased in many low density communities, including
7 Woodhaven. This is largely due to rampant
8 unaddressed illegal conversions. Physical and
9 service infrastructure are already inadequate.
10 Schools, police, fire, parking, sanitation, sewerage,
11 etcetera are already dangerously overstressed. ZQA
12 and MIH will both increase density even further, but
13 nothing has been offered to address the concomitant
14 [sic] increases in the physical and service
15 infrastructure. ZQA and MIH offers a one-size-fits-
16 all proposal that ignores the difference between New
17 York City's communities. ZQA and MIH will undo the
18 painstaking rezoning that has done in many
19 communities including Queens Community Board Nine. A
20 revised ZQA proposal was reissued January 29th, 2016
21 allowing for no further community response even after
22 the communities already rejected the original
23 proposal. I suspect this violates the ULURP process.
24 ZQA eliminates off-street parking requirements in
25

2 transit zones further increasing density and
3 exacerbating the inadequate parking that already
4 exists. Queens Community Board Nine along with the
5 overwhelming majority of New York City's Community
6 Boards has rejected ZQA and MIH. As our elected
7 representatives, City Council Members are obliged to
8 represent the views of your constituents and reject
9 these proposals as well. I thank the City Council
10 for the opportunity to offer this statement and I
11 urge you to take these comments seriously.

12 CHAIRPERSON RICHARDS: Thank you.

13 RACHEL LEVY: Good afternoon, Chair
14 Richards and Chair Greenfield. Thank you for the
15 opportunity to speak today. My name is Rachel Levy
16 and I'm the Executive Director at Friends of the
17 Upper East Side Historic Districts. Since our
18 founding in 1982, Friends has worked to preserve the
19 livability and sense of place that diverse
20 neighborhoods that comprise the Upper East Side. The
21 proposal before you today dismantles mechanisms
22 enacted to preserve community character across the
23 entire city through increased height and density.
24 Such mechanisms, as you know, were achieved through
25 consensus and community planning efforts to maintain

1 neighborhood character with a balanced approach to
2 development. The broad strokes of ZQA destroy these
3 protection in one fell swoop and increases to height
4 and density will put a further strain on streets and
5 sidewalks, public transits, schools, and parks as a
6 result. Friends recognizes the dire need for
7 affordable housing throughout the city. The Upper
8 East side in particular has lost affordable units at
9 a greater pace than the city overall in the last
10 decades, a net loss of 26 percent of affordable units
11 in Community Board Eight compared to the loss of six
12 percent citywide, but there is no evidence to suggest
13 that ZQA will produce a net gain of affordable
14 housing either by itself or in combination with
15 mandatory inclusionary housing. A plan conceived to
16 spur the construction of affordable housing must
17 include a provision for the preservation or
18 replacement of existing units in kind, and all new
19 units should be permanently affordable. We agree
20 that design variation and increased flexibility to
21 maximize the provision of affordable and senior
22 housing can benefit the city, but not at the expense
23 of overturning sound tools of neighborhood planning
24 which communities worked hard to achieve and have
25

1 functioned successfully for decades. That's why we
2 believe that ZQA height and density increases should
3 not apply in existing contextual zones. The removal
4 of the Sliver Law also compounds the risk for out of
5 scale development and it should be retained. These
6 modifications to ZQA will aid in protecting the
7 existing integrity of the city's diverse
8 neighborhoods. However, this far reaching proposal
9 still fails to thoughtfully consider each
10 neighborhood's unique qualities, absent of greater
11 engagement with individual communities in determining
12 how new buildings can best be knit into our varied
13 communities to achieve the city's goals. Friends
14 urges the City Council to reject ZQA. Thank you.

16 MICHAEL BELTZER: Good afternoon. My
17 name is Michael Beltzer, a simple public official
18 from the beautiful mainland that is the Bronx, and I
19 would like to thank the New York City charter for
20 ensuring our right to be heard here today. At prior
21 public hearings I've asked the simple question, "What
22 are we trying to do here?" While I am in agreement
23 with the spirit of ZQA and believe the objective of
24 MIH is just and fair, both seem to falling short of
25 the opportunity that we have. Referring to prior

1 testimony submitted both by myself and others, these
2 amendments should not be silent on issues such as
3 contextual districts, deep and permanent
4 affordability, local hiring, workforce development,
5 transit and other infrastructure, and of course
6 building it union. We fall short of innovative
7 solution like in Zurich where on-street parking is
8 eliminated, moved off street leaving more room for
9 public transit and public spaces. Sure, we'll get
10 ahead of other cities on mandatory inclusion, which
11 is really just a mix of percentages, averages and
12 federal calculations. But why is the only thing we
13 are trying to include are undersized, unaffordable
14 and unsafely built units. Where's the inclusion of
15 sustainability both environmentally and economically?
16 This isn't being discussed because zoning in New York
17 City isn't based primarily in urban planning
18 practice. It is really a form of economic regulation.
19 Carl Weisbrod proudly stated over 100 meetings have
20 been held with Community Boards. There were 59
21 community districts in this city. Do the math. Is
22 that adequate? While I've been able to go out of my
23 way to learn more about the plans, my neighbors have
24 not. The city charter mandates this public review
25

1 process, but what the city needs is a public
2 engagement process. City Charter Section 197A
3 empowers Community Boards to develop community-based
4 plans. Being fortunate to have been entrusted by my
5 community district to facilitate this process, I
6 truly believe that the boards should return to their
7 planning roots. Since many Council Members started
8 on boards and are non-voting members of each of their
9 boards in their district, I urge all of you to vote
10 no on the proposals and go back to your boards and
11 lead a true engagement process. To ensure our
12 citizens, not the development community, is our
13 city's focus we should revise the charter to give
14 teeth to such community plans and other previously
15 and future community benefit agreements. Bill de
16 Blasio campaigned on an ending the tale of two
17 cities. His Administration mentions things like a
18 one billion dollar neighborhood development fund as
19 if that strategically addresses our city's dire
20 capital needs, but the Center for Urban Future says
21 we need 1.1 billion dollars for our libraries alone.
22 Now, going and issues 2.5 billion dollars of debt for
23 Faulks [sic] Transit and Quooklyn [sic] to connect
24 luxury waterfront playgrounds isn't building one New
25

2 York. It is excluding one from the other. So, again
3 I, ask what are we trying to do here? Are we simply
4 looking for new places to cram more people in? Can
5 we uplift those who have been here for generations,
6 or will we just push them to the side? As we
7 continue to look toward the future, we cannot forget
8 about the past. Change is good, but we must be
9 better. Thank you.

10 JAMES RODRIGUEZ: Good afternoon. My
11 name is James Rodriguez. I'm a community organizer at
12 GOLES, Good Old Lower East Side, and a lifelong
13 resident of the Lower East Side myself. GOLES has a
14 long history of commitment to the provision and
15 preservation of affordable housing for both seniors
16 and all other low and moderate income New Yorkers.
17 Upon a careful review of the city's Zoning for
18 Quality and Affordability and Mandatory Inclusionary
19 Housing Zoning text in collaboration with members and
20 stakeholders, GOLES has identified several key
21 concerns that led us to reject the current proposal
22 as it stands. First, affordability. ZQA states as
23 one of its aims to promote affordable housing, but
24 with affordability requirements set up to 80 percent
25 of New York City's AMI or nearly 70,000 dollars for a

1 family of four, these affordable units are out of
2 range to many working class and low income New
3 Yorkers and neighborhoods who need affordable housing
4 and many of the low income seniors on fixed incomes
5 in need of truly affordable senior housing. We call
6 on the city to lower the AMI requirements to reflect
7 true affordability for seniors with very low and
8 extremely low incomes who need true affordable
9 housing the most and where the city's housing crisis
10 is most acute. Also, perpetuity. ZQA's insufficient
11 and lack of deep affordability are compounded by the
12 explicit lack of perpetuity. The zoning text
13 mandates that these affordable units remain so for
14 only 30 years, not enough to ensure a long term
15 affordability for our city's seniors. We've heard
16 different types of testimony on this issue, but we've
17 also heard about leverage and bargaining power and
18 how hard it is to discourage folks to leave the
19 program. Those don't sound like true perpetual
20 options for affordability. Also, considering GVHSP's
21 recent findings that affordable housing bonuses were
22 given in inclusionary housing districts without the
23 required affordable housing, explicit and enforceable
24 mandates for affordable housing in perpetuity must be
25

1 included. The issue of quality. ZQA's provision to
2 improve the quality and design of buildings largely
3 by raising height limits to accommodate maximum FAR
4 appears to do nothing to address the city's housing
5 needs, and instead results in increased heights and
6 zoning modifications with no clear public benefit.
7 We're in the middle of an affordable housing crisis,
8 and our discussion shouldn't really be about bay
9 windows and courtyards. Since I didn't get a chance
10 to testify on MIH last week, I'll echo some of the
11 key concerns from some of the testimony that we had
12 on MIH as well as far as affordability and the
13 gentrification option of 30 percent of units at 120
14 percent AMI and the complete lack of deep
15 affordability options and the paltry units between 25
16 and 30 percent. So, these concerns among others
17 suggest that the proposed zoning changes in ZQA and
18 the MIH text do not address the stated goals of
19 quality and affordability despite its generous
20 bonuses to developers. This is a tradeoff goals and
21 the people of the Lower East Side reject, and it's on
22 these grounds that we oppose both these proposed
23 zoning changes as constructed. We urge the City
24 Council to stand with the large majority of Community
25

2 Boards across the city that have said the same.

3 Thank you.

4 CHAIRPERSON RICHARDS: Thank you all for
5 your testimony. Can you just go through, and I guess
6 I'll go to the Borough President, what are some--so
7 you highlight--can you just highlight some of the
8 changes you would like to see in order to see this
9 particular proposal pass?

10 GALE BREWER: Well, I mean, obviously the
11 senior housing which has come up a lot.
12 Manhattanites don't care about parking as much, but
13 you certainly do so that's important, and I do think
14 that the--

15 CHAIRPERSON RICHARDS: [interposing] You
16 said--say that again?

17 GALE BREWER: Manhattanites don't care
18 about the parking--

19 CHAIRPERSON RICHARDS: [interposing] You
20 don't care about parking, okay, got that on the
21 record.

22 GALE BREWER: I would get rid of the
23 parking.

24 CHAIRPERSON RICHARDS: Okay.

25

2 GALE BREWER: But I, you know, everybody,
3 every borough is different. I do think that the
4 issue of permanency is a real one. I have been
5 through 30 years of housing, and it goes very
6 quickly. So, how do we make it permanent for
7 affordable senior housing is a huge issue? I think
8 the other issue is we have to deal with the, you
9 know, where are we going to build and keep it
10 context? I know you've had some discussions in the
11 past about full ULURP, which makes developers and HPD
12 very unhappy. So, do you have some other kind of
13 authorization process that would take into
14 consideration the past decades of work on the zoning
15 in that area? I mean, I don't know if there is, and
16 if--in the middle? But that is a really big issue
17 because we want the neighborhoods not to be torn
18 apart from what the history has been. I think you
19 also have the issue of how do you deal with the
20 Sliver building. That is a long history in
21 particularly Manhattan. My guess is we're told there
22 aren't many Sliver lots, but the trouble is they
23 might often be in Manhattan, and there you'd end up
24 with a really tall building that's not in context as
25 the Sliver law calls for. So, those are just some.

2 I--you know, there are many others. We're very
3 concerned about the avenue versus the narrow street
4 which has been somewhat addressed. Of course, I
5 think you need to also pay attention to the height
6 even where you have a wider street so that the
7 context and the contextual zones are continued. This
8 is really an issue of streetscape, land marking, how
9 do you build within the context of what has been
10 built in this area. It's a hard one to address.

11 CHAIRPERSON RICHARDS: Anybody else want
12 to take a shot? Quooklyn [sic], I never heard that
13 one by the way.

14 MICHAEL BELTZER: You never heard
15 Quooklyn?

16 CHAIRPERSON RICHARDS: I never heard of
17 that.

18 MICHAEL BELTZER: Queens, Brooklyn put
19 together.

20 CHAIRPERSON RICHARDS: Yeah, I've never
21 heard of that. But don't put Queens in the same
22 sentence of Brooklyn.

23 MICHAEL BELTZER: What was the original
24 question?

25 CHAIRPERSON RICHARDS: We don't like--

2 MICHAEL BELTZER: Well, you know, it's
3 really that area along the waterfront--

4 CHAIRPERSON RICHARDS: [interposing] Okay.

5 MICHAEL BELTZER: that really isn't for
6 either one of us.

7 CHAIRPERSON RICHARDS: Thank you for that
8 new analogy.

9 MICHAEL BELTZER: What was the question
10 again?

11 CHAIRPERSON RICHARDS: I was just saying
12 is there anything you suggest that can make this
13 proposal stronger and that would get you to--if you
14 just briefly sum up.

15 MICHAEL BELTZER: Well, I think, you
16 know, actually having a real engagement process.
17 Again, you know, I was very fortunate to be able to
18 have some extra time to go to these meetings, you
19 know, come all the way down here from the Bronx, and
20 you know, I actually gave them a nice suggestion, why
21 don't you try coming up to the Bronx? They did, but
22 you know, being on the Community Board you see--they
23 run through a slide deck [sic] that you can find
24 online, and then we're you're asking them questions
25 they don't really have any answers. So, it's cool.

2 The Commissioner says he, you know, we went to over
3 100 meetings, but were they really meetings? Were
4 the representative of the community? You know, we
5 know Community Boards are skewed towards people who
6 drive, you know, that tend to, you know, to have more
7 free time. So, I don't really feel like the outreach
8 was adequate at all, actually. So, they have taken
9 in some input and there is an over-representation of
10 where that input came from. There's a lot of boards
11 that have more resources, lawyers, architects,
12 planners, but in places in the Bronx, you know, in
13 Queens and other outer boroughs we don't have people
14 on our boards that have these expertise. So, we
15 can't take down, you know, 500 page document in a
16 month. You know, there's a reason why it's being
17 pushed so quickly, but I think we--you guys in the
18 City Council have a chance to take a step back and
19 really push back on this if you really believe that
20 we can solve the issues of income inequality. So
21 engagement, engagement, and again, engagement.

22 CHAIRPERSON RICHARDS: Well, we have 50
23 days according to the Charter.

24 MICHAEL BELTZER: Right.

2 CHAIRPERSON RICHARDS: So, we definitely
3 have to work through this, but you know, I just want
4 to be clear that we've certainly heard input from
5 people all around the city, from Community Boards to
6 advocates to everyday New Yorkers, but I do agree
7 that, you know, more outreach to communities might
8 have been, you know, to everyday New Yorkers, but how
9 many everyday New Yorkers really want to get into the
10 nuts and bolts of zoning. It's not the most sexiest
11 thing, but you know, if spell impact and what that
12 means for local communities, I think that they would
13 have definitely been more engagement. So, I'll go to
14 Chair Greenfield, but thank you for that.

15 COUNCIL MEMBER GREENFIELD: Thank you,
16 Chair Richards. So, first of all, I want to
17 acknowledge and thank our Manhattan Borough President
18 Gale Brewer. I think that she secretly she misses
19 being a Council Member, and we're happy to have you
20 back here. You're a frequent visitor, and you're
21 always welcomed, and I do want to commend you,
22 though, because you've really taken a very hands-on
23 approach on your borough and you flagged for us some
24 very important issues, and I want you to know that we

2 take those issues very seriously. So, I just really
3 wanted to thank you for that.

4 GALE BREWER: Thank you very much.

5 COUNCIL MEMBER GREENFIELD: And just to
6 Mr. Beltzer, and I didn't catch your name, sir? Mr.
7 Kane.

8 SHERMAN KANE: Sherman Kane, yes.

9 COUNCIL MEMBER GREENFIELD: Sherman Kane,
10 thank you. So, you know, we can't speak for the
11 process up until now. We can speak to the processes
12 at this point, and that's why we're here because we
13 want to hear your views. I chair the Land Use
14 Committee. Council Member Richards is the Chair of
15 the Subcommittee. We are the folks who are literally
16 doing this every single day, and so we hear you ad
17 we're here to get that feedback, and I want you to
18 know that we take that feedback very seriously.
19 Just, you know, just to follow up on your point, Mr.
20 Beltzer, and that is that you know there is a reason
21 why we do have representative democracies. I don't
22 know who your Council Members is. Who is your
23 Council Member locally?

24 MICHAEL BELTZER: That would be Council
25 Member Palma.

1 COUNCIL MEMBER GREENFIELD: Council
2
3 Member Palma. So, I've spoken to her about this just
4 so that you know, and she has raised specific
5 concerns with me about the issues, and I just think
6 it's important to know that the role that we're
7 really filling as Council Members is to advocate on
8 your behalf and to advocate as Chair Richards pointed
9 out for those people who either don't have the time
10 or the ability or the interest, and rest assured that
11 we spend literally, and I wasn't exaggerating when I
12 said this today, thousands of hours focused on this.
13 So, we hear you. We are certainly taking your
14 suggestions very seriously, and we will continue to
15 take the feedback. We want you to know that your
16 participation is important and it's vital and it's
17 very helpful to us. So, I want to thank you all for
18 coming out, and I want to tell Gale that she should
19 come and do lunch with us, not just come here on
20 official business. We'd love to hang out with here in
21 a social setting, because everybody knows Gale Brewer
22 is the most fun Borough President. Thank you very
23 much.

24 MICHAEL BELTZER: Well, is there any way
25 I could just address real quickly you both stated,

2 you know, it's a lot of stuff, normal day every day
3 New Yorkers don't want to really want to get into the
4 nuts and bolts, but I think it is incumbent on
5 leadership and those that we elect to represent us to
6 engage us and to make sure that it is interesting.
7 So, you know, I think, you know, up until this point
8 I cannot fault anybody and even going forward. It's
9 going to be a learning process, but I think, you
10 know, the key thing here to see is there are ways,
11 there are things to make it tangible to people. Have
12 them come and actually touch real live models and
13 see, you know, to actually visualize what these
14 changes would actually be in their communities. Map
15 and diagrams doesn't really cut it for most people.
16 You're right, we have short attention spans. We have
17 Instagram, Twitter, all of that.

18 COUNCIL MEMBER GREENFIELD: No, it's not
19 about that. I think we have a fundamental
20 disagreement over what democracy looks like, and I
21 respect your democracy, Michael. It is just that I
22 don't believe in the Roman model where every citizen
23 votes on every single piece of legislation. We have
24 a representative democracy. You have an outstanding
25 Council Member who represents you who I know for a

2 fact is concerned about the issues because I've
3 discussed with her on multiple occasions, and we also
4 have a process, which is here today, that we've
5 opened it up for people to come and testify. So, I
6 think the process is working. You have a different
7 view on what the process should be, and I certainly
8 respect that. I just want you to understand from our
9 perspective, we are taking your feedback seriously,
10 at least not on changing the system to be fair, but
11 at least on the suggestions that you have, and we
12 appreciate you coming out here today.

13 MICHAEL BELTZER: Thank you so much.

14 CHAIRPERSON RICHARDS: There's always
15 better that everyone can do, so we--I definitely, you
16 know, have heard you and, you know, heard you.
17 Alrighty.

18 GALE BREWER: Mr. Chair, I just want to
19 add one quick thing which is I know that not part of
20 the zoning discussion but what kind of senior housing
21 in terms of assisted living, nursing home, etcetera,
22 independent living? I would love to hear at some
23 point or discuss further. It's not a zoning issue,
24 but how that goes down in terms of the final
25 resolution. I actually think independent makes more

2 sense, but there may be a side that I don't know, so
3 I just want to throw that in, that's something that I
4 know you're considering.

5 CHAIRPERSON RICHARDS: Oh, agree, agree.

6 GALE BREWER: Second is that the, you
7 know, we've been talking. I don't want--I'm really
8 careful not to mix MIH and ZQA because this is a ZQA
9 hearing today, but if we can--City Planning has
10 promised us to look really carefully at the voluntary
11 program, and that would help address some of these
12 issues. We don't have a timeframe for that. We need
13 a time frame and we need the Council and the Borough
14 Presidents and the Community Boards to know what kind
15 of timeframe is going to be taking place regarding
16 that voluntary program. I just want to throw that
17 in. That would help a little bit in terms of your
18 earlier question, what do we want changed.

19 CHAIRPERSON RICHARDS: Thank you, and
20 thank you to the member from Community Board Nine for
21 your service, a decade on the Community Board. We
22 certainly hear the concerns of parking as a
23 representative of Queens. I certainly share your
24 view.

2 SHERMAN KANE: Didn't the CPC
3 representatives, Carl Weisbrod, didn't he say that
4 there was a slush fund of some kind for
5 infrastructure?

6 CHAIRPERSON RICHARDS: He didn't exactly
7 say that word. Thank you so much.

8 SHERMAN KANE: Well, it needs to be a lot
9 bigger slush [sic] fund than that.

10 CHAIRPERSON RICHARDS: Agreed it does need
11 to be a lot bigger. Thank you so much for
12 testifying. Also I have Simuel Stevenson, if you're
13 here, I have your metro card, and God willing you
14 live in a transit zone once again. Alrighty. You're
15 out of luck. Alrighty, Jonathan Marvel, Marvel
16 Architects, Jonathan Kirschenfeld, Jonathan
17 Kirschenfeld Architects PC, Mark Ginsberg, Curtis and
18 Ginsberg Architecture LLP, and Ben Prosky, AIA New
19 York. Is that five? And Gifford Miller, former
20 Speaker, Miller Strategies, Miller time. Shouldn't
21 have actually used those words in New York, right?
22 Miller time not a good thing for us Knicks fans. Bad
23 memories. Alright, you may begin. Just state your
24 names and the organizations for the record you're
25 representing. Guess we should start with the former

2 Speaker. You get priority, because your picture's
3 downstairs and it actually looks pretty decent.

4 GIFFORD MILLER: [off mic]

5 CHAIRPERSON RICHARDS: Just hit your
6 button.

7 GIFFORD MILLER: It's been a while.

8 CHAIRPERSON RICHARDS: There you go. It's
9 been a while.

10 GIFFORD MILLER: It has. These are way
11 better--

12 CHAIRPERSON RICHARDS: [interposing] Much
13 nicer.

14 GIFFORD MILLER: way better than the
15 microphones we had under my leadership. My name is
16 Gifford Miller. I am here as a former Council Member,
17 which I'll try to bring some perspective, but also as
18 a developer I have a company called Signature Urban
19 Properties which is developing at the moment about
20 2,000 units of affordable housing in the Bronx, and I
21 have since in the last 10 years since I left the
22 Council had some experience in the affordable housing
23 area. My--I can't speak to all of the details of
24 ZQA, but I can tell you a little bit from my
25 experience what I found and encountered as real

1 issues in the everyday development of affordable
2 housing. The first is the parking issue. This is to
3 me, this is just a straight up allocation of public
4 resources question. We just have to decide is it
5 worth it to the public to spend, you know, 50,000
6 dollars a unit. I think that is a pretty fair number
7 on parking spaces that often don't even get used at
8 all, and the answer for me is no, and I'll give you
9 an example. We're building a building right on West
10 Farm Square about 125 feet from the subway. There is
11 a pretty plentiful parking on the street that's
12 available. We would be required for this low income
13 building to build 26 spots. It would cost us at least
14 a million dollars in terms of the excavation and
15 everything else that would need to be done in order
16 to develop it. And I highly doubt that anybody would
17 park in that parking lot at all. Instead, the city
18 could take that million dollars, subsidize another
19 program somewhere else and create more housing. So,
20 to me I think the parking's a real issue. I recognize
21 that drawing the lines is something that I'm not
22 attempting to do here. I'm sure there are different
23 ways to draw the lines to make it most effective, but
24 it is a real issue. I just wanted to say definitely
25

1 in my experience. The second issue is the issue of
2 the height of retail floors. I'll tell you in the
3 same building we looked at doing a clinic, and if we
4 had done the clinic, which we ended up not doing for
5 a couple of reasons, but this was one of them,
6 because of the floor to ceiling requirements of
7 clinics which are greater because of a bunch of
8 venting and other kinds of electrical and other types
9 of work that you needed we would have lost a floor of
10 affordable housing at the top of our building in
11 order to be able to build it. So, I'm just here to
12 tell you it is a real issue. I've sat where you sat.
13 I've had people come who were affordable housing
14 developers or market-rate developers or everybody
15 else and they say to you, you know, if this doesn't
16 happen I can't possibly do this project, and I've
17 been where you are and really have no really good way
18 of knowing whether that's true or not a lot of the
19 time. You can show proformas [sic], but proformas
20 can be, you know, they're on paper. But I'm here to
21 tell you that those are real issues in my experience,
22 and I hope that--I know you're taking them seriously.
23 The last issue that I also find is a real is the
24 issue of the minimum size of units. There is no
25

1 question in market-rate development we're build--not
2 we, I don't build market-rate, but people are
3 building smaller units than the units that we're
4 building for affordable housing. We build beautiful
5 units. I have 237 people that are moving into my
6 first building that's being completed on March 15th.
7 These are wood floors, granite countertops, you know,
8 gorgeous units, but we could have made more,
9 honestly, if we hadn't had some of these minimum
10 requirements. So, I think recognizing how people
11 live today, recognize the quality that can be
12 delivered. Being flexible on that would also make a
13 difference in terms of delivering more affordable
14 housing to people which is I know all of our goals.

16 JONATHAN MARVEL: Good afternoon. My name
17 is Jonathan Marvel, Principal Marvel Architects and I
18 am the Co-chair of the Planning of Urban Design
19 Committee of the Center for architecture at the AIA
20 New York Chapter, and I teach a class at Pratt on
21 Public Domain. My firm is involved in designing over
22 a thousand units as we speak. We're one of many firms
23 in the City that are part of this effort on behalf of
24 the Administration to build and preserve over 200,000
25 units. So, there's a real sense of urgency in this

1 issue because we're all at the design table urgently
2 anticipating that this issue be passed, because it
3 makes a better building. It doesn't mean any more
4 FAR, it just means that we get to have, as our
5 Speaker said, retail at the base or community uses
6 amenity spaces at the base of the buildings without
7 losing that extra floor for the affordable housing
8 apartment at the very--within the same zoning
9 envelope. We just get to have either sometimes 10,
10 sometimes 20 more feet on the building, and as a
11 designer, we all know, and thank you for being at the
12 design table on this issue, we know that we can
13 design to make a building make that 10 to 20 feet
14 disappear by using scale issues within the
15 architectural façade. So, the pedestrian won't feel
16 that, and we like diversity in our city in terms of
17 population, education, transportation. Why not like
18 and support the same diversity within the
19 architectural palate as well? I'm going to pass it
20 over to Anne Ketterer who is going to read a prepared
21 statement.
22

23 ANNE KETTERER: Good afternoon. So, I
24 work for Jonathan at Marvel Architects, and I design
25 affordable housing. I've designed three affordable

1 housing buildings now. One of them there are images
2 in the pamphlet we handed out of the ground floor
3 where you have an image of what the design looks like
4 in the current text and the proposed text. So, I
5 want to talk briefly about the height increases, and
6 I'll actually skip to the second part of my statement
7 because Gifford Miller did such a articulate job
8 discussing the retail needs for the height increases
9 at the ground floor. So, the second reason a building
10 is given more height in the proposed text has to do
11 with the--its location within a current inclusionary
12 housing zone. In the current zoning text, sites in an
13 inclusionary zone that are building affordable
14 housing are given a small floor area increase to do
15 that. However, with the height restrictions as
16 they're currently written, it's often unachievable to
17 use all the floor area within that site. To do so,
18 what ends up happening is you reduce the floor to
19 floor height. The result of reducing the floor to
20 floor heights in a residential building means the
21 clear floor height is reduced to about eight feet.
22 This eliminates necessary space in the ceiling for
23 things like lighting, duct work and piping. It also
24 results in smaller window, meaning less light and
25

2 air. And lastly, the Quality Housing Program in the
3 zoning text provides floor area incentives for
4 developers to promote security and safety as well as
5 provide a nicer environment for its occupants.
6 However, many of these deductions for things such as
7 onsite recreation space, a window in the corridor, a
8 laundry room with a window, these are not achievable
9 without being given the extra height. So, in
10 conclusion, the extra height will ensure that all the
11 legal floor area can be achieved without forfeiting
12 retail at the ground floor and a reasonable floor to
13 floor height at the units themselves. So, by
14 increasing the buildings height, the allowable floor
15 area potential can be reached, thereby creating more
16 affordable housing throughout the City.

17 CHAIRPERSON RICHARDS: Thank you.

18 JONATHAN KIRSCHENFELD: Good afternoon.
19 My name is Jonathan Kirschenfeld. I'm the Principal
20 of Jonathan Kirschenfeld Architects, member of the
21 American Institute of Architects and founder of the
22 Institute of Public Architecture. My design firm has
23 been working in the field of supportive and
24 affordable housing for the past 25 years. That's
25 when I had more hair on my head than I do now, and

1 our housing work has been recognized over the years
2 with numerous awards and in international
3 publications. Making high quality housing for all
4 New York citizens not just the wealthy has been our
5 firm's priority and needs to be the priority for this
6 Administration. Therefore, I am here today as an
7 architect and a concerned citizen to testify in favor
8 of the ZQA changes, which I strongly believe will
9 lead to greater, more efficient affordable and senior
10 housing production and equally important lead to
11 housing of a higher design quality. Many of my
12 colleagues have testified in favor of the text
13 amendments in various public forums and they've
14 pointed to the need for modest adjustments to
15 building height in order to use the full amount of
16 committed floor area, the desire for more generous
17 ground floor ceiling heights in order to encourage
18 retail and commercial uses and thereby enliven the
19 street. The advantage of making parking optional for
20 affordable housing and senior housing therefore
21 reducing the construction cost for these buildings,
22 the possibility of adding open space or increased
23 number of senior housing units by repurposing
24 underutilized parking lots and the need for modest
25

1 revisions to set back and court regulations so that
2 buildings fit better into our varied urban fabric and
3 create neighborhoods that reflect the rich history of
4 New York City housing. What I would like to add in
5 supporting the set of proposed improvements is to
6 point to a less well-known aspect of the ZQA proposal
7 encouraging the mixing of senior housing with
8 affordable housing in the same building. This
9 problem of segmentation, senior units within
10 affordable housing, is something our firm is
11 struggling with right now in our design for a mixed-
12 use building in Crown Heights for a local church.
13 Under current zoning, the 50 percent of the
14 residential units devoted to seniors must be
15 physically separated from those housing families. It
16 needs to have dedicated senior entry. This zoning
17 impediment prevents us from creating a truly mixed
18 building where families and seniors share entries and
19 public corridors, and this regulation diminishes
20 opportunities for social interaction. With the ZQA
21 proposal, the category of nonprofit residence for the
22 elderly, sorry, NPRES, would change to affordable
23 independent residence for seniors, AIRS, and would
24 allow greater flexibility mixing seniors with other
25

1 residential and community facility uses. There's
2 growing consensus amongst architects, planner,
3 developers, and policy groups working in this sector
4 that mixing various populations in the same building
5 is of great benefit to all tenants, reflecting the
6 diversity of life in the urban realm and
7 strengthening the sense of community. For this and
8 for all the other worthy changes to the 1987
9 contextual zoning regulations as proposed in ZQA, I
10 state my strong support. I believe that on the whole
11 these changes will lead to increased affordability,
12 higher quality design and greater flexibility in the
13 production of badly needed housing and help move us
14 towards a more just and equitable city. Thank you.

16 BENJAMIN PROSKY: Good afternoon, Chair
17 Richards, members of the City's Subcommittee on
18 Zoning and Franchises and members of the City
19 Council. My name is Benjamin Proksy. I am the
20 Executive Director of the American Institute of
21 Architects New York, and the Center for Architecture.
22 I'm pleased to offer this testimony in regard to the
23 Department of City Planning Zoning for Quality and
24 Affordability proposal. The American Institute of
25 Architects New York represents over 5,200 architects

1 and design professionals and is committed to
2 positively impacting the physical and social
3 qualities of our city while promoting policies
4 beneficial to the welfare of our members. We have
5 reviewed ZQA and believe it will help facilitate the
6 construction of affordable housing and senior
7 oriented housing, offer architects more flexibility
8 to create better buildings that are more responsive
9 to local contexts, spark the development of housing
10 on empty lots and decouple the creation of housing
11 from parking requirements, thereby encouraging the
12 use of mass transit and enabling a more sustainable
13 city. The proposed zoning text and recent amendments
14 can improve the quality of life for New Yorkers and
15 increase economic activity within the architecture,
16 engineering and construction markets bolstering the
17 creation of jobs. We appreciate the updates that
18 City Planning Commission made to the proposal last
19 week. The proposal promotes the following beneficial
20 outcomes in our opinion: More retail spaces in
21 commercial districts, better residential spaces with
22 adequate ceiling heights, ability to age in place,
23 reduction in parking requirements to reduce housing
24 costs and create more dwelling units, relaxed density
25

2 caps and minimum apartment size, visual variety to
3 the streetscape, and re-emergence of familiar
4 features in New York City's architectural history.
5 In our view, the two pillars of the initiative,
6 quality and affordability, are interdependent and
7 linked. In this vein, we urge you to examine how this
8 laudable initiative will impact individual districts
9 and city policies. Specifically, we believe more
10 discourse should be given to the following: Public
11 education, infrastructure including mass transit,
12 sustainability. Over the last year we have organized
13 public programs to the DCP at the Center for
14 Architecture to inform the design community about the
15 upcoming changes. In short, we continue to support
16 the advancement of these amendments to the review
17 process. Thank you.

18 CHAIRPERSON RICHARDS: Thank you all for
19 your testimony.

20 UNIDENTIFIED: One more.

21 CHAIRPERSON RICHARDS: Oh, one--oh, I
22 thought you were together, sorry.

23 MARK GINSBERG: No. Thank you, Council
24 Member. My name is Mark Ginsberg. I'm here speaking
25 in strong support of Zoning for Quality and

1 Affordability. I'm speaking as President of the
2 Citizens Housing and Planning Council, a board member
3 of the New York State Association for Affordable
4 Housing, a past president of the AIA New York
5 Chapter, and most importantly, an architect whose
6 practice is largely the design of affordable housing.
7 At CHPC I was co-author of a study, The Zoning
8 Envelope Conundrum that showed that eight out of 17
9 projects left floor area unbuilt that could have been
10 apartments because of envelope issues. Others from
11 CHPC will or have talked about the importance of the
12 proposal for affordable housing. I would like to
13 talk about ZQA from a design in urban design
14 perspective. The current contextual envelope
15 creates a straitjacket in trying to use all of the
16 FAR with no excess envelope. We are shoehorning in
17 spaces and creating buildings that are zoning
18 envelope diagrams, restricting the design, apartment
19 quality and our ability to develop an urban design
20 that responds to the site's context. ZQA will allow
21 us to design higher quality buildings that are better
22 fit in the context of New York. Two specific points.
23 Currently, we're encouraged to make apartments with
24 as minimum floor to floor height of eight foot nine
25

2 to pack as many floors in as possible to use all of
3 the floor area. The proposed regulations with the
4 addition of floor limits which is very important, and
5 in most cases small increases in height will create
6 more commodious units and better commercial space.
7 Currently, my firm is designing an affordable housing
8 building based on ZQA with schools in the base. If
9 parking was required, we would lose 10 to 15
10 residential units, increase the cost of the school,
11 and lose many of the school activities at street
12 level to create activity on the street, all in the
13 order to create parking that from our experience will
14 go largely unused. Additional examples are in my
15 written testimony which will be submitted
16 electronically. ZQA in a number of small ways will
17 allow us to create better buildings which will better
18 fit in with their context. For these reasons and
19 many more, we strongly support ZQA. Thank you.

20 CHAIRPERSON RICHARDS: Thank you all for
21 your testimony. Just wanted to delve in into the
22 permanent affordability question. So, that's come
23 up, the regulatory 30 years agreement that would, I
24 guess, go through HPD. Can you delve into that
25 conversation a little bit, and do you see this

2 housing, the bonus being actually permanently
3 affordable, or do you have any worries about
4 financing when it comes to keeping those units
5 permanently affordable?

6 GIFFORD MILLER: I would say that it's
7 not so much the concern about the financing of the
8 units in the immediate. It's really more of a
9 concern as Lisa Gomez said earlier. You have to
10 match up the property tax abatement to the length of
11 the affordability. If you end up with a situation in
12 which the affordability continues and the property
13 tax abatement doesn't, you're just inviting
14 eventually people to be surrendering their properties
15 back to the city at the point of which they stop
16 working. So, I think it's a, you know, that--in a
17 practical--

18 CHAIRPERSON RICHARDS: [interposing] So
19 that's a good thing for the City, you're saying?

20 GIFFORD MILLER: No, the city is not--the
21 city doesn't want--

22 CHAIRPERSON RICHARDS: Alright.

23 GIFFORD MILLER: We don't want to go back
24 to the 80's and the 90's when people were
25 surrendering properties right and left. You want to

1 make it structurally work for the long term, and so I
2 think that's the issue. You want to be realistic
3 also about the need for--the reason--the difference
4 between affordable housing and unaffordable housing
5 is money, right? The way that affordable housing
6 works is, you know, basically it costs this much to
7 build the building. It costs--you get this kind of a
8 mortgage from the rents that we're sizing it to. The
9 difference is what the city and the state give to the
10 developers in order to actually make it possible to
11 work. At some point if you end up with the rents not
12 covering the cost of maintaining the housing, you
13 have a real problem, and that sets aside the reality
14 that almost none of these buildings have the kind of
15 reserves that are necessary in order to really deal
16 with capital problems down the road, which gets
17 addressed by people bringing it back and coming back
18 and, you know, rehabbing, but one of the elements of
19 rehab, one of the trade there is you agree to longer
20 term affordability and you get a longer term property
21 tax break. So, that's how we have dealt with it in
22 the past, and if we're going to deal with it in a
23 different way in the future, you know, I'm concerned
24 about trying to do that through zoning without
25

2 recognizing it and addressing the realities of the
3 economic situation.

4 CHAIRPERSON RICHARDS: And do you--and
5 anybody can take a shot at this--really believe the
6 additional five feet is going to make a huge
7 different on the ground floors for more commercial
8 development?

9 GIFFORD MILLER: I do, and I also don't
10 think--I mean, so look, there's five feet and there's
11 five feet. It depends on where you are, right? Five
12 feet on a 35 story building might be recognizable.
13 Five feet on 150 foot building--I didn't mean 35
14 story, I meant 35 foot. Five feet on a 35 story
15 building is totally irrelevant, alright? So, I don't
16 doubt that, you know, you can look at it in different
17 places and different places. But I even--to my
18 mind, I think five feet in the end of the day is not
19 going to make or break the context of a neighborhood,
20 and I do think you can make a difference. And
21 listen, if it were easy and if it were just a slam
22 dunk and it was going to work absolutely everywhere
23 and be perfect for everything, it would have been
24 done a long time. SO, it's hard. It involves
25 tradeoffs, and it is a question of priorities.

2 CHAIRPERSON RICHARDS: I guess you're
3 going to take a shot at that and--

4 MARK GINSBERG: [interposing] Yeah.

5 CHAIRPERSON RICHARDS: do you believe this
6 additional five is going to help--

7 MARK GINSBERG: [interposing] Let me see
8 if I can--

9 CHAIRPERSON RICHARDS: [interposing]
10 stimulate more commercial development.

11 MARK GINSBERG: explain why in a somewhat
12 nerdy way, so bear with me. I want my ground floor
13 commercial to be largely glass and open. Above that I
14 have a masonry building. I need about a two-foot deep
15 steel beam to support the building above. I then need
16 vents for the heating and cooling, but the fresh air
17 for that commercial space. That's another 18 inches.
18 I then need a roll-down door which is typically on
19 the outside where I put my signage band so you can
20 put the names of the stores on it. When I want at
21 least an eight, and ideally a nine or ten foot
22 ceiling but an eight-foot ceiling, and I add that six
23 feet to it, I'm at 14 feet plus an eight foot eight
24 inch slab. I'm at a 15-foot floor to floor. So,
25 when we don't have the 15 feet, I'm squeezing it

2 down, and it's a commercial space that you can't see
3 into, isn't attractive, and is less valuable for the
4 commercial tenant, but is also not as nice for the
5 person walking down the street. So, I think it's
6 very important.

7 CHAIRPERSON RICHARDS: Right.

8 GIFFORD MILLER: We dealt with exactly
9 that situation with the clinic. We had a height
10 limit. We could--you know, we had to choose what to
11 use on the ground floor, and in the end one of the
12 reasons we weren't able to do a clinic was because we
13 would have had to have too tall the ground floor.
14 That would have meant a significant problem, and we
15 would have lost a floor with affordable housing. It
16 wouldn't--you know, it was not the end of the world,
17 but we had to make the tradeoff. If we didn't have
18 to make the tradeoff, I think we would have been a
19 better building.

20 CHAIRPERSON RICHARDS: Okay. I'm going to
21 go to Chair Greenfield. I do look forward to coming
22 to see those micro units, though.

23 GIFFORD MILLER: Great.

24 CHAIRPERSON RICHARDS: Alrighty. And
25 then we're going to go to Cohen.

2 COUNCIL MEMBER GREENFIELD: Thank you.

3 It's good to see the former Speaker back in our
4 chamber. Thanks for having us. I'm not quite sure
5 why you were standing before.

6 GIFFORD MILLER: I have a bad back.

7 COUNCIL MEMBER GREENFIELD: Oh, sorry to
8 hear that. That had nothing to do with your time in
9 politics, did it?

10 GIFFORD MILLER: I carried a lot of
11 water.

12 COUNCIL MEMBER GREENFIELD: Man.
13 Alright, so, you do look thinner now. I want to
14 focus on part of your testimony. I saw the parking
15 piece in it. Can you sort of elaborate on your
16 perspective over the question on non-senior
17 affordable housing parking? Mindful of the fact that
18 as developers it obviously costs you money to put it
19 in and you'd rather put that elsewhere. What about
20 the perspective of folks who say, well, if you have
21 large families and you're living in a affordable
22 housing and you're making 80 percent of AMI, you can
23 afford to buy a car and in many cases you may want to
24 buy a car to get folks around especially in the outer
25 boroughs.

1 GIFFORD MILLER: Well, what I would say
2 to that--so we are building--we're building for--we
3 have both lower income buildings in 60 percent and
4 lower, and we have some buildings that we are
5 building for 80 percent AMI, and I think we would--
6 even if this were fast, it probably for the 80
7 percent AMI or the 90 percent AMI or the 100 percent
8 AMI, we might well include parking as part of our
9 building. But it depends on where we were building
10 it. As I said, as I mentioned, you know, another
11 example, we're building a building on 149th Street
12 and between the one building on the exterior, one
13 being on the drive right by the two, four and five
14 lines within a block and a half. There's an enormous
15 amount of parking in that area. It's ridiculous, you
16 know. There's literally thousands and thousands of
17 unused spaces because we over-parked Yankee Stadium
18 as a community, and so putting parking into this
19 building is, you know, it's crazy. First of all,
20 there--people, even people making that kind of money,
21 many of them don't want to have cars. If they do
22 want to have cars, there are dozens of parking lots
23 within a block or two. I recognize that there are
24 definitely other parts of the city where if I was
25

2 building for people at 80, 90, 100 percent of AMI, I
3 might well include parking lots, but that strikes me
4 as an issue that developers should be addressing in
5 terms of what's necessary in order to attract the
6 rents and less something that we should be requiring.
7 Because my general view is that the public even for
8 the people who are making 80 percent AMI, I don't
9 know why we have to subs--why we as public have to
10 subsidize their parking space. We're subsidizing
11 their housing. They can park, you know, on the
12 street. They can choose to have a car. Many of them
13 need to have a car. I recognize that as well, and so
14 I'm not saying it's a--it's not bad to subsidize
15 their parking space. I just think there's a greater
16 good in taking that money and subsidizing somebody
17 else's home.

18 COUNCIL MEMBER GREENFIELD: So, Mr.
19 Speaker, just to respond to that point. It's not just
20 the subsidization of that parking space. It has to
21 do with the fact that neighbors say that those
22 tenants will in fact have cars and will in fact park
23 on the street, and now that you've given them more
24 height--

25 GIFFORD MILLER: [interposing] Yep.

2 COUNCIL MEMBER GREENFIELD: and more bulk
3 and potentially depending on the rezoning more FAR
4 that in fact you're adding more cars to the street,
5 and you're competing with the neighbors who are
6 concerned about their own parking. It's very--

7 GIFFORD MILLER: [interposing] Yeah, no,
8 no. I--

9 COUNCIL MEMBER GREENFIELD: [interposing]
10 honest and transparent to give you the other side of
11 the debate.

12 GIFFORD MILLER: I get it, and I--and
13 they're right. So, these are the tough ones, you
14 know? This is what--this is why--

15 COUNCIL MEMBER GREENFIELD: [interposing]
16 It's very freeing [sic] to be a former elected
17 official.

18 GIFFORD MILLER: You know, but you're
19 not--the reality is you shouldn't be, you know--
20 you're going to have to make a choice between two
21 good. There are--these are both, you know, worthy
22 points, and the question is, you know, even for those
23 who are a little upset about the fact--you know, and
24 we have the same problem with schools. We're
25 bringing more kids into the schools and that costs

2 money, and we're having more people use the subways,
3 and that means you're less likely to get a seat on
4 your bus or your subway. These are--you know,
5 absolutely. But the other--on the other point we
6 make that choice because we think that it's so
7 important to address the affordable housing crisis in
8 this city. I don't think it's quite as important to
9 address the parking crisis in this city. I don't
10 suggest that it's not a real issue. I have spent many
11 hours driving around in circles looking for parking
12 spots.

13 COUNCIL MEMBER GREENFIELD: That is very
14 terrible for the environment, incidentally.

15 GIFFORD MILLER: Yeah, well and also--

16 COUNCIL MEMBER GREENFIELD: [interposing]
17 Environmental issue as well.

18 GIFFORD MILLER: partly my fault since I
19 passed the No Sunday Parking Meter Law. Some people
20 love, some people hate. You know, that's the way
21 that it is.

22 COUNCIL MEMBER GREENFIELD: It's good to
23 have a driver back in the day.

24 GIFFORD MILLER: There you go.

25 COUNCIL MEMBER GREENFIELD: Yeah.

2 GIFFORD MILLER: It was, but it's
3 overrated. It's overrated. I like driving myself.
4 So, the point is--

5 COUNCIL MEMBER GREENFIELD: [interposing]
6 I hear you loud and clear.

7 GIFFORD MILLER: I get it. And you--and
8 these are--

9 COUNCIL MEMBER GREENFIELD: [interposing]
10 No, no, no--

11 GIFFORD MILLER: [interposing] are the
12 tough ones, but I want a [sic] balance [sic].

13 COUNCIL MEMBER GREENFIELD: Once again,
14 we're not debating the merits. We're simply trying
15 to get your perspective as someone who's a developer
16 and just to sort of explore the different issues.

17 GIFFORD MILLER: And my perspective is
18 that if--he's the reality. Requiring this parking
19 means that it costs more, which requires more subsidy
20 by the tax payers that could go somewhere else, and
21 particularly--and you know, in an environment
22 currently where costs have gone up, we literally--the
23 cost on our buildings in the last two years have gone
24 up about 35 percent. So, the only thing that's
25 saving this program right now is the fact that the

2 tax credit--the tax credit pricing that we're getting
3 is so good it's insane, and that is what's saved the
4 city from having to dramatically up its subsidies,
5 but it's coming, and as the city has to up its
6 subsidies it doesn't make sense for me for the city
7 to be subsidizing parking--

8 CHAIRPERSON GREENFIELD: [interposing]
9 And the other area that we flagged earlier today--
10 I've seen you around most of the day, I'm not sure if
11 you were here from the morning, but were you here?

12 GIFFORD MILLER: I was here this morning,
13 and then couldn't--had to go to try and get my back
14 fixed, which is--

15 COUNCIL MEMBER GREENFIELD: [interposing]
16 Obviously unsuccessful.

17 GIFFORD MILLER: Well, it was bad. It's
18 better.

19 COUNCIL MEMBER GREENFIELD: It's better.

20 GIFFORD MILLER: I was lying in there
21 about 20 minutes.

22 COUNCIL MEMBER GREENFIELD: Yeah. So--

23 GIFFORD MILLER: [interposing]
24 Contemplating the ceiling. It's lovely.

2 COUNCIL MEMBER GREENFIELD: You could lie
3 downstairs in the member's lounge where you could see
4 your own photos. A little weird, I'm sure. But--

5 GIFFORD MILLER: It's a painting. It
6 just looked like a photo.

7 COUNCIL MEMBER GREENFIELD: Yes, yes.
8 Oh, that's true. It kinds moves when you--in any
9 event. Seriously speaking, the other issue that we
10 had, which I think is also relevant is that there is
11 under the ZQA a potential to make a request of the
12 BSA for a mixed unit building that has both
13 affordable and market-rate housing.

14 GIFFORD MILLER: Right.

15 COUNCIL MEMBER GREENFIELD: And you could
16 see how that would--your argument would carry less
17 weight there in terms of the cost, subsidizing the
18 cost for the affordable units, because that's a
19 particular case where those are market-rate
20 apartments.

21 GIFFORD MILLER: Yes. I mean, look, I
22 haven't gone through the whole ZQA text as you have,
23 and I'm--

24 COUNCIL MEMBER GREENFIELD: [interposing]
25 No, I'm just enjoying the banter back and forth.

2 GIFFORD MILLER: Me too.

3 COUNCIL MEMBER GREENFIELD: Former
4 Speaker.

5 GIFFORD MILLER: What I would say though-
6 -

7 COUNCIL MEMBER GREENFIELD: [interposing]
8 I don't usually get to do this to Speakers, so this
9 is fun for me.

10 GIFFORD MILLER: I would say this about
11 the BSA process and about the notion--

12 COUNCIL MEMBER GREENFIELD: [interposing]
13 That's right.

14 GIFFORD MILLER: I would just note on the
15 point of the BSA process as being an alternative to
16 an as-of-right process, and I heard you talking
17 earlier about with regard to the senior affordability
18 programs and it's shorter. Yes, it would be shorter
19 than a rezoning, and usually there'd be a safe
20 process that's less expensive than a rezoning, but I
21 just would say that, you know, the margins in
22 affordable housing aren't huge, and generally
23 speaking, the trade for that is that the risk isn't
24 that great, but if you are going to buy a piece of
25 property or lease or put your money up and do a bunch

2 of pre-development expense in order to develop a
3 property and you don't have it as of right, even if
4 it's a shorter BSA process, it is absolutely going to
5 chill the market, because there will be many people
6 who will say, "What happens if I don't get it?" and
7 frankly, it's often going to be in the same
8 communities which are concerned about the as-of-right
9 and they're going to have dozens of people going down
10 to the BSA, and it's going to turn into this sort of
11 process that the as-of-right portion of VERS [sic].
12 And so I just would say while it sounds like it would
13 be better to do six--it certainly is better. Six
14 months is better than two years or 12 months is
15 better than two years, it might not be good enough.

16 COUNCIL MEMBER GREENFIELD: Sure. I was
17 referring specifically though to the mixed affordable
18 and market-rate developments which is slightly
19 different because--and I'm certainly more sympathetic
20 to the pure affordable developments, but I think that
21 the ones that are mixed generally are done for profit
22 developers who have very different economics and
23 different incentives, and that's what I'm--

24 GIFFORD MILLER: [interposing] Yeah, I
25 mean, I'm a for-profit developer that's still working

2 on the for part, but the -- I think you're--there's
3 truth there. It's just in the end it's a question of
4 even with the mix, you know, there is subsidy that
5 goes into it to make the whole project work and if
6 it's in a transit area and the project can work with
7 less subsidy without the requirement of the parking,
8 then it would be a better thing in my view.

9 COUNCIL MEMBER GREENFIELD: As a former
10 Speaker, we're going to leave you with the last word.
11 Thank you very much. Thank you all for taking the
12 time to come out and share your ideas with us.

13 GIFFORD MILLER: Thank you for your
14 patience through this long process.

15 CHAIRPERSON RICHARDS: Thank you. We're
16 going to Council Member Cohen.

17 COUNCIL MEMBER COHEN: Thank you. I just
18 wanted to take advantage of having a panel of
19 architects and developers. Someone testified earlier
20 about, you know, that the most easily developed
21 sites, most of them are gone in the city, and the
22 northwest Bronx it is very hilly. I have a lot of
23 steep slopes, and a lot of the sites that are not
24 developed have, you know, tough geographic features,
25 natural features that make development a challenge.

1 And in some of the renderings I've seen by developers
2 who want to develop some of these sites, I end up
3 with buildings that even though they're not--you
4 know, they have the same number of floors as other
5 buildings, they appear to be towers because of the
6 geography, and I was wondering if there is something--
7 so, again, allowing additional height or bulk, I'm
8 not sure is going to make those--while it might make
9 them more developable in a financial sense, it's
10 certainly not going to make them more attractive to
11 their neighbors, and I'm wondering if there's
12 anything besides, again, creating more height or bulk
13 that you think that is a design, that there are
14 regulatory, statutory or in zoning design limitations
15 that if we tweaked might make those sites more
16 developable without adding height or bulk?

18 GIFFORD MILLER: Well, I mean, some of
19 them I think are in the ZQA. Again, I'm not an
20 expert on the ZQA, but setbacks are a real issue in
21 terms of efficiency and cost. There's no question,
22 you know, you have to choose the size of your floor
23 plate and then maximize according to one or the
24 other, and when you set back and you want to continue
25 having a double-loaded [sic] corridor, you end up

2 having to flip the apartments and the size of the
3 units become more difficult to squeeze on the setback
4 floors trying to--I'm not an architect, but trying to
5 make this sound semi-sensible. And certainly,
6 reducing the number of setbacks and reducing the
7 minimum size of the units would allow you to be more
8 efficient and to build buildings that are attractive
9 and actually financeable within a more difficult
10 framework. But you know, you're going to have the
11 base plain height issue on the--we're building on a
12 site in the Bronx where between the two streets it's
13 like 20 feet, and it's a--it is a challenge, there's
14 no question.

15 MARK GINSBERG: I'd add that you probably
16 also have an issue of high rock if you've got hills.
17 And if you--and where there is good mass transit if
18 you don't have to build the parking, that takes up
19 space that doesn't count as zoning floor area, but
20 has envelope issues. The other thing--in ZQA there
21 are also changes in the court rules that will allow
22 more modulation in the façade, which I think will
23 also help in breaking up the scale of the building,
24 creating, you know, the traditional 1930's to 50's
25 building where you had a court that you entered that

2 was landscaped. Well, zoning really makes that
3 impossible now, and ZQA would allow you to do that
4 again, and some of those things may not affect the
5 height, but off the street would make the building
6 have a more human scale.

7 JONATHAN KIRSCHENFELD: And I believe
8 there are also elements in the ZQA that make it
9 easier to develop irregular sites. Our firm has done
10 five supportive housing projects on the really
11 weirdest shaped sites, trapezoidal, curved, small
12 street frontage, very deep, and I believe from the
13 world of supportive housing, some of the zoning regs
14 in the ZQA have focused on how to make those
15 irregular sites easier to develop for affordable
16 housing.

17 JONATHAN MARVEL: So, two details come to
18 mind in terms of the Bronx and the hilly nature and
19 the change in elevation. So, from one end of the
20 block to the other you can often have 10 or 12 feet
21 of difference, and so--or more, and in that case that
22 extra five feet of height in a retail, in a
23 storefront will often make a big difference to allow
24 for and accommodate that change in elevation so that
25 you can get doors into those shops, because you've

2 got a little bit more height and a little more
3 storefront presence on the block. The other detail I
4 think that is encouraged by the extra height allowed
5 in these buildings will be bigger windows, and we
6 know that windows help scale down a tall building.
7 So, if you have small windows, the building feels a
8 little more anonymous, and windows are the eyes of a
9 building. So, if you can have bigger windows you get
10 more light, you get a building that doesn't feel as
11 big as well. So, the scale is brought down by that
12 effect.

13 CHAIRPERSON RICHARDS: Alrighty, thank
14 you all for coming out today.

15 GIFFORD MILLER: Thank you.

16 UNIDENTIFIED: Thank you.

17 COUNCIL MEMBER GREENFIELD: Alright,
18 we're going to have a panel now in opposition,
19 Charles Anderson, Assembly Member Deborah Glick--you
20 here, Charles? Oh, wonderful. Leslie Doyle, Save
21 Chelsea, Leslie? Is Leslie here? Leslie left, okay.
22 Hilda Regier, Victoria's Society--Victorian Society
23 of New York, Hilda, are you here? Thank you. I'm
24 going to get my counsel the opportunity to try to
25 read that. Kate Slevin, Municipal Art Society. Is

2 Kate here? Jei Fong, Coalition to Protect China Town
3 on the Lower East Side?

4 COUNSEL: I believe this says, H. Yuro
5 [sp?].

6 COUNCIL MEMBER GREENFIELD: That was a
7 good job. Louis Barnes, National Mobilization
8 against Sweatshops. Is Louis here? Nope. Jennifer
9 Klein? Is Jennifer here? The Riverdale Community
10 Coalition? Alright. And Laura Spouter [sic] from
11 the--Spalter, I'm sorry. Thank you, Council Member
12 Cohen. Broadway Community Alliance, are you here?
13 You're here. Wonderful. I'm David Greenfield, I'm
14 the Chair of the Land Use Committee subbing for the
15 Chair of the Subcommittee on Zoning, and we're going
16 to start with you, sir. You can start whenever
17 you're ready.

18 CHARLES ANDERSON: Wonderful. Thank you.
19 My name is Charles Anderson and I am the
20 representative of Assembly Member Deborah Glick who
21 is up in Albany today during session, just reading a
22 prepared statement. Thank you for the opportunity to
23 testify before you today regarding this citywide
24 zoning text amendment known as Zoning for Quality and
25 Affordability, which was recently approved by the

1 City Planning Commission, while the overall goal of
2 creating more affordable and senior housing is
3 laudable, the broad stroke of this proposal attempts
4 to achieve these goals at the expense of existing
5 communities. I do not support the ZQA zoning and
6 text amendment in their current forms. I urge you to
7 reject this proposal until changes outlined below and
8 by individual community boards are addressed. It
9 appears that the main goal of ZQA is to facilitate
10 the development of more visually appealing buildings
11 as well as create a uniformed streetscape while
12 allowing developers to maximize their available FAR,
13 and the proposal fails to protect existing individual
14 neighborhood regulations that limit intrusive heights
15 and bulk. These proposed changes affect
16 neighborhoods regardless of historic districts and
17 further increase heights dramatically, and while this
18 amendment would not change existing Landmarks
19 Preservation law, it is known that the Landmarks
20 Preservation Commission has long indicated that it
21 cannot evaluate a project based on the height. As
22 such, the increased height limits created in zoning
23 would directly impact any historic district and
24 slowly erode the character of these districts, which
25

1 took years to designate. While the population of New
2 York City continues to grow and density will
3 inevitably increase, and such an increase--such
4 increases should not be to the detriment of
5 neighborhoods that have fought to preserve and
6 protect the character of their neighborhood.

7 Furthermore, the increased density that would result
8 from ZQA would further strain public resources that
9 are not addressed directly by this plan such as
10 school seats, open greenspace and transportation.

11 One provision of--pardon. Zoning districts were
12 created to ensure that adequate light and air are
13 provided in order to ensure livable neighborhoods.

14 Developers rarely need much encouragement to build
15 taller, and changing zoning to make it easier to make
16 it easier seems unnecessary and wise and clearly runs
17 counter to the public will. This results in

18 permanently taller buildings but only temporary
19 housing for seniors. Not only is this bad for

20 individual seniors who might be priced out of once
21 affordable unit, it is bad policy so significantly
22 subsidized needed housing for such a short term gain.

23 Finally, an overarching critique of this plan echoed
24 throughout the New York City by local Community
25

2 Boards and the uniformity of ZQA is inappropriate for
3 our unique neighborhoods and communities throughout
4 all boroughs, the village, SoHo and Tribeca have very
5 different needs than Inwood or the Upper East Side.
6 A one-size-fits-all approach is detrimental in this
7 aspect. In neighborhoods where historic districts
8 are frequently ignored in the face of new
9 developmental projects that seek to build higher
10 despite the historic value of entire blocks, this
11 aspect of the plan would cause certain neighborhoods
12 to become vulnerable. Overall, changes to zoning
13 through ZQA would largely hurt neighborhoods in
14 existing protections in the expensive sought after
15 real estate markets. These are many of the same
16 neighborhoods that have--

17 COUNCIL MEMBER GREENFIELD: [interposing]
18 If you can wrap up please, we'd appreciate it.

19 CHARLES ANDERSON: Yep, will do. In
20 finding to address over development. I urge you to
21 reject these proposals. Thank you.

22 COUNCIL MEMBER GREENFIELD: Thank you.

23 HILDA REGIER: Honorable Council Members,
24 I am Hilda Regier, President of the Victorian Society
25 New York. Victorian Society New York urges a

1 resounding no vote against the Zoning for Quality and
2 Affordability proposal. As a founding chapter of the
3 Victorian Society in America begun in 1966 to protect
4 our 19th century architectural heritage, our
5 organization is concerned about structures throughout
6 the entire city. This sweeping proposal could do
7 irreparable harm to our city's diverse streetscape.
8 It would encourage destruction of older housing stock
9 and thereby wipe away established affordable housing
10 units. The effect, therefore, would be
11 counterproductive. This sweeping citywide proposal
12 is a drastic change from the way zoning changes are
13 now made. Today, zoning proposals are limited to
14 defined areas, enabling local, sensitive input on the
15 potential impact. At the City Planning Commission
16 meeting at which this proposal was adopted and moved
17 on for your consideration, several members
18 recommended that the City Council be asked to make a
19 number of changes in the text. In other words, you
20 have before you a proposal that even some of the
21 Commissioners find flawed. We urge you not to be
22 swayed by arguments that a fix here and a patch there
23 will make this a good plan. Too much is at stake.
24 The best solution is a no vote.
25

COUNCIL MEMBER GREENFIELD: Thank you.

TARA KELLY: Good afternoon. I'm Tara Kelly, speaking on behalf of the Municipal Art Society. Kate Slevin had to leave. MAS is a 123-year-old organization that works for a more livable city through forward thinking urban design, planning and preservation. Housing affordability has reached crisis levels in New York. Citywide, over half of renter households are rent burdened and 30 percent are extremely rent burdened. Average rents have gone up dramatically in the last decade while incomes have not risen to match. As such, we applaud the city for attempting to address the affordable housing crisis through the proposed Housing New York Plan. Regarding the two items presented this week, we support mandatory inclusionary housing but are unable to support Zoning for Quality and Affordability in its current form. First, on MIH, it is an important instrument in leveraging the market to create an appropriate housing mix. The proposal will create housing that meets the needs of a broad range of city residents. MIH will create permanently affordable units and because MIH only applies in neighborhoods that are being rezoned or for individual special

1 permit application, we feel confident supporting it
2 on principle as any application of MIH will be
3 subject to full public review. However, the proposal
4 can go further. It should be expanded to encourage
5 the production of units for very low income
6 residents. Additionally, MIH do more to incentivize
7 onsite affordable units where high land values and
8 density allows while working to develop legal
9 structures, funding strategies and other mechanisms
10 to ensure the long term maintenance of offsite
11 affordable units. On the Zoning for Quality and
12 Affordability, MAS supports a number of the proposed
13 changes including the promotion of more affordable
14 and senior housing, reduced parking requirements for
15 affordable housing and the encouragement of more
16 vibrant streetscapes. While these are all important
17 measures, there are still a number of concerns that
18 we feel need to be addressed. First, it is difficult
19 to understand the benefits of this proposal without
20 clear projections about the number of new units that
21 would be generated under ZQA if their data is to
22 explain how these proposed changes help the
23 Administration meet affordable housing goals.
24 Regarding the increased height and bulk in contextual
25

2 districts, many neighborhoods obtained contextual
3 zoning after years of negation with the City and
4 therefore should have more involvement in the
5 proposed changes. MAS recommends that the
6 Administration take a more targeted approach for
7 individual neighborhoods. We have reservations about
8 the current proposal as it applies to historic
9 districts and think further study is warranted.
10 While new development in historic districts is
11 subject to review, the burden of regulating bulk and
12 height should not fall solely on LPC. MAS strongly
13 supports the city's proposal to eliminate unnecessary
14 parking requirements for affordable housing, but the
15 proposal should do even more. MAS recommends
16 reducing mandatory parking requirements for all new
17 development. We are concerned that the senior
18 affordable residences generated under this proposal
19 would not be permanently affordable even as height
20 and bulk is retained for a building's lifetime.
21 Finally, we thank the Administration for responding
22 to requests for different approaches to building on
23 wide and narrow streets, but would like clarification
24 as to why this modification was made for only certain
25 districts. We feel that elements of ZQA come across

1 as piecemeal and it continues to be difficult to
2 determine the real world impact on neighborhoods. We
3 prefer the city think more boldly about the creation
4 of affordable housing working towards complete
5 neighborhoods that provide services and amenities for
6 both current and future resident's need. Thank you.

8 JEI FONG: Good afternoon. My name is
9 Jei Fong. I'm with the Coalition to Protect Chinatown
10 Lower East Side. My testimony is in opposition to
11 both ZQA and MIH. As Deputy Alicia Glen said, ZQA
12 and MIH are part of a broader housing plan. This
13 plan includes privatizing public land and public
14 housing, rezoning predominantly people of color
15 neighborhoods for increased luxury development and
16 dismissing community-led rezoning plans like the
17 Chinatown Working Group Plan. I respectfully disagree
18 with Commissioner Been, her testimony yesterday that
19 they have gotten rid of the poor door. At this
20 moment they are building an 80-story luxury tower on
21 the waterfront in the middle of public housing and a
22 13-story poor door which will be constructed right
23 next to it. Oftentimes these affordable housing
24 tenants don't have access to the same amenities as
25 the market-rate tenants, and this is not economic

2 diversity. It is economic racism. After 2008 and
3 2011--

4 [applause]

5 COUNCIL MEMBER GREENFIELD: [interposing]

6 Folks, folks, we're going to--just quickly, just take
7 one break if you don't mind.

8 JEI FONG: Sure.

9 COUNCIL MEMBER GREENFIELD: We'd ask if
10 it's okay, please, please don't clap. It interrupts
11 the testimony. We have a wave here. You can wave if
12 you're enthusiastic. If you really need to clap, you
13 can feel free to do so outside, not inside the
14 chamber, and you can continue your testimony now.
15 Thank you.

16 JEI FONG: After the 2008 and 2011
17 rezonings in our neighborhood which did not provide
18 height limits, our community has lost over 10,000
19 affordable units. The ZQA and MIH proposals are
20 based on false premise that New York City needs
21 luxury development in order for working families to
22 afford to live here. Our community is evidence of
23 this that 200,000 units regardless of AMI levels is
24 so, so small compared to the surrounding units and
25 the area these luxury towers will displace, and

1 200,000 is meaningless compared to the many local
2 businesses and existing jobs, community services,
3 public schools that are communities are losing. MIH
4 is a tool which if used correctly might ensure new
5 development provides affordable housing, but if used
6 incorrectly can actually destroy more units than it
7 aims to create. ZQA coupled with MIH is going to be
8 applied to areas where they're going to be rezoned in
9 East New York, Flushing, East Harlem, South Bronx,
10 including Chinatown, Lower East Side, other
11 predominantly people of color neighborhoods. It will
12 disproportionately destroy those low income
13 neighborhoods and the only remaining affordable
14 communities in New York City. While the City Council
15 might not be able to stop all developers from
16 building as-of-right buildings like the 80-story
17 Excel [sic] tower, there are measures that you can
18 take to protect the most vulnerable neighborhoods.
19 For example, the Chinatown Working Group Plan
20 includes 100 percent low income housing on public
21 land. That is public housing. That is senior
22 housing. Forty percent of public housing are housing
23 seniors. At least 50 percent low income mandatory
24 inclusionary housing that is part of the plan, 50
25

2 percent not 25, 30. Special permits to protect local
3 small businesses, and also most importantly a cap on
4 the height limit. So, this kind of community-led
5 effort should be looked at as a model for preserving
6 and protecting New York City's communities,
7 particularly the most vulnerable, including--

8 COUNCIL MEMBER GREENFIELD: [interposing]
9 Ma'am, I'm going to ask you wrap up, please.

10 JEI FONG: Chinatown--sure--Chinatown and
11 the Lower East Side. But ZQA and MIH are not
12 community-driven as evident from the overwhelming
13 support--opposition from Community Boards and from
14 the grassroots community members across the city. We
15 urge you to oppose the proposal in its entirety and
16 reconsider another proposal. Go back to the drawing
17 board--

18 COUNCIL MEMBER GREENFIELD: [interposing]
19 Ma'am, thank you for your testimony.

20 JEI FONG: and find--

21 COUNCIL MEMBER GREENFIELD: [interposing]
22 We're going to move on to the next person now. Thank
23 you.

24 JEI FONG: something that would truly
25 protect communities.

2 COUNCIL MEMBER GREENFIELD: Thank you.

3 JENNIFER KLEIN: Good afternoon. My name
4 is Jennifer Klein. I'm speaking on behalf of the
5 Riverdale Community Coalition from Bronx Community
6 District Eight. We're focusing on the new
7 definitions for long term care and extended care
8 CCRC's, allowable uses in R1 and R2 zoning districts,
9 and special permits allowed under ZR74-901, which
10 would permit multi-unit, multi-story apartment
11 buildings to be located in low-density R1 and R2
12 residential districts. For the first time in New
13 York zoning history it would open single and two-
14 family residential districts to multi-unit apartment-
15 style buildings styled as CCRC's. CCRC's are not in
16 the requirement for the measurable measure of
17 affordable housing. CCRC's are not community
18 facilities. They're the zoning modification's
19 attempt to classify them as such. What we have seen
20 in our own R1 district is a proposal for a luxury
21 CCRC. We want to stress luxury, luxury, yes, luxury.
22 The Hebrew Homes luxury apartment-style development
23 which world [sic] results show apartments starting at
24 725,000 plus a hefty maintenance charge starting
25 around 4,500 per month. It's hardly what we might

1 to object to ZQA. This move to facilitate CCRC in
2 Community District Eight is a direct contradiction of
3 what the 197A plan approved by the City Council in
4 2003. What is recently being proposed in our area is
5 something more akin to a building found in an R6
6 district. It is no wonder that we are objecting. We
7 believe that by ZQA facilitating this kind of use in
8 a low density district, it renders zoning in R1 and
9 R2 in New York City meaningless. Despite the 10 acre
10 clause being eliminated from the ZQA zoning text
11 amendments, the core issue remains the amendment to
12 the use tables which would leave all R1 and R2
13 density districts throughout New York City vulnerable
14 to apartment-style residential dwellings, which would
15 seem a complete contradiction to R1-2 zoning
16 regulations. Despite the special permit requirement
17 at this late stage, we urge you to vote no. We
18 recommend that the use group designation recognize
19 that these buildings are residential and that the
20 building bulk height and setback controls are the
21 same as those required for residential developments
22 in any residential district. We urge you to vote no
23 on ZQA until this matter is resolved. Thank you.
24

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

COUNCIL MEMBER GREENFIELD: Thank you.

Laura?

LAURA SPALTER: Good afternoon. My name is Laura Spalter. I'm speaking on behalf of the Broadway Community Alliance and the Coalition against the Mayor's Rezoning Plan. We represent 13 community groups in Bronx Community Board Eight united in opposition to Mayor de Blasio's proposed rezoning plan. ZQA and MIH are designed to increase affordable housing, a laudable goal. However, the high density development that these plans encourage and incentivize will be a great boom to developers at the expense of our community's open space, air, light, views, and unique character. Rezoning will impact our community in a number of ways, allowing multifamily apartment buildings known as CCRC's and low density R1 and R2 single-family residential areas by changing zoning definitions, creating severe hardships for those who reside in the transit zone. North Riverdale abuts Westchester. We are near the Number One Subway, an elevated train and many, many people from Westchester invade all our blocks along Broadway and that strip to avail themselves of the subway. Parking in our area is a nightmare and a

1 horror, and I find it strange that the developers
2 don't seem to recognize that while many seniors may
3 not drive, I don't know if I agree with that. Don't
4 they have visitors? Don't they have staff? Don't
5 they have working people? They take up the
6 neighborhood spots, and like I said, it's a nightmare
7 and a horror now. We will have overcrowding in our
8 local schools which are well over 120 percent right
9 now, and Mayor de Blasio's one-size-fits-all plan
10 undermines Community Board Eight's 197A plan, which
11 was adopted by the City Planning Commission and the
12 City Council in 2003. The purpose was to preserve
13 the scale and character of area neighborhoods. The
14 Mayor's plan serves to benefit the real estate
15 interest at the expense of our unique neighborhoods.
16 Lost in the debate is that under the current zoning,
17 developers of affordable and senior housing can
18 already build taller denser buildings with fewer
19 required parking spaces, often to the frustration of
20 their neighbors. Buried in the proposal's hundreds
21 of pages is the loophole that allows developers to
22 apply for hardship waivers to the Board of Standards
23 and Appeals to avoid every mandated in MIH, including
24 the number and size of affordable units and
25

2 affordability levels. Also buried is the current BSA
3 requirement for developers to show why their projects
4 will not alter community. The public has the right--

5 COUNCIL MEMBER GREENFIELD: [interposing]
6 Laura, I'm going to ask you to wrap up, but the good
7 news is that your Council Member was here all day
8 yesterday and is here all day today, and I'm certain
9 that he's going to ask you some follow-up questions.
10 So if you can just wrap up another 10 seconds or so
11 and then we can go to questions.

12 LAURA SPALTER: Thank you. Ask me about
13 fiscal transparency.

14 [laughter]

15 COUNCIL MEMBER GREENFIELD: Okay. That's
16 good enough, and I do actually want to recognize that
17 many of the issues that you are raising, both Laura
18 and Jennifer, are actually the issues that were
19 brought to me directly by your Council Member Cohen.
20 As the Chair of the Land Use Committee, I can tell
21 you that he's very concerned about these issues and
22 we have discussed them at length to try to resolve
23 these issues, and I want to commend them in fact for
24 being so on top of these issues and so committed to
25 his community and Community Boards, and with that I

2 will turn it over to Council Member Cohen to ask you
3 the question that you apparently would like him to
4 ask.

5 COUNCIL MEMBER COHEN: I have several
6 questions, but Laura, would you mind talking a little
7 bit about fiscal transparency as it relates to this
8 plan?

9 LAURA SPALTER: Okay. One of the things
10 this morning everyone is saying it's going to cost a
11 lot of money to get those train ADA accessible. It's
12 going to cost a lot of money for this, a lot of money
13 for that. Where are the details? The public has the
14 right to fiscal transparency and a cost analysis for
15 all the subsidies, the promised new infrastructure,
16 the school, the new schools. Where is this coming
17 from? You know, there is no free lunch. So
18 inevitably, the needed revenue is going to come from
19 raising our property taxes, our water taxes, our
20 sewer taxes and every other tax that we pay. The
21 billion dollars that was mentioned this morning is
22 not even enough to fix the hundred-year-old sewer
23 pipes and the combined sewer overflow problems in
24 Community Board Eight. It is a ridiculously low
25 amount of money. So, I notice, you know, you wanted

2 to know a lot of details, the Council Members, about
3 the Central Park and how much it was going to cost to
4 fix the stable. I don't hear the details, the
5 questions of how much is this going to cost and how
6 is it going to be paid for. So, that is something
7 that is going to affect us for the next 30, 40--

8 COUNCIL MEMBER GREENFIELD: [interposing]
9 Laura, by the way, Laura, were you here this morning?
10 No?

11 LAURA SPALTER: Yes.

12 COUNCIL MEMBER GREENFIELD: Okay. You
13 know, we did spend quite a bit of time chatting about
14 infrastructure and exactly that issue, which is the
15 infrastructure promises that are made and how in fact
16 the city will keep those promises, just so that you
17 know that actually was a robust part of the
18 conversation. But either way I'm going to turn it
19 back to Council Member Cohen for I'm sure what are
20 follow-up questions.

21 COUNCIL MEMBER COHEN: Yeah, I would like
22 my colleague to know that both Laura and Jennifer
23 Klein are volunt--you know, Laura's a Community Board
24 Member, Jennifer's just a concerned citizen. They
25 have devoted an enormous amount of time to try and to

2 understand these proposals. They are incredibly
3 complex, and it's purely on a volunteer basis. I'm
4 particularly appreciative. One of the things I tried
5 to impress upon City Planning this morning was the
6 width and the breadth of the local opposition and the
7 unfair burden I think placed on Community Boards
8 having to try to understand and then ultimately vote
9 on these two proposals traveling simultaneously,
10 approximately 1,000 pages of text. Could you talk a
11 little bit Laura about the effort of Community Board
12 Eight and was involved and your experience of--

13 LAURA SPALTER: [interposing] It was like
14 a Bible study group as we sat around gathering, "And
15 what does this mean?" and reading--

16 COUNCIL MEMBER GREENFIELD: [interposing]
17 What group? I didn't hear that--

18 LAURA SPALTER: [interposing] It was like
19 a Bible study group.

20 COUNCIL MEMBER GREENFIELD: Oh, okay.

21 LAURA SPALTER: You know, to read this and
22 study this.

23 COUNCIL MEMBER GREENFIELD: Bible study,
24 oh, okay.

2 LAURA SPALTER: I have another comment. I
3 heard this morning about exemptions for areas of
4 Brooklyn and Queens--

5 COUNCIL MEMBER GREENFIELD: [interposing]
6 I just got to tell you, by the way, Laura--

7 LAURA SPALTER: for transit zones--

8 COUNCIL MEMBER GREENFIELD: [interposing]
9 I study the Bible frequently. It's actually much
10 easier to understand.

11 LAURA SPALTER: Yes, exactly.

12 COUNCIL MEMBER GREENFIELD: Than the
13 zoning text amendment. Around the same length,
14 though.

15 LAURA SPALTER: Can--

16 COUNCIL MEMBER GREENFIELD: [interposing]
17 I'm going to have to ask you wrap up just because we
18 want to be fair to other folks, yes.

19 LAURA SPALTER: Yes. Can the Council
20 please give out some details as to these possible,
21 the criteria for exemptions to the transit zones? I
22 heard that this morning that there could be
23 exemptions for certain areas of Brooklyn and Queens
24 looking at the different criteria, but then I didn't
25 hear any details.

2 COUNCIL MEMBER GREENFIELD: So, yeah.

3 So, the short answer is that we are having
4 conversations with the Administration and we've been
5 having them for months and we're going to continue to
6 have those conversations, and my recommendation for
7 you is that as you already seem to have a very good
8 relationship with your outstanding local Council
9 Member--

10 LAURA SPALTER: [interposing] Yes, we do.

11 COUNCIL MEMBER GREENFIELD: you should
12 continue chatting with him and he will keep you
13 apprised of those details and enable you to have that
14 further input.

15 LAURA SPALTER: Thank you.

16 COUNCIL MEMBER GREENFIELD: So, I want to
17 thank this panel. I want to thank you all for your
18 testimony. It was certainly helpful and incisive and
19 we appreciate it, and we're going to move onto our
20 next panel. Melissa Chapman from the Bronx Chamber
21 of Commerce, if you are here. Melissa here?
22 Wonderful. Peter Fontanes from the National Hispanic
23 Construction Association, are you here? Good to see
24 you again. David Levine from Oatner or Datner
25 Architects. David are you here? David? Don't see

2 David. Christine Hunter from Magnusson Architecture
3 and Planning. Christine, are you here? You are
4 here. Edward Ubiera from the Local Initiative
5 Support Group, Edward are you here? Rick Miranda
6 [sp?] from either the Brooklyn or Bronx Hispanic
7 Chamber of Commerce. Rick, are you here? Yes, no?
8 No Rick? Quina [sp?] Abru from the New York Women's
9 Chamber of Commerce. Ms. Abru, are you here? Fred
10 Davy [sp?] from Union Theological Seminary. Fred,
11 are you here? So, Fred's not here. Emily Kurtz from
12 the RBSCC? Alright, Melissa, if you begin, please?
13 Someone would mind passing her the microphone, thank
14 you.

15 MELISSA CHAPMAN: Thank you. Good
16 afternoon Council Members and guest. I'm Melissa
17 Chapman and I serve as the Senior Vice President for
18 Public Affairs the Brooklyn Chamber of Commerce.
19 This testimony is being delivered on behalf of Carlo
20 Scissura, President and CEO of the Brooklyn Chamber
21 in support of the MIH and ZQA proposals for NYC. At
22 our core, the Brooklyn Chamber is a membership-based
23 business organization that represents the interest of
24 2,100 members as well as other businesses across the
25 borough of Brooklyn. Today we join several other

1 local business supporters and the action group United
2 for Affordable NYC to call for MIH and ZQA options in
3 the City. This measure will position NYC to retain a
4 valuable workforce, which would in turn sustain the
5 growth and development of our neighborhood
6 businesses, especially mom and pop shops. In
7 addition, such mobile [sic] help, many of our
8 neighbors maintain their rich diverse culture which
9 makes them authentically New York. ZQA is an
10 important aspect of successful implementation of MIH.
11 More specifically, a provision should be made for
12 this group of residents that have reliable access to
13 parking and buildings must be easily accessible to
14 seniors. New developments should have parking
15 available on site and/or at nearby facilities which
16 will help to improve the quality of life of
17 residents. According to 2012 report published by the
18 New York City Department of Aging, the City's
19 population of 65-plus is expected to increase
20 dramatically by 45 percent to 1.35 million by 2030.
21 These provision will help to meet the growing needs
22 of this population and reduce the burden of
23 displacement due to soring housing cost. Under the
24 current plan it is noted that the requirement would
25

2 incorporate existing city housing subsidies, other
3 zoning changes and 421A reforms achieved in Albany in
4 June 2015. It is important that incentive programs
5 be made available to developers to effectively
6 execute MIH and its accompanying modifications. It
7 is for these reasons that we fully support the MIH
8 and ZQA proposals that are before you here today, and
9 I thank you for the opportunity to testify on these
10 matters.

11 COUNCIL MEMBER GREENFIELD: Thank you,
12 Melissa. Emily, whenever you're ready. You're not
13 Emily?

14 UNIDENTIFIED: Emily here.

15 COUNCIL MEMBER GREENFIELD: Oh, well I'm
16 sorry then. We can just go down the line. I
17 apologize. Christine, would you like to go?

18 CHRISTINE HUNTER: Okay. Thank you. Good
19 afternoon. My name is Christine Hunter. I'm a
20 Principal at Magnusson Architecture and Planning in
21 New York City and also the current Chair of the
22 Design for Aging Committee at the AIA New York
23 Chapter. While I support the overall intentions of
24 the ZQA amendments, I want to speak today on behalf
25 of the Design for Aging Committee specifically about

1 the text amendments that affect the design of
2 affordable senior housing. As you know, there's a
3 dire need for affordable and appropriate housing for
4 seniors in all five boroughs. Our committee supports
5 zoning changes that will encourage the design and
6 construction of high quality developments, either for
7 seniors alone or within intergenerational buildings.
8 Over the past five years we've engaged with
9 residents, housing providers and city agency staff
10 around the current challenges to meeting the enormous
11 demand. We particularly support the following
12 elements of the ZQA text amendment. First, the
13 elimination of required parking for new affordable
14 senior housing developments within transit zones.
15 I've brought an example which is attached to my
16 testimony for a project currently in design for a
17 sloping site facing Crotona Park in the Bronx, which
18 will include 82 senior apartments as well as an
19 innovative ground floor senior center oriented to
20 LGBT seniors. The site is well served by public
21 transit, but under current zoning would still require
22 10 parking spaces, which would have to be underground
23 in order to accommodate the space requirements of the
24 senior center. The projected cost of the 6,000
25

1 square feet of ramp and parking area is approximately
2 1.9 million. This is very expensive parking for 10
3 spaces. Since the project's sponsor does not
4 anticipate that the spaces would be used by the very
5 low income tenants, this money could be much better
6 spent on the creation of additional units elsewhere
7 in the city. The second provision is that which
8 would allow waiver of parking for small developments
9 or small lots under certain zones under some of the
10 mid and high density zones similar to the waiver
11 provision that already exist for affordable family
12 housing, and the third provision which hasn't been
13 much discussed, but which we feel is crucial is the
14 elimination of the dwelling unit factor or unit
15 density control for affordable senior developments.
16 Units in this type of housing are typically a mix of
17 studios and one-bedrooms as opposed to family housing
18 which provides more two and three bedroom units.
19 Under the current zoning, which limits the number of
20 units separately from the floor area, senior
21 buildings often can't be developed up to the maximum
22 allowable floor area, thus limiting the overall
23 number of affordable senior units that can be built
24 and making them more expensive because of the
25

2 underlying land cost. These text amendments will
3 have no effect on building height, but will
4 contribute to the fullest and best use of available
5 sites within existing neighborhoods so that as many
6 seniors as possible can age in place and remain
7 engaged in their longstanding communities. We feel
8 that intergenerational neighborhoods benefit
9 residents of all neighborhoods and ultimately--I'm
10 sorry, residents of all ages, and ultimately the
11 entire city. Thank you very much.

12 COUNCIL MEMBER GREENFIELD: Thank you,
13 Christine. Edward?

14 EDWARD UBIERA: Thank you, Member--thank
15 you, Chair Greenfield and members of the Committee
16 for the opportunity to speak here today on the City's
17 zoning proposals. My name is Edward Ubiera, the
18 Director of Policy for the Local Initiatives to
19 Support Corporations New York City Program. I'm
20 submitting this written testimony on behalf of LISC
21 New York City. LISC is dedicated to helping
22 transform--to helping transform distressed
23 neighborhoods into sustainable communities of choice
24 and opportunity with good places to work, to do
25 business and raise children. During our almost 40-

1 year history in New York City, LISC and our
2 affiliates have invested over two billion dollars
3 leveraging over five billion dollars in low and
4 moderate income neighborhoods in the city resulting
5 in over 36,000 units of affordable housing and over
6 two million square feet of retail and community
7 space. In partnership with community-based
8 organizations, the preservation and development of
9 affordable housing has and continues to be the core
10 of our work. Our platform of technical assistance and
11 lending products and our role as a thought partner
12 with local government stakeholders who are key in
13 providing community-based organizations the tools and
14 capacity needed to transform neighborhoods during an
15 era of disinvestment and abandonment. LISC NYC
16 believes that the citywide Zoning for Quality and
17 Affordability proposal is a thoughtful and reasonable
18 proposal that will make it possible for mission-
19 oriented developers to design and build more
20 attractive and more importantly more affordable and
21 senior housing. By our analysis when approved and
22 implemented, ZQA will not compromise the character of
23 the livable mixed used and contextually zoned
24 neighborhoods we have grown to love. To ensure that
25

1 neighborhoods maintained balance between density and
2 character, we strongly encourage the City Council to
3 modify the proposed ZQA text to require formal
4 mechanism for Community Board consultation. We agree
5 with the core elements of the proposal that will
6 modernize design guidelines and allow for an
7 increased density. For years nonprofit developers of
8 affordable housing have faced many challenges in
9 applying the current zoning rules to their affordable
10 housing projects. ZQA offers some common sense
11 changes that will make it easier to design and build
12 on regular sites without having to get special
13 approvals that require extra time and cost. Also,
14 the addition of ceiling height to ground floors will
15 facilitate the development of more viable commercial
16 spaces, especially for mom and pop stores that add
17 street vitality. We support the ZQA provision that
18 makes parking requirements optional for new and
19 affordable and senior housing. We believe it makes
20 sense to allow existing senior housing developments
21 with underutilized parking spots to convert them to
22 either additional housing, open space or other
23 community amenities. Parking spaces are expensive and
24 especially difficult to justify given the low levels
25

2 of auto ownership by many residents of senior housing
3 and affordable housing. However, there is the city
4 to make sure that public transport investments in
5 designated transit zones are sufficient when
6 additional units are added to a neighborhood. In
7 closing, community-based organizations who build
8 housing understand the transportation needs of their
9 neighborhoods and are confident that they will be
10 able to weigh these needs as they make design choices
11 with the additional flexibility provided by ZQA.

12 Thank you.

13 COUNCIL MEMBER GREENFIELD: Thanks,
14 Edward. Emily?

15 EMILY KURTZ: Good afternoon. My name is
16 Emily Kurtz. I am the Deputy Housing Director for the
17 Ridgewood Bushwick Senior Citizens Council. I am
18 very pleased to have the opportunity to testify
19 before you today on behalf of the ZQA text amendment.
20 While there are so many favorable components of this
21 amendment, I will primarily focus my comments on site
22 coverage and underutilized parking for senior
23 building. Our agency has developed or sponsored over
24 3,000 units of affordable housing in Brooklyn, over
25 550 of which are dedicated to low income seniors.

1 The seniors living in our buildings live in secure,
2 well managed and supportive environments. Each
3 building has onsite service coordinators available to
4 provide assistance with appointment scheduling,
5 entitlement access and coordination and many other
6 challenges faced by a resident. Our residents enjoy
7 a range of onsite social activities such as oil
8 painting, Tai Chi and Zumba, and are also offered
9 transportation to nearby senior centers. Best of
10 all, each of our senior residents pays only 30
11 percent of their income towards rent thanks to the
12 project-based Section 8 contract. Every effort made
13 to realize these projects, and it is quite an effort,
14 is validated by the fact that they provide essential
15 units of housing to a vulnerable population that is
16 predicted to grow to unprecedented levels in the next
17 two decades. ZQA can make the process easier by
18 removing impediments to building to the highest and
19 best use of any lot. For example, we have determined
20 that under the ZQA amendment a development in our
21 pipeline would improve by a 20 percent increase in
22 the number of housing units in addition to creating a
23 more inviting and flexible ground floor community
24 facility space to accommodate a large federally
25

1 qualified health center. This is achieved through a
2 reduction in the required parking and adjustments to
3 rear yard requirements on a regular lot. As the
4 market for development sites continue to escalate
5 citywide, the proposed amendments under ZQA are
6 necessary to level the playing field so that
7 affordable senior housing developers are able to
8 continue to build critical apartments for our city's
9 aging population. The parking lots at our senior
10 buildings are severely underutilized as they are
11 restricted to residents and staff, and very few of
12 our residents own cars. Should ZQA pass, we have
13 identified four existing properties that could
14 potentially support development of additional units
15 of affordable senior housing. To think that the
16 precious resource of buildable land is dedicated to
17 underutilized parking lots in the neighborhoods that
18 we serve and across the city is frustrating,
19 especially to those of us who are routinely contacted
20 by low income seniors or by their families desperate
21 to find affordable housing. This is a daily
22 occurrence and it is heartbreaking. Finally, I also
23 endorse the Mandatory Inclusionary Housing text
24 amendment because too often in our neighborhoods we
25

2 have seen vast private wealth conferred on land
3 owners and developers through rezoning with little
4 public benefit received and returned. Thank you very
5 much for your time.

6 COUNCIL MEMBER GREENFIELD: Thank you.
7 Peter?

8 PETER FONTANES: My name is Peter
9 Fontanes and I'm the Chair Admirites [sic] of the New
10 York Association of Hispanics in Real Estate and
11 Construction. First, I'd like to thank Council
12 Member David Greenfield and Council Member Donovan
13 Richard for calling these hearings. I come here to
14 testify on behalf of our newly elected Chair, Rodrigo
15 Mora, who unfortunately could not make this hearing,
16 and of course, the Board of Directors of our
17 organizations in support of the Mayor's plan for
18 affordable housing. We wholeheartedly support
19 mandatory inclusionary housing and Zoning for Quality
20 and Affordability. We could make a long list of
21 changes to the New York City Zoning Resolution such
22 as allowing buildings with affordable or senior
23 housing to be taller, eliminating parking
24 requirements for affordable or affordable senior
25 housing that is located near subway lines and

1 changing rules which effects the shape of new and
2 enlarged buildings. These proposals have bene
3 reviewed by Community Boards, Borough Presidents,
4 Borough Boards, and the City Planning Commission.
5 All of those entities have issued recommendations,
6 and we do believe that some of these concerns have
7 merit to them and should be reviewed for possible
8 amendment hopefully in the near future. However,
9 this is definitely a moment where time is of the
10 essence and further deal making of political
11 posturing [sic] that would delay the process so an
12 actual construction completion will only serve to
13 exacerbate a situation that does not need any more
14 delay. Let me make it very clear that we need to be
15 getting shovels into the ground as soon as possible.
16 Time waits for no one in the building and
17 construction industry. This is not an industry where
18 you lay change on the table and order a box of
19 buildings like a container of corn flakes and expect
20 that building to appear on the countertop the next
21 minute. It takes months and sometimes years to launch
22 a successful building project. You broke [sic] down
23 this carefully crafted and unique legislation.
24 You'll be condemning tens of thousands of New Yorkers

1 to substandard housing as such high rates for years
2 to come that New York would never be able to recover
3 from such a devastating blow. It will prove
4 especially hard to the hundreds of minority-owned
5 firms that are counting on this boom of affordable
6 housing to finally be part of the great potential of
7 contract procurement opportunity that have been
8 promised by this city. For those of you who sit in
9 this august chamber, especially those of you who are
10 supposed our minority community, to reject and delay
11 these projects would be to surely give the kiss of
12 death to rise of economic progress and justice in our
13 black and Latino neighborhoods, particularly to our
14 minority business people. We have worked hard to
15 struggle from the years of neglect and rejection so
16 that we can have parody in the business and economic
17 development of our respective communities. HREC
18 along with other groups like the Association of
19 Minority Enterprises of New York and the New York
20 Real Estate Chamber have been instrumental in
21 assisting in the certification of emerging minority-
22 owned developments, which will open a whole new era
23 never before seen in our community with housing being
24 built by people of color. If you reject the Mayor's
25

2 proposal you will in essence reject the progress of
3 minority business in this city. I urge you to vote in
4 favor of these affordable housing legislation without
5 any further delay. I can assure you that many of us
6 in our industry are just as concerned as some of you
7 are in some aspect of the bill, but we feel
8 comfortable that this Administration with all our
9 help can make the necessary reasonable adjustment in
10 order to achieve the lofty objectives and meet the
11 concerns that are emanating from the Community Boards
12 as we proceed to administer the program. However,
13 again, there can be no more delay. To do so--

14 COUNCIL MEMBER GREENFIELD: [interposing]
15 Peter?

16 PETER FONTANES: would be a major blow in
17 the development of affordable housing in New York.

18 COUNCIL MEMBER GREENFIELD: Thank you
19 very much. I want to thank all of you on the panel
20 for your testimony. It was certainly very helpful. I
21 want to thank you for the work that you do either
22 directly or indirectly to promote the construction of
23 affordable housing and especially affordable senior
24 housing. I actually enjoyed the schematic over here,
25 so that was helpful as well, and I want to thank you

1 for your testimony and for the work that you do and
2 for coming out today. We're going to move on now to
3 the next panel which is a panel in opposition.

4 Andrea Goldwyn, are you here? Sorry? You are here,
5 wonderful. Mel Wymore, Community Board Seven, Mel,
6 are you here? Mel's upstairs. Elizabeth Ashbu
7 [sic], Defenders of the Historic Upper something
8 Side. Mark Diller? Could have sworn you waved when
9 I said Mel Wymore, but--

10 MARK DILLER: I was pointing to Mel.

11 COUNCIL MEMBER GREENFIELD: Oh, you're
12 with Mel, okay. Just making sure that you're not
13 claiming to be two people. Page Cowley from
14 Community Board Seven? Page is here. Patricia
15 Baker? Alright, while the panel in opposition is
16 coming up I'm actually going to hand over the reins
17 to our esteemed colleague, Council Member Andy Cohen.
18 I have to step out as I am teaching a class at
19 Brooklyn Law School tonight. For the record, it is
20 pro-bono. However, my Land Use staff is here as is
21 my Chief of Staff, and I intend to watch the rest of
22 the hearing online. So, please impress me when I
23 watch it later tonight or tomorrow. I don't want you
24 to think you're off the hook because I'm not
25

2 physically here. We will get notes and we will watch
3 your performances online. Not as good as live,
4 obviously, but certainly looking forward to that.
5 So, I'm going to turn it over to acting Chair Cohen,
6 and I'd ask if you can begin, ma'am, from the left in
7 that lovely blue shirt.

8 ELIZABETH ASHBY: My name is Elizabeth
9 Ashby. I'm speaking for Defenders of the Historic
10 Upper East Side, and our concerns we of course
11 support affordable housing. We've lost a tremendous
12 amount in the Upper East Side, but we fear that this
13 proposal would lead to the loss of affordable housing
14 and the destruction of the scale and character of our
15 residential community that we worked very hard for
16 many years to achieve, and I think that this approach
17 is characteristic of the approach that's gone on too
18 long in this city. This does not lead to a net gain
19 of affordable housing and nothing proposed does. You
20 get a bonus for building affordable housing, but you
21 can destroy affordable housing, which happens on the
22 Upper East Side all the time. A developer gets a
23 bonus. We lose affordable housing, and I think that
24 the way we do it, we're really just bailing a boat
25 without plugging the holes first. So, I think we're

2 approaching it in the wrong way. I do want to
3 comment on what the Chairman his response to a
4 question about the Sliver Law of which I'm the
5 mother. He said that it was a modest change. I'm
6 going to read to you--

7 COUNCIL MEMBER GREENFIELD: [interposing]
8 Just to be clear, ma'am, you're referring to the
9 Chair of City Planning, right? Okay. When you say
10 Chair, sometimes people thing you're referring to
11 either myself or Chair Richards. You're referring to
12 Carl Weisbrod is that correct?

13 ELIZABETH ASHBY: I what?

14 UNIDENTIFIED: Are you referring to Chair
15 Weisbrod?

16 ELIZABETH ASHBY: No, I don't think I
17 will be either.

18 COUNCIL MEMBER GREENFIELD: It's okay.
19 Noted for the record. Please continue, ma'am.

20 ELIZABETH ASHBY: The height changes that
21 he regard as modest are from 100 feet to 235 feet,
22 from 75 feet to 205 feet, from 80 feet to 210 feet,
23 and from 100 feet to 210 feet. So, you were being
24 seriously mislead on the effect of this Sliver Law.
25 We're here to make sure that what you do and the

1 amendments you make, but I think that this is
2 probably irreparable and that you should send them
3 back to the drawing board. But I think that they must
4 protect the character that we fought for for so long.
5 They must ensure that the gain--that we get gains of
6 affordable housing and that we don't get
7 affordability at the cost of livability.

9 ANDREA GOLDWYN: Okay, good afternoon,
10 Council Member Cohen and Chair Greenfield. I'm Andrea
11 Goldwyn speaking on behalf of the New York Landmarks
12 Conservancy. To begin, thank you to the Council for
13 providing two separate hearing days for two separate
14 zoning proposals. We really appreciate it. The
15 Conservancy supports the goals of increased
16 affordable housing, but we cannot support the ZQA and
17 MIH, massive upzonings that affect the entire city
18 imposing a one-size-fits-all approach and ignoring
19 New York scenic communities. We've commissioned a
20 report from BFJ Planning, which you've received. It
21 provides several recommendations for both proposals,
22 but testimony today will focus on ZQA. ZQA does not
23 address local needs, support local neighborhoods or
24 require affordable housing. Instead it upends decades
25 of community-based planning. It lifts building

1 heights without an affordability mandate. It doesn't
2 consider how many existing regulated or affordable
3 units could be lost or whether overall supply will
4 actually decrease as older buildings with a mixture
5 of apartments are replaced with fewer larger market-
6 rate units. This proposal has garnered near total
7 opposition from Community Boards and Borough
8 Presidents. We ask the Council to respond to their
9 request and remove ZQA requirements for contextual
10 and historic districts and for special districts
11 without height limitations. We ask you to protect
12 the Sliver Law, eliminate encroachments into rear
13 yards and get some clarity on whether the affordable-
14 the bonus for affordable senior housing is permanent
15 or expires after 30 years much discussed earlier
16 today. Residents in contextual districts labored for
17 years alongside their Council Members and City
18 Planning staff to ensure that plans tailored to their
19 neighborhoods garnered consensus. After negotiating
20 and making compromises, homeowners thought they had
21 certainty regarding their blocks, but ZQA destroys
22 that work and abandons agreements forged with the
23 city. The awkward name of the proposal underlines
24 how it's trying to pull together two goals, quality
25

1 and affordability but deserves separate and thorough
2 attention. ZQA's standard five-foot increase for
3 market-rate housing might not be enormous, but it
4 will have an outsized and damaging effect on the
5 quality of blocks with uniformed rooflines,
6 especially those in historic districts. We do
7 anticipate that the Landmarks Commission will face a
8 bigger workload and be under renewed pressure to
9 approve new out of scale building. This height
10 increase promotes a construction method, block and
11 plank, that will certainly be replaced by newer
12 techniques in the not so distant future, and even now
13 will have an indirect effect of reducing construction
14 jobs, and ZQA does not mandate that these newer
15 taller ground floors actually contribute to vitality
16 of the street level. If City Planning is serious
17 about improving architecture, it should break up the
18 proposal and consider those measures at another time.
19 The Council and Administration have already talked
20 about making changes. We think it's time to go back
21 to the drawing board and craft a proposal that
22 addresses the issues that we and communities across
23 the city are raving. Thank you.

2 COUNCIL MEMBER GREENFIELD: Thank you,
3 Andrea. I just want to thank you for copying me on
4 all the emails that you guys are sending to members.

5 ANDREA GOLDWYN: Yes, we thought you'd
6 enjoy those.

7 COUNCIL MEMBER GREENFIELD: What's that?

8 ANDREA GOLDWYN: We thought that you'd
9 appreciate--

10 COUNCIL MEMBER GREENFIELD: [interposing]
11 Yes, I very much appreciate it, and I have now
12 learned how to use Microsoft Outlook so that I can
13 actually send them into one folder so that I can
14 actually read my other emails, but I'm very grateful
15 for that as well.

16 ANDREA GOLDWYN: Win [sic], win, win.

17 COUNCIL MEMBER GREENFIELD: Thank you.

18 PATRICIA BAKER: Good afternoon everyone.

19 My name is Patricia Baker, and I'm here representing
20 Community Board Nine which services Crowne Heights,
21 Prospect Lefferts Garden and Wingate. I'm going to
22 be giving testimony from a letter that was sent to
23 our Council Members Cumbo, Eugene and Mealy. "Dear
24 Council Members Cumbo, Eugene and Mealy, Brooklyn
25 Community Board Nine asked that you vote no on the

1 ZQA and MIH text amendments. In our November 2015
2 general meeting, Community Board Nine overwhelmingly
3 voted against the proposed mandatory inclusionary
4 housing, MIH, and Zoning for Quality and
5 Affordability, ZQA, text amendments. The text
6 amendments was first presented to Community Board
7 Nine in spring of 2015, and they were referred to our
8 ULURP Committee for consideration. The committee
9 spent countless hours analyzing the proposals,
10 submitted questions to City Planning, engaged the
11 Brooklyn Borough President Office, and also had
12 several meetings to solicit input from the community.
13 After considerable deliberations, the final
14 recommendations of the committee was to reject the
15 text amendment. The full board agreed and voted no
16 on both proposals. One of the main reasons for
17 rejecting the amendments was that the district is
18 already one of the most densely populated in the city
19 and that the MIH and ZQA amendments were served to
20 encourage additional development that would add to
21 the density without doing enough to protect
22 affordability. Tradeoffs would exist where currently
23 affordable housing stock is replaced with new
24 developments and market-rates combined with more
25

1 expensive affordable units. Even with the provision
2 in the amendments there would be a net loss of
3 affordable housing units ultimately decreasing
4 affordability as it is currently defined in the
5 district. It is important to note that the
6 definition of affordable under current regulations is
7 very different from the rate renters would pay under
8 the proposed AMI guidelines. The new affordable
9 rates will be more expensive, result in a
10 displacement of citizens that can only afford to pay
11 the existing rates. Hence, the common phrase
12 "affordable for who?" The need in the Community
13 Board Nine is for expand and focus on protecting
14 affordability and preservation of the neighborhood
15 characteristics through zoning. These areas are not
16 adequately addressed by the text amendments.
17 Additionally, parking is already a significant
18 concern in the district, and then relaxing parking
19 requirements for more developments would serve to
20 exacerbate the issue. Reduced parking will place
21 additional burdens on an already strained local
22 public transportation. Community Board Nine has
23 considered offering modification or suggestions to
24 the amendments, but that was rejected as well. The
25

2 concern is that it would probably do more harm than
3 good to pass work modifications. A housing plan
4 needs to be comprehensive and its components need to
5 work together to offer the necessary protections and
6 truly address community needs.”

7 COUNCIL MEMBER COHEN: Ma'am, could you
8 submit the rest of the testimony in writing? I think
9 you said it was actually a letter contained from the
10 Community Board.

11 PATRICIA BAKER: Yes.

12 COUNCIL MEMBER COHEN: Thank you.

13 PATRICIA BAKER: Thank you. Thank you
14 for listening.

15 MARK DILLER: Good afternoon. My name is
16 Mark Diller. I'm a former Chair of Community Board
17 Seven on the Upper West Side of Manhattan, and I'm
18 here with my colleagues for day two of our podcast
19 about ZQA and MIH. The--for a--to frame what I hope
20 to share with you, I want to share a little bit of
21 our core principles that were adopted by our full
22 board, which include the principles of diversity and
23 inclusion, and when we filter ZQA and MIH through
24 that lens, what we come up with is a desire to make
25 our community welcoming and accessible to folks who

1 can't now afford it, and what that really means is
2 that those neighborhoods in order to be welcoming
3 need to retain their character. Thankfully, these
4 proposals stop short of putting dormitories in
5 Central Park or infill into the courtyard of the
6 Dakota, but it's important that we actually retain
7 who we are and not just sort of create a one-size-
8 fits-all solution. Chair Weisbrod today talked about
9 not leaving any tool on the side, and there can be
10 excesses there that are damaging to the nature of our
11 communities and that would homogenize them, and
12 that's one of the things that our board is very
13 concerned about with respect to ZQA. How does that
14 play out in terms of the proposal that's before you?
15 Well, the height requirements and the impacts of
16 height, especially when you put MIH and ZQA together
17 create concerns about the distinctive nature in our
18 communities of the distinction between the wide and
19 the narrow street. The side streets, the narrow
20 streets in our district are side streets and the wide
21 streets are the avenues that create the grid with the
22 exception of course of Broadway. Using the various
23 means of creating as-of-right development and then
24 engrafting MIH upon it creates an opportunity where
25

2 you would in effect destroy the nature of and the
3 character of our side streets and create a very
4 different environment that serves neither the
5 existing population nor the population that we hope
6 to welcome and include and make part of our fabric.
7 Similarly, eliminating height increases in landmark
8 historic districts is significantly problematic. An
9 awful lot of the Upper West Side actually is in one
10 or another of the historic districts and the social
11 goal of preserving historic fabric must be melded
12 with the social goal of meeting the needs of New
13 Yorkers who need affordable housing, and the vice of
14 the as-of-right solution for every problem creates a
15 situation where the Landmarks Preservation Commission
16 itself by its own admission would be overwhelmed by
17 this proposal. I am running out of time, so I'm
18 simply going to say that the--I referred to my
19 testimony yesterday to be a net loss, but there's
20 actually a possibility that adhering to these
21 programs will create the opportunity to destroy more
22 housing than we're creating, and I refer you to our
23 letter on that regard. Thank you so much.

24 PAGE COWLEY: My name is Page Cowley. In
25 full disclosure, since architects are in vogue today,

2 I run a design and building conservation practice.
3 I'm a fellow of the AIA, a member of the Royal
4 Institute of British Architects, and a lead
5 accredited professional. Today, I'm here as Co-Chair
6 of the Community Board Seven Land Use Committee in
7 Manhattan. I'm here today to focus on changes to
8 building envelopes and rear yards. Prescribed
9 building envelopes under ZQA mandates uniform
10 building design, limiting architectural flexibility
11 and most importantly the internal program and use of
12 new buildings. This has the potential to create
13 boring landscapes that diminish diversity and
14 neighborhood character. I say this from experience
15 living on the Upper West Side, because as well as
16 intentioned as the list of design modifications are,
17 to provide flexibility in the treatment of street
18 alignment, the streetscape and overall arrangement of
19 elements on the façade, they will most likely serve
20 as a check list of prescriptive requirements that
21 will not materially encourage better design, but
22 serve to introduce a repetitive design model not
23 unlike, and dare I say it, the Trump buildings in our
24 district which are within the Riverside South and
25 center development which were all supposed to be new

1 types of architecture to take advantage of the
2 waterfront. Instead, they are now variations on a
3 theme. We believe that the best buildings respond to
4 context and are planned and programmed while lying on
5 as much on the arrangement of the program that takes
6 place on the interior together with a rich palate of
7 materials. The proposed text specifies the
8 arrangement of elements in a common place and
9 expected order rather than suggesting a kit of parts
10 that can be manipulated and placed freely within the
11 façade to produce interesting and extraordinary
12 vernacular architecture. We're also concerned as a
13 knock-on effect of this of the changes in heights to
14 buildings that have been a huge topic today in terms
15 of zoning lot mergers in the transfer of development
16 rights that can drastically change our neighborhoods.
17 We have worked extensively with City Planning and
18 although the proposed quality related amendments
19 present a significant step towards improving new
20 building quality, CB7 is concerned that the proposal
21 is still too rigid to permit novel and creative
22 architecture, and urges DCP to work with architects
23 in Community Boards to further this discussion.
24 Quickly, and I want to say something about the rear

1 yards. Rear yard setbacks protect light and air and
2 provide important environmental benefits. This
3 proposal would relax rear yard requirements. We've
4 gone to great lengths to try to preserve our rear
5 yards and the perimeter block keeping open space
6 which is now important environmentally and in terms
7 of sustainability. We are optimistic that we can
8 provide an interchange of ideas and hopefully further
9 this discussion with City Planning and members of the
10 City Council. Thank you.

12 MEL WYMORE: Hello. My name is Mel
13 Wymore. I'm batting cleanup for Community Board Seven
14 on the Upper West Side. I'm the former Chair and 19-
15 year member of Community Board Seven, and I'm going
16 to focus on three major concerns. I realize that ZQA
17 addresses many practical problems in the zoning
18 resolution, but we feel its sweeping coverage is too
19 large and too complex for this short time span. My
20 first point is that ZQA if passed requires a
21 mechanism for continued evaluation, and this is
22 extremely important. During the scoping period of
23 March of 2015 we voiced our concerns about
24 unanticipated outcomes of a citywide amendment,
25 especially in the absence of a thorough environmental

1 impact study. Because ZQA is new and far reaching it
2 should provide explicitly within its own text a
3 comprehend--a mechanism for comprehensive and
4 periodic evaluation to ensure that not only the
5 results of more affordable housing and better quality
6 buildings occur, but also that ZQA does not produce
7 untenable adverse effects in neighborhoods like ours
8 around the city. Such evaluations should be included
9 and made to be subject to public review by Community
10 Boards. Secondly, we are concerned about the
11 enforcement of ZQA and MIH. We urge that City
12 Planning and Buildings Department and the HPD
13 coordinate to make sure that enforcement provisions
14 related to housing for seniors and affordable housing
15 are air tight. Without sustained and absolute
16 enforcement we have no hope of achieving the goals of
17 ZQA and MIH. And finally, and somewhat as a matter
18 of personal privilege because we argue this point in
19 scoping, but not in the context of our real resol--of
20 our final resolution. I feel that ZQA represents a
21 dramatic shift in paradigm, and something that's very
22 important and not very much discussed in these
23 debates. One of the major premises of ZQA is that
24 the current zoning envelopes inhibit the ability to
25

1 build out the total floor area permissible in the
2 underlying district or zone. This begs to question
3 is allotted floor area an absolute right? Is it to
4 be considered independent of all the other zoning
5 constraints like street wall requirements, height
6 limits, open space ratios, etcetera that serve to
7 preserve environmental quality, maintain neighborhood
8 scale and character, and ensure that new development
9 is supported by existing infrastructure. While it is
10 true that ZQA does not increase the permissible floor
11 area of any zone, it will absolutely incentivize more
12 density, especially in already dense districts where
13 MIH is unlikely to be applied. Without the--and this
14 would happen without the critical benefit of public
15 review. Currently FAR limits are taken in concert
16 with important hard fought zoning constraints. We
17 can debate these constraints, but under ZQA FAR would
18 now become a base after which other constraints are
19 applied. This shift is by no means benign and may be
20 extremely difficult to reverse. It solidifies into
21 law the notion that FAR is a right, not an integrated
22 component of zoning resolution as a whole. Such as
23 precedent should be deliberated with extreme care in
24 a context of alternative solutions like the one Gale
25

2 Brewer gave, like repairing voluntary inclusionary
3 housing and not fast tracked into a law, into law in
4 a matter of weeks. Thank you.

5 COUNCIL MEMBER COHEN: Thank you. You
6 know, I will just say while I agree with a lot of the
7 sentiment of the panel, I have very serious concerns
8 about ZQA, and I've expressed, you know, my
9 opposition to it. However, I will say that some of my
10 concerns I think are diametrically opposed to yours,
11 and then I have--I find it difficult to swallow while
12 swaths [sic] of brownstone Brooklyn and the Upper
13 West Side have this landmark protection, so
14 ultimately they will not be contributing to this
15 discussion about development of affordable housing
16 whereas neighborhoods like mine that are not largely
17 land marked will be bearing that burden.

18 MARK DILLER: Thank you. And to be
19 clear, the notion of protecting historic fabric is as
20 part and parcel the social goals that we're trying to
21 achieve. So, on the one hand I certainly get that we-
22 -and no one is saying that the Upper West Side
23 shouldn't do its fair share. Of course it should,
24 and there are large swaths of the Upper West Side
25 that are welcoming of it, that are already eligible

2 for example the not so successful voluntary
3 inclusionary housing program. There are ways in
4 which the remainder of our district could be made
5 more accessible to these programs and that's one of
6 our chief concerns with respect to MIH, which was
7 yesterday's event, was that this doesn't go far
8 enough to make sure that the Upper West Side has the
9 opportunity to contribute. So we're with you on that
10 concern. I just don't think that you throw babies out
11 with bath water in order to achieve it.

12 PAGE COWLEY: Can I add something here?
13 The Upper West Side, of course, is totally built and
14 what we have are a lot of low tax payers and some
15 sites that are ripe for development. For instance,
16 parking garages are a big issue right now, and the
17 thing is we want to keep, and I want to underscore
18 the reason why we're so concerned about what the
19 replacement architecture will ultimately be, is we
20 want onsite affordable housing. We want to keep it in
21 our neighborhood. We don't want to transfer it to
22 another neighborhood and cause their neighborhood to
23 be--their demographics to be upset. So what we're
24 trying to do if Commissioner Weisbrod characterized
25 it correctly this morning, is we're looking at a

2 generational change of 40 years. We're trying to
3 project what the needs of the community are going to
4 be. We have debates with City Planning about what
5 the nature of retail is. Are we really going to have
6 retail, or is it all going to be digital phone-in and
7 a truck comes to your front door? We have no idea,
8 but if you're going to go with a citywide document
9 such as this, we need to make sure that your needs,
10 because I've learned an enormous amount about what
11 your constituents need, but we also want to protect
12 the richer more developed, maybe it's' because it's
13 earlier, context so that it works together. But yes,
14 we're getting older on the Upper West Side, you know?
15 I don't--no offense. I don't particularly want to
16 move out of Manhattan, and I'm looking for a way to
17 make it work in sync, you know, in harmony. I think
18 that's the other big issue.

19 ANDREA GOLDWYN: I'd also just like to
20 point out that the initial five-foot increase is
21 available for all new building, all market-rate
22 housing and doesn't require any kind of
23 affordability. So it affects every building in the
24 city the same way under ZQA and doesn't add to the
25 affordable goals.

2 MEL WYMORE: On the Upper West Side it
3 would create a new analysis, a tipping point if you
4 will that would probably encourage more as-of-right
5 development on the Upper West Side without any
6 mitigating factors for any concern, whether it be
7 character or affordable housing or infrastructure,
8 schools, you name it, we would have no say at that
9 point.

10 COUNCIL MEMBER COHEN: I want to thank the
11 panel for their testimony as well as their patience
12 and fortitude. Thank you.

13 MEL WYMORE: Thank you.

14 MARK DILLER: Thank you.

15 COUNCIL MEMBER COHEN: I'm going to turn
16 the hearing back over to Chair Richards.

17 [off mic comments]

18 CHAIRPERSON RICHARDS: We're going to
19 get--

20 COUNCIL MEMBER COHEN: We're not
21 concluding, we're just--

22 CHAIRPERSON RICHARDS: Thank you, Andy.
23 Thank you. Thank you, Council Member Cohen.
24 Alrighty. Alrighty, Reverend Kay English, Bronx
25 Christian Fellowship Church, Sarah Watson CHPC.

2 She's present? Do you have a slip? Okay. Greg
3 Pascarelli, Shop Architects? Okay, this is Sarah
4 Watson again. Piman Ladi [sp?], Real Estate Board of
5 New York. Piman Ladi, REBNY? Okay. Steven
6 Yearwood, 32BJ SEIU. Alrighty, good to see you. Jay
7 Seneik [sp?] State Property Group--Slate Property
8 Group, I'm sorry. You're here? Okay. Simone
9 Bacchus, the Arker Company. Oh, there you go, Simon.
10 Hello. That is I think four. Go to one more. Sung
11 Mo [sic] HTC, Hotel Trades Council. Hotel Trades
12 Council, am I saying it right? Su Sungmo [sp?],
13 Sungimo [sp?], HTC. David Gross GFSS [sic]? Okay.
14 You may begin. Please state your name for the record
15 and the organization you're representing. Thank you.

16 SIMON BACCHUS: My name is Simon Bacchus.
17 I'm the Director of Development for the Arker
18 Companies. We're an affordable housing developer.
19 Thank you for this opportunity to testify today in
20 support of the proposed Zoning for Quality and
21 Affordability text amendment. Founded in 1949, the
22 Arker Companies has developed over 6,000 units of
23 affordable housing across the city from Staten Island
24 to the Bronx. We are proud of our reputation as a
25 leading affordable housing developer in New York

1 City, and we are committed to maintaining our
2 leadership in building safe, quality housing for all
3 New Yorkers in the face of an ongoing housing crisis.
4 New Yorkers struggle to pay rent, and the senior
5 housing population continues to rise. Developers in
6 partnership with the city need more flexible and
7 accessible tools to build more affordable housing.
8 ZQA is an effective way to create modern, affordable
9 units across the city. The Arker companies strives to
10 develop quality affordable housing for low income New
11 Yorkers. We have been able to develop attractive
12 modern buildings to help improve communities and
13 allow our tenants to take pride in their homes. ZQA
14 will allow us to improve on these efforts, maximizing
15 design and economics currently hindered by zoning
16 requirements that limit building FAR and height. ZQA
17 in addition to providing modest additional floor
18 heights for residential buildings will allow for
19 significantly improved ground floor commercial
20 design. As we develop affordable housing in
21 communities throughout the city, we're also working
22 to improve job opportunities and the quality of life
23 in communities bringing amenities, services and
24 businesses into underserved areas. ZQA will help
25

2 this process allowing spaces that will attract the
3 businesses all of New York's neighborhoods deserve.
4 Another important aspect of ZQA is the reduction of
5 parking requirements. Our portfolio of developments
6 across all five boroughs share a common feature which
7 is significantly underutilized parking. By reducing
8 these requirements, ZQA will open up a wide array of
9 new sites for senior housing development and direct
10 affordable housing resources where they are needed
11 most, creation of affordable units. We are confident
12 that ZQA will help combat the housing crisis and make
13 New York City a more affordable place to live. We
14 believe that this text amendment will provide new
15 regulations that will greatly facilitate the
16 development of much needed senior and affordable
17 housing and better buildings across the city. Thank
18 you.

19 CHAIRPERSON RICHARDS: Thank you.

20 DANIEL PARCERISAS: Hi, good afternoon.
21 My name is Daniel Parcerisas. I'm a Policy Analyst at
22 the Citizens Housing and Planning Council, and I'm
23 reading this testimony on behalf of our Deputy
24 Director Sarah Watson. She's also the author of the
25 Building Envelope Conundrum Study that studied the

1 building envelope issues that this text change seeks
2 to address. She's teaching a class at Columbia on
3 housing policy and couldn't be here. We've heard
4 from many housing practitioners on our Board that in
5 recent years they were facing the difficult scenario
6 of designing and developing residential buildings
7 with less apartments than the floor area rules in
8 zoning actually permits, and this is because of the
9 rules that set the three dimensions of the new
10 building. At a time when affordable housing is so
11 desperately needed they were very worried about this.
12 So we wanted to test this issue, and we did a case
13 study of 17 projects that included affordable
14 housing. We found that eight out of the 17 projects
15 were unable to build all of their permitted floor
16 area because of their maximum dimensions, because the
17 maximum dimensions were hit first. Out of these
18 eight projects over 56,000 square feet of potential
19 new apartments went unbuilt that could have been
20 used, that would have been allowed, sorry, under the
21 current floor area rules in zoning. To try to find
22 out why this was happening today, we looked back at
23 the original assumptions made when the permitted
24 dimensions for new buildings were originally drawn up
25

1 in the 1980's, and we found that the basic answer is
2 that a lot has changed for residential construction
3 since then and that the assumptions no longer hold,
4 and there are four key elements to this. The first
5 is that the dimensions were based on regular
6 rectangular lots of which we have fewer and fewer.
7 They were based on construction materials used then
8 like poured in place concrete rather than the newer
9 systems we use today. The height limits were based
10 on lower floor to floor heights for apartment than
11 what we accept today, and they did not take into
12 account how much we really--we rely on floor area
13 bonuses and deductions as a key public policy tool,
14 especially for the development of additional
15 affordable housing. Because of our findings we're
16 strongly in favor for the reform of the building
17 envelope dimensions as part of this text change. We
18 believe the envelope changes to some building
19 heights, courts, setbacks, rear yards, and lot
20 coverage will open up irregular shaped lots for
21 development. They will facilitate newer cost
22 effective construction systems such as modular
23 construction and block and plank construction which
24 favors different dimensions of the building, and they
25

2 will allow us to prioritize the quality of apartments
3 with higher ceilings and more efficient layouts that
4 are not being squeezed into an outdated envelope, and
5 these changes, especially the modest height
6 increases, will allow there to be space for floor
7 area bonuses and deductions so that they can actually
8 have the value that they're intended to have as
9 incentives. Finally, in addition to our envelop
10 study, our Making Room Project has shown us how
11 extensive the single population is in New York and
12 that there's a serious lack of safe legal options for
13 them. Therefore, we also fully support the changes
14 proposed to take out minimum unit size from zoning,
15 and we support also the changes to the density
16 calculations that allow there to be more of the range
17 of unit sizes in a building and more small units for
18 singles. To summarize, we're strongly in favor of
19 this text change because it is crucial to update
20 regulations to keep up with changing values and needs
21 of the City at a time when we face a desperate need
22 for more affordable housing.

23 STEVEN YEARWOOD: Good afternoon, Council
24 Members. Thank you for the opportunity to testify
25 today. My name is Steven Yearwood. I work in a

1 residential building in Clinton Hill Brooklyn. I live
2 in the Bronx, and I've been a proud member of 32BJ
3 for 17 years. I'm here to support Mayor de Blasio's
4 plan for Zoning for Quality and Affordability because
5 it will provide vital housing that we need for
6 hardworking people in our city who are seeing rents
7 go up and affordable housing disappear. I am very
8 fortunate because I live in Co-op City in the Bronx,
9 one of the biggest housing developments for working
10 and middle class people in the country. It is also
11 home to a large group of senior citizens, a group
12 that I know is in desperate need of affordable
13 housing in our city. With so many of my union
14 brothers and sisters and other working people and all
15 the people struggling to keep up with the rising cost
16 of living, we need more affordable housing so that
17 they can keep calling New York City home. This is
18 why we need a Zoning for Quality and Affordability so
19 we can break down some of the barriers that are
20 keeping desperately needed affordable housing from
21 being built, especially housing for the older New
22 Yorkers. I love New York. This is my--this city is
23 my home and I want to stay here, even after I retire.
24 So do a lot of people. Many of my former union
25

2 members feel forced to leave the city if not while
3 they're still working, then after they retire. We
4 need these changes so that all New Yorkers can retire
5 with dignity and keep living in New York City. That
6 is why I'm supporting the Mayor's much needed plan to
7 create and preserve more affordable housing in our
8 city. Thank you.

9 CHAIRPERSON RICHARDS: Thank you.

10 CENGIZ SENDOGDULAR: Hello. My name is
11 Cengiz Sendogdular. You can call me Jay. I'm here
12 before you as lifelong Brooklyn resident, educated in
13 the public schools, and also a young professional in
14 the real estate industry. I've lived in
15 neighborhoods like Marine Park, Bed-Stuy and now
16 currently Williamsburg, and I've seen a lot of
17 neighborhoods change tremendously. I'd like to thank
18 you guys for providing us a platform where community
19 stakeholders have the opportunity to testify before
20 you and, you know, show our support. I'd like to take
21 this time to express my support for the ZQA proposal
22 as well as any initiative to promote affordable
23 housing in New York City's five boroughs. In the
24 proposal's general scope, ZQA seeks to revitalize
25 aspects of the zoning code to meet the current needs

2 of the community and address the specific issues
3 typically faced by areas outside of the Manhattan
4 core. These revisions are essential to New York's
5 future production and preservation of affordable
6 housing and overall progress as a society. They
7 enable more efficient building designs and better
8 construction practices which promote the development
9 of higher quality and ultimately happier tenants. In
10 my opinion, ZQA proposes changes that are rational.
11 On a practical level it removes some restrictions
12 that were imposed at the introduction of New York
13 City's Zoning Code for issues [sic] that were
14 relevant at the time. Today, some text may be
15 reviewed as redundant when paired with building
16 codes. Specifically, some current building codes
17 often have a higher threshold than the zoning text in
18 terms of providing safe, efficient and quality
19 housing. When zoning text is unnecessarily redundant
20 and we don't provide a platform to review the overall
21 scope of the text, it translates to additional
22 construction, legal and administrative costs for new
23 developments prohibiting the development of
24 affordable rental housing and rental housing in
25 general. Some of the key points of the modifications

1 to the zoning code that were specifically attractive
2 to me are items that would update the street wall
3 provisions and how facades can be articulated. The
4 modifications will influence the designing of
5 buildings to better conform to a local neighborhood
6 and enable them to be more interactive with
7 pedestrians. It will facilitate a design to
8 potentially promote foliage, promote the use of front
9 courtyards and even reintroduce other architectural
10 features that have long went absent at recent
11 development. Although none of the above mentioned
12 items were specifically restricted, the code's street
13 wall setback and rear yard requirements prohibited
14 the freedom to install such features as they often
15 would conflict with guidelines of the aforementioned
16 and result in a loss of floor area. These items tend
17 [sic] an issue of increasing building heights in
18 order for development to fit all within a building
19 envelope which colleagues today have all addressed in
20 detail. Regarding affordable housing initiatives,
21 I'm a proponent of essentially all programs to
22 support affordability and even a beneficiary of some.
23 For the last 30 years my family has occupied a rent
24 stabilized unit in Brooklyn. My uncle who is a
25

2 retired high-rise window washer was recently awarded
3 a unit via a lottery in Hell's Kitchen where his rent
4 is substantially below market rents. Conflictingly,
5 it's clear to me that we aren't meeting today's
6 standards of society. Personally, I also have
7 friends and family who have been displaced.

8 CHAIRPERSON RICHARDS: I ask you to wrap
9 up.

10 CENGIZ SENDOGDULAR: My humble suggestion
11 to anyone reviewing any directive to incentivize
12 affordable housing development is to keep within the
13 realm of possibility and to ensure it remains
14 financially feasible. Insufficient restrictions and
15 criteria lead to insufficient affordable housing
16 development where too many criteria can may cause
17 rental development for the near future to cease. If
18 this happens, it may reverberate throughout New
19 York's community. Thank you.

20 CHAIRPERSON RICHARDS: Thank you.

21 DAVID GROSS: My name is David Gross. I'm
22 the founding partner of GF55 Partners Architects at
23 New York City. We have since 1984 I've probably
24 built over 25,000 units around the country in
25 Tennessee, New York, Alabama, Florida, Pennsylvania,

1 Connecticut, Ohio. I have a lot of experience in
2 housing. We were named one of the top 12 firms in
3 Queens and in Manhattan in residential architects in
4 terms of prolificness [sic] by real estate the Real
5 Deal Magazine. I'm a Board Member of CHPC and
6 NYSAFA. I lecture at the NYU School of Real Estate
7 on Housing, and I would just like to say that I'm
8 sternly in favor of the ZQA and MIH. Right now we
9 have a housing vacancy is at an emergency level in
10 New York City. That's why there is such a demand for
11 housing. That's why so many developers are building
12 housing everywhere. That's why there's this need,
13 but in order to keep a democratic society, more
14 people have to be housed. It can't just be the top,
15 and it can't just be public housing. It has to be
16 affordable housing for many. The only way to do that
17 is to increase our density. The only way to do that
18 is to build more units. That's the common social
19 good. The--just like quality housing was introduced
20 to address some of the concerns of the sky exposure
21 plain, height factor housing, this is an evolutionary
22 development of the quality housing code. It loosens
23 up the façade so that the street wall isn't a static
24 prison-like box. It allows for diversity in design.
25

1 It's ZQA, Zoning for Quality and Affordability, and I
2 emphasize that the changes are helpful to all New
3 Yorkers. What happens isn't so much that we don't
4 have the FAR in the buildings, it's that they squeeze
5 the FAR, because housing is such a perverse shortage
6 that any type of housing you produce is going to be
7 occupied. So, the quality of housing has
8 deteriorated and they squeeze the housing to have a
9 decent retail level. To have a height bonus of the
10 overall building if you increase the retail level
11 will result in better quality buildings, better
12 quality apartments and ultimately a better and more
13 equal society. I think that this is a very good
14 proposal, and I think you should adopt it.

16 CHAIRPERSON RICHARDS: Thank you so much.
17 Just a few questions. Sorry, I as I chew these
18 almonds. So, one of our concerns was the reduction
19 in the unit sizes, 275 square footage, feet now.
20 Would this type of regulatory change have developers
21 packing people in like sardines? And I think that's
22 a big concern we've heard and that I have as the
23 Chair. And then also wanted to get your thoughts on
24 the additional five feet. Will this really make a
25 difference in terms of bringing in the sort of

2 commercial and commerce that many communities like
3 the Rockaways want?

4 DAVID GROSS: I think the five feet is
5 helpful because it gives you a better retail level
6 and you have better quality retail and you have more
7 flexibility to attract a better quality of retail,
8 and then you don't have to shave four inches, eight
9 inches from every floor to achieve the retail height
10 that you want. So I think that's a very helpful
11 proposal, aspect of the proposal.

12 CHAIRPERSON RICHARDS: Anybody want to go
13 through the reduction in the unit sizes?

14 DANIEL PARCERISAS: Yeah, I'd be happy to
15 speak to that. At CHPC we've done a lot of research
16 on the changing demographics. That was the making
17 room research project that I was alluding to in my--
18 in Sarah's testimony that I read. And New York is a
19 city with a lot of single people, and it is growing.
20 That share of single people is growing in the city.

21 CHAIRPERSON RICHARDS: In New York City?

22 DANIEL PARCERISAS: Yeah, in New York
23 City.

24 CHAIRPERSON RICHARDS: There's a lot of
25 single people?

2 DANIEL PARCERISAS: Yes.

3 CHAIRPERSON RICHARDS: Okay.

4 DANIEL PARCERISAS: I'm not one of them,
5 but there are a lot of them, and that share is
6 growing, and what we're finding is that there's a big
7 lack of, you know, of affordable units for that
8 population, and what tends to happen is those people
9 will double-up. In other words, they'll find a
10 roommate and they'll take, you know, a two-unit
11 bedroom, a three--sorry, a two-bedroom unit, a three-
12 bedroom unit, and they can--in that sense they can
13 now bid, you know, the family that we might, you
14 know, be thinking of as requiring those units. So
15 there's a very big need for more affordable units for
16 single people. That means, you know, we need to
17 really re-think the demand for studios. One example
18 is this new building that went up, the micro units
19 that went up on I think it's East 23rd, East 27th
20 Street, something like that. There's been I think
21 something like 35,000 plus applications for, you
22 know, I don't know exactly units it is, maybe 20
23 units, something like that. So there's a very, very
24 big need for studio spaces for smaller spaces. The
25 demand is there, and if we don't provide it those

2 people will move in to other types of apartments, and
3 you know, if the concern is with families, they could
4 end up outbidding the, you know, the ability to
5 afford apartments for those families for the two-
6 bedrooms, three-bedrooms and so on.

7 CHAIRPERSON RICHARDS: So, my concern is
8 will developers just start moving towards buildings
9 more of the micro apartments rather than creating
10 units for families? Do you--can anyone answer will
11 this particular regulatory change encourage more
12 micro-size apartments like several of the New York
13 Times articles that have been coming out on this
14 issue? And would we be moving away from two-bedrooms
15 and three-bedrooms.

16 CENGIZ SENDOGDULAR: I have to start with
17 I haven't read the full text in its entirety. But
18 people are already packing themselves in like
19 sardines, right? That's pretty much matter of fact
20 in New York City. People chop up their own
21 apartments without landlord's knowledge. It happens.
22 In the zoning text from I understand, it won't
23 promote developers to do that because there would be
24 an appropriate product mix. So what this actually
25 enables them to do is still work within the confines

2 of the building envelope because a lot of times when
3 you have unique lots you end up with units that don't
4 exactly pencil out, and you end up having no choice
5 but to make the really small unit or a really large
6 unit--really large unit. That doesn't necessarily
7 fit the local demand. So, having this kind of
8 flexibility affords the developers to kind of work
9 within other restrictions that they might have to
10 deal with that we may not have actually addressed
11 today.

12 DAVID GROSS: I also think it's just
13 reality. It addresses a demand that's really--it
14 addresses a demand that's there, and to pretend that
15 the demand isn't there is not helpful to house
16 people, and I think as the CHPC person, I forgot your
17 name, said, what happens is two people occupy a one-
18 bedroom apartment which is 600 square feet. So
19 they're occupying 300 square feet a person. So, if
20 they have a micro-unit that's almost 400 square feet,
21 375, they're actually getting more space.

22 CHAIRPERSON RICHARDS: Great. Mr.
23 Yearwood, do you need parking?

24
25

2 STEVEN YEARWOOD: For me, I don't need
3 parking because I utilize the public transport
4 maximum [sic].

5 CHAIRPERSON RICHARDS: Oh, they set this
6 up perfectly, this panel.

7 [laughter]

8 CHAIRPERSON RICHARDS: Arker, you want to
9 chime in on anything here? Perfect guy, no parking.
10 Smart.

11 SIMON BACCHUS: So, you know, just an
12 answer to the earlier question, you know, I don't
13 feel like it will necessarily do that. I mean, I
14 think there will be some sort of market profile
15 developments that do, you know, incorporate a micro
16 approach, which I think in the case of that can
17 actually be the right mix for that type of product,
18 but I think, you know, our business model is really
19 about affordable housing and we are interested in
20 certainly in first and foremost housing families.
21 That being said, the largest portion of demand that
22 we get, you know, for our buildings really are one-
23 bedroom units. So, you know, we feel within that
24 context and with the, you know, other avenues
25 available to the City's housing agencies we feel like

2 the stock of affordable housing, you know, will
3 remain definitively appropriate to housing low income
4 families, you know, working families.

5 CHAIRPERSON RICHARDS: Alrighty, thank
6 you all for your work. Very appreciative of you
7 being here today, and I guess the message we should
8 send to all New Yorkers is we really need to start
9 dating each other so there's no need for micro
10 apartments. Thank you all. If you see a New Yorker
11 and you're single when you leave this place--sorry,
12 that is off the record. Yeah. She just made a good
13 point actually. It'll be a couple and a baby living
14 in that micro apartment, and you know how I know
15 that? Because I was one of them. Alrighty, we're
16 going to go to the next panel. Except it was
17 actually five of us. So, I know it well. Olive
18 Karinstem [sp?], My Neighborhood Tribeca? Here? Not
19 here, okay. Page Cowley, CB7, Community Board -- Oh,
20 she testified, okay. Francisca Benitez, National
21 Mobilization against Sweatshops? Alrighty. Ed
22 Jaworski, Madison Marine Homecrest Civic? Alrighty.
23 Alexa Pierce [sp?], Landmark West? No? Lynn
24 Ellsworth, New Yorkers for Human Scale City? Yes?
25 Okay. Susan Simon, Landmark West? Come on down.

2 Frank Lowe [sp?]? Does this say My Family's a
3 Friend? I don't know. My Family or Friends? My
4 Family or Friends, are you here? Frank Lowe, okay.
5 Christabel Gough, Society for Architecture City?
6 Alrighty, okay, alrighty. Wait, were you here
7 yesterday? You were, right? There you go. I was
8 going to say something, but it's best not to get
9 myself in trouble, especially if your wife is
10 watching. I don't know if she is. Probably not in
11 all honesty. Alrighty, if you can all just state
12 your names and the organizations you're representing
13 for the record, and you may begin your testimony.

14 FRANCISCA BENITEZ: Thank you. My name
15 is Francisca Benitez and I'm going to speak on behalf
16 of myself only this time. I live in Chinatown, and
17 I'm here to point--make a few points. First, the term
18 affordable, I feel it doesn't really represent my
19 neighborhood. I feel we're being completely left out.
20 Since Chinatown and the Lower East Side, the AMI is
21 37,362 a year. So, we feel that this plan doesn't
22 consider us at all. Number two, to correct this
23 problem, of course I don't have the time to say it
24 here, I only have three minutes, but I would like to
25 point that my neighborhood has been since 2008

1 working extremely hard on a rezoning proposal for our
2 neighborhood. It's called the Chinatown Working
3 Group Rezoning for Chinatown and the Lower East Side,
4 and we submitted it to the City Planning Commission
5 and we will submit it again, and we hope you look at
6 it, and everything we say there I hope you address
7 that and you expend it to all the city thinking about
8 really affordability for everybody. Three, I wanted
9 to mention a little bit--this was mentioned here. A
10 lot of the collateral damage of this--of zoning.
11 Right now we have the Excel Tower being built in our
12 neighborhood in Cherry Street and South Street. It's
13 72 stories, and that is an evacuation zone already.
14 So, if you look at our plan, our plan has plan for
15 mitigation for climate control in the edges. So,
16 yeah, that is already going on and we are desperate
17 to stop it. And fourth, another point I wanted to
18 make that is a little bit off track, but we hear all
19 the time this notion that we can't have the help of
20 the Federal Government for this crisis, this housing
21 crisis, and I think that's unthinkable. It's
22 outrageous. As long as we are throwing bombs in
23 other countries, as long as there's money to spy on
24 every citizen and build the luxury facilities in Utah
25

2 to store all our emails, I think it's terrible that
3 Flint has to be drinking poison water and we don't
4 have housing. Where are the priorities? So, really
5 this is to read what I have here on top. A
6 government of the people, by the people, for the
7 people is written here, and I ask our representations
8 to really live by that. This is not a slogan on the
9 ceiling. This is where we should be living by.
10 Thank you so much for hearing.

11 CHAIRPERSON RICHARDS: Great points.

12 FRANK LOWE: Thank you for hosting this
13 hearing. My name is Frank Lowe. I live in Chelsea
14 with my wife and my family, my grandkids, and I've
15 been a resident of Chelsea since the early 1970's,
16 and I live in a low rise building by choice. These
17 last several years I have attended Community Board
18 meetings. My area of interest has been planning and
19 zoning and its impact on community. I have often
20 spoken out in favor of affordable housing. To that
21 end, in February 2015 I had a conversation at a CB4
22 meeting with Christine Berthet [sp?], and at the
23 time--and at another time with Joe Vestucci [sp?],
24 who was involved with affordable housing nonprofit.
25 At that time I posited that we are in a unique

1 juncture in economic history with historically low
2 interest rates and huge pots of money sloshing about
3 the world in search of safe places to invest, the US,
4 and more specifically New York seems to be that place
5 where investors can get a safe and modest return and
6 often not so modest return. Construction loan costs
7 are at or near an all-time low. This economic
8 landscape affords the city a unique opportunity to
9 set a very high bar for the percentage of mandatory
10 affordable housing in a project. Affordable housing
11 once created should be permanent. If a project
12 transitions to market-rate after the end of the J51
13 or 421 or some other incentive, all the city will
14 have achieved is trading public good for private gain
15 at a later date by kicking the can down the road and
16 hoping nobody notices. At the full CB4 meeting in
17 December 2015 it was announced that two respondents
18 to RFP's came forward with proposals for a 200-unit
19 and a 400-unit permanently affordable project. Let us
20 raise the bar and invite and hold out for this type
21 of investor or developer. The takeaway from this is
22 that the Mayor's proposal for upzoning is unnecessary
23 and may well not yield the desired result. The
24 Mayoral plan wraps a bad plan in the cloak of
25

1 affordable housing. The Mayor's proposal gives away
2 too much of our city to the usual list of suspects in
3 the development community whose mantra is that bigger
4 is better and allows out of scale development at the
5 expense of our neighborhoods and urban quality of
6 life. There are other developers out there and other
7 options. An interesting side is that New York City
8 had a population of 8.4 million in 1940 and was a low
9 rise city. Today, our 8.4 million are rapidly
10 transitioning to a high rise city in which the
11 residents are often strangers to each other and
12 neighborhoods are only neighborhoods in the name of a
13 bygone era. I urge the City Council to reject the
14 Mayor's plan and trust in the good work and advice of
15 Community Boards such as CB4.

17 CHAIRPERSON RICHARDS: Thank you.

18 FRANK LOWE: You're welcome.

19 CHRISTABEL GOUGH: I'm Christabel Gough.

20 I'm speaking for the Society for the Architecture of
21 the City. In 1954 in Berman [sp?] versus Parker, the
22 Supreme Court of the United States ruled that it is
23 within the power of the legislature to determine that
24 the community should be beautiful, and that is what
25 we are asking to do today by putting an end to these

1 so-called Zoning for Quality and Affordability
2 amendments. New York was not wrong to enact the
3 Sliver restrictions preventing narrow out of scale
4 towers on row house sites. New York has not been
5 wrong to uphold the foundation of our grid-based
6 street system by requiring open space in rear yards
7 of residential blocks. New York was not wrong to
8 enact contextual zoning to preserve the built
9 character of beautiful and successful existing
10 neighborhoods contrary to the hopes and dreams of the
11 real estate industry. New York was not wrong to
12 establish rent regulation. The most destructive
13 aspect of ZQA is its potential as a vehicle for
14 tenant harassment in neighborhoods where there is
15 really an existing affordable housing in rent
16 regulated existing buildings. Building around and on
17 top of existing occupied buildings encouraged by
18 these amendments would bring unlimited opportunities
19 to drive unwanted residents out with noise, noxious
20 dust and fumes, plaster cracking vibration,
21 interruption of services, lack of security, problems
22 with vermin continuing maybe for years. Many walk-up
23 buildings might be seen as requiring upgrades now,
24 entailing legal rent increases leading to hardship if
25

2 not de-control. What become of tenants when ZQA
3 becomes a demolition incentive? Opinions may differ
4 about the wisdom of revising MIH rather than denying
5 it. With ZQA the rationale is flimsy and the
6 potential damage enormous. The community benefits it
7 is supposed to offer we see as a cynical pre-text for
8 the destruction of our neighborhoods and those
9 benefits should be addressed in separate legislation.
10 Thank you.

11 CHAIRPERSON RICHARDS: Thank you so much
12 for coming back and spending day two with me. It's a
13 pleasure. If we had another hearing tomorrow, I
14 would invite you back to it.

15 CHRISTABEL GOUGH: Well, some day.

16 CHAIRPERSON RICHARDS: Or week.

17 ED JAWORSKI: Good evening. Ed Jaworski,
18 President of Madison Marine Homecrest Civic
19 Association. It's Bernie Sanders' old neighborhood
20 in Brooklyn.

21 CHAIRPERSON RICHARDS: Was that an
22 endorsement, or? Alright, you don't have to say that
23 on the record. We don't anyone knocking on your door
24 tomorrow.

ED JAWORSKI: Mayor de Blasio used the phrase, "leave no stone unturned" at a press conference this past Sunday about the Worth Street [sic] crane collapse. There are 700 million unstone-- unturned stones covering reasons why this proposal should be rejected. When I phoned a question to Deputy Mayor Glen during a Brian Lara [sp?] Show last April she said, "To the extent that there are violations to zoning and building codes, clearly the city has a very robust program of making sure people are complying with permits." During yesterday's hearing, one of the city's panelist said the city is building an enforcement infrastructure and that strict action will be taken if rules are broken. Well, plenty rules exist now and they are regularly broken and exploited. A story in the January 18th issue of Crane's Business was headlined, "Slight of height, developers use a zoning loophole to boost their buildings." Surely developers and land use attorneys already have found loopholes in MIH and ZQA. While I think affordable housing is needed in all neighborhoods and all levels, I suggest City Planning first develop and implement a plan to turn over the 700 million stones I earlier mentioned. How

2 does the city Administration and this council ignore
3 the fact that there is 738 million dollars in unpaid
4 DOB, ECB fines? Additionally, over the past 25
5 years, 168 million dollars has been taken off the
6 books by a little known sentence in the City Charter.
7 Imagine what you could do with that nearly one
8 billion dollars? Chaim Deutsch knows what to do with
9 it for infrastructure in our neighborhood.

10 CHAIRPERSON RICHARDS: I do too.

11 ED JAWORSKI: Back in 2008 there was a
12 tragic crane collapse on East 51st Street and Second
13 Avenue, and there were headlines about violations
14 issues. Subsequently, the DOB Commissioner at the
15 time said the building had been improved not in
16 accordance with zoning regulations. Those buildings'
17 violations are among the unpaid fines. My southern
18 Brooklyn community had a bad experience when City
19 Planning gave us a zoning amendment, a special
20 permit, 73622 back in 1998. At one point it was so
21 abused that Community Board 15 had 450 active stop
22 work orders, and the BSA provides bandages for that
23 illegal work. Regarding the BSA, I'm concerned about
24 its involvement with these proposals. Yesterday one
25 of the city panelists said the BSA process should be

2 tightened, clearly implying that the process has been
3 problematic. Besides collecting the nearly one
4 billion in unpaid DOB, ECB fines I strongly suggest
5 that the phrase "character of a neighborhood" be
6 defined. To seemingly deaf ears I have urged this
7 suggestion at several hearings. This definition is
8 critical. It's critical. You've heard the phrase
9 character of neighborhood being preserved very often
10 today. It's critical to providing the BSA with
11 guidance when bullied by Land Use attorneys as it is
12 now.

13 CHAIRPERSON RICHARDS: Please start to
14 wrap up.

15 ED JAWORSKI: While affordable housing is
16 needed, I'm concerned that MIH and ZQA will be reward
17 for developers and result in more exploitation of
18 zoning rules. Thank you very much.

19 CHAIRPERSON RICHARDS: Thank you so much,
20 sir.

21 UNIDENTIFIED: Hello, Commissioners. I
22 mean, Councilman--

23 CHAIRPERSON RICHARDS: [interposing]
24 Maybe I have a future.

1 UNIDENTIFIED: Wrong body. I'm
2
3 representing Landmark West and in particular Susan
4 Nile, who's the Board Director of Landmark West who
5 couldn't attend today's hearing. If you see
6 something, say something. How often have we seen and
7 heard that exhortation? I cannot be there today but
8 you are. I ask you not to be blinded by promises
9 made to you to get your support for the ZQA. Not only
10 do you have the power to say something, you have the
11 power to do something. You will soon be asked to
12 vote on and approve two ill-conceived pieces of
13 legislation, allegedly in aid of affordable housing.
14 As with so many proposals made to feather the nest of
15 the super wealthy in our society, this claim is to
16 put it mildly, less than honest. These two proposals
17 are opposed by substantially all, if not all of the
18 Community Boards in the City as well as many
19 grassroots organizations whose memberships run the
20 gamut from co-op and condo owners to small businesses
21 to public housing advocates and residents to
22 preservationists and environmentalists. This
23 amazingly diverse opposition springs from the obvious
24 fact that regardless of the Mayor's protestations,
25 the ZQA has little to do with affordable housing.

1 It's all about helping developers represented in
2 large part by the Real Estate Board to make more
3 money at the expense of quality of life residents of
4 the city, a classic case of an exchange of public
5 assets for private gain. During this entire process,
6 one thing has been constant, the Mayor's desire to
7 marginalize, demean, diminish and silence the
8 opposition and keep the public in the dark or as was
9 done at the Planning Commission's last public
10 hearing, keeping the public out in the cold. The
11 Administration has made sure that critical pieces of
12 information have been kept from the public and that
13 when information has been distributed, it has been
14 incomplete, contradictory or provided so late in the
15 process that public input is impossible. As with
16 most actions of this Administration, the problems
17 with these two pieces of legislation fall into broad
18 categories, process and content. You have received
19 thousands of letters and listened to tens of
20 thousands of words setting out the myriad of problems
21 that this ZQA hodge-podge of zoning changes specially
22 tailored not to the needs of the average New Yorker,
23 but to the desires of the developers. However, even
24 though the Administration has done everything it can
25

1 to obfuscate and cover up what is going on here,
2 sometimes the truth comes out. Even the CPC
3 conflicted as it is as both the proponent of this
4 legislation in the agency charged with assessing its
5 impact on the city finally had to admit its recently
6 issued report--reporting the following. Chapter 24,
7 unavoidable significant adverse impacts. According
8 to the CEQR technical manual, unavoidable significant
9 adverse impacts are those that would occur if a
10 proposed project or action is implemented regardless
11 of the mitigation employed. As described in chapter
12 seven, shadows, chapter eight, historic resources,
13 chapter 11, hazardous materials, and chapter 18,
14 noise. The proposed action would result in potential
15 significant adverse impacts with respect to shadows,
16 historic resources, hazardous materials, and noise. I
17 have one little--

18
19 CHAIRPERSON RICHARDS: [interposing] Go
20 ahead, you could wrap up.

21 UNIDENTIFIED: However, as presented in
22 Chapter 23, mitigation, no practical mitigation
23 measures were identified which would reduce or
24 eliminate these impacts. Therefore, the proposed
25 action would result in the potential for unavoidable

2 adverse impacts with respect to these issues. You
3 have the power and the obligation to tell the Mayor
4 no. Tell the Mayor that neither you nor the city are
5 for sale. Thank you.

6 LYNN ELLSWORTH: Try to sit up a little
7 bit here. I'm Lynn Ellsworth. I'm Chair of the
8 Tribeca Trust, and I'm one of the co-founders of New
9 Yorkers for a Human Scale City. Before New York
10 gives FAR to developers in exchange for elusive
11 public benefits, we need a meaningful environmental
12 impact statement, not the shameful hack job that was
13 done for ZQA and MIH. There are other reforms too
14 that require debate and action before doing something
15 as big as ZQA and MIH, and here is a list of some of
16 them. One, we need height restrictions, contextual
17 and specific to neighborhoods with limits on
18 transferable development rights. This is compatible
19 with growth and a human scale build out of the city.
20 It's simply not true that you need high rise to have
21 high density. Two, rising above the cornice line
22 should require an environmental impact statement that
23 looks at the cumulative citywide damage to
24 neighborhood character and the social cost of
25 privatizing public views and sunlight. Three, if a

1 neighborhood undertakes a legitimate planning
2 process, there must be a law that obliges the council
3 to vote upon it. Four, we need a new rule or a law
4 about density and livability and an entirely new
5 public discussion about the word density. There is a
6 density that's too low and could turn cities into
7 suburbia. There is a density that is too high and
8 turns great neighborhoods into high rise waste lands.
9 So what's the just right range of densities for a
10 livable city? That discussion needs to happen before
11 a vote on ZQA. Five, the claim that density can only
12 be put where there are existing subway lines because
13 the city cannot help car-dependent areas is a failure
14 of both vision and government. It's also an obvious
15 lie when the city now pushes an expensive streetcar
16 for the Brooklyn waterfront while ignoring the car-
17 dependent periphery. Six, how else might we get
18 affordable housing without big developers? That
19 discussion has been too short. For example, we have
20 one million one and two-family homes in New York
21 City. If just 20 percent of these homeowners built
22 safe apartments in attics, basements and garages, it
23 would add 200,000 new affordable housing units at the
24 bottom end of the market without ripping apart our
25

2 city. It would also benefit the middle class, not
3 the big developers. And seven, and because the
4 process and rules of this zoning game are so biased
5 and because democracy can always be improved, we need
6 a city version of the Moreland [sic] Commission on
7 Corruption to study how big real estate interests
8 have captured public policy on anything to do with
9 zoning or a built environment. The initiative for
10 zoning reform should come from residents, not from
11 the real estate lobby. And after these reforms have
12 seen widespread debate and legislative action, then
13 would be the time to talk about MIH and ZQA. Thank
14 you.

15 CHAIRPERSON RICHARDS: Alrighty, I think
16 many of you made very good points, and just want to
17 let you know that this Council certainly hears you
18 loud and clear. I think certainly on your point of
19 affordability and ensuring that communities across
20 the city can certainly live in the very communities
21 that are reflective of the policy changes is
22 certainly something we've heard loud and clear.
23 Also, just to your points on the Sliver Law, like
24 this is something that this council and this
25 committee is certainly examining very closely.

2 Tenant harassment, this has been an issue that we've
3 certainly heard from the public again very strongly
4 on, but that's something that this council is looking
5 at very seriously. The BSA, I don't have much faith
6 in the BSA. I'm going to say it on the record. You
7 know, the BSA certainly needs to be strengthened and,
8 you know, we intend on looking at ways to ensure that
9 we strengthen the BSA. And I think just to your
10 point on city doing more for car-dependent areas is
11 certainly right on point. We have to have
12 transportation investment in many of our communities
13 such as Queens, South Queens, the Rockaways, and
14 other parts of the city that are far from Manhattan.
15 So, I definitely get that point. I guess I'll just
16 raise the question, if there are any changes that you
17 would like to see in ZQA that would get you to
18 support ZQA, what would they be? Don't all bite at
19 once.

20 CHRISTABEL GOUGH: There's something
21 missing from ZQA and this discussion about the 30-
22 year period of guaranteed senior affordable housing.

23 CHAIRPERSON RICHARDS: Uh-hm. Permanent
24 affordability and the--

25 CHRISTABEL GOUGH: [interposing] Yeah.

2 CHAIRPERSON RICHARDS: 30 years.

3 CHRISTABEL GOUGH: I've heard the
4 Department of City Planning saying that it wouldn't
5 be practical for it to stop being senior housing
6 because you can't change the use, but no one has
7 explained to me that structure couldn't be sold or
8 that it couldn't be demolished and that we couldn't
9 start all over again. So, I don't think the
10 "guarantees" you were hearing this morning hold any
11 water unless someone can tell me something quite
12 different.

13 CHAIRPERSON RICHARDS: Okay.

14 ED JAWORSKI: Just one other thing. If
15 you drive through East New York, you see--you don't
16 have to think necessarily of high rise buildings, 20,
17 30, 50 story buildings. Think in terms of low rise
18 buildings, two or three stories high, and there are
19 pockets of them in East New York. Even in New
20 Orleans after Katrina a project was knocked down.
21 They put up I think two-story buildings with porches
22 and grass out in front and so forth, and it looks
23 more attractive. Because if you drive down Atlantic
24 Avenue, you look off to the sides, there are
25 residential areas off there. It's not all a target

2 area for high rise. So, you know, make it attractive
3 to the people who live there also and for the future
4 people, and you know, you can't buy the argument that
5 it's not cost effective for a billionaire. I mean,
6 you know, why does a developer have to make a billion
7 dollars rather than a million dollars?

8 LYNN ELLSWORTH: I'm going to add that the
9 underlying conceptual premises of ZQA are just so
10 flawed that it can't be salvaged. Good luck trying.
11 I mean, I realize the City Council will try, but--

12 CHAIRPERSON RICHARDS: [interposing] Okay.
13 Thank you all for coming out. Thank you for your
14 patience. Alrighty, just a note, I think we're
15 approaching 19 hours of hearing time over the last 48
16 hours. This is amazing. We'll be here almost a day,
17 a whole day of testimony. Approaching the 24-hour
18 mark. Alrighty. I can go, just give me some
19 Starbucks. We could do this all night. Alrighty,
20 Shy Lauris, CHLDC. Aaron Kauffman [sp?], the Hudson
21 Companies, Mr. Cabier [sp?] or Ms. Cabier, CB5 East
22 New York Brooklyn. You here? No. Nicky Lucas
23 [sp?], Brooklyn Community Board Five, East New York.
24 John Napalitano, HANAC Incorporated. Oh, who--what's
25 your name, ma'am? Okay, sorry. Okay, good. Clair

2 Hilger [sp?] Catholic Charities Brooklyn and Queens?
3 Tim McManus [sp?], I believe I have it right,
4 Catholic Charities Brooklyn and Queens. Manuro Soto
5 [sp?], Minerva Soto? Minerva Soto? Summer Alamash
6 [sp?], Heritage Architecture Planning? Melissa
7 Chapman, Brooklyn Chamber of Commerce? Zerida Lyra
8 [sp?] I believe, myself, representing myself.
9 Zerada? Zerida? Okay. Betty Anne, I believe,
10 Lurbowitz [sic], Lubowitz [sp?], Hamilton House?
11 Alan Yu [sp?] Southside United HDFC [sic] Los Certas
12 [sp?], Alan Yu. Solidaridad Haciano [sp?], ASDP,
13 Association of Progressive Dominicans. Jose Terjada
14 [sp?] Dominican American Society. Michael Adams,
15 SAGE? Michael Adams, SAGE? Jay Marcus, Fifth Avenue
16 Committee? Jay Adams, Fifth Avenue Committee? Sulma
17 Arzu-Brown, New York City Hispanic Chamber of
18 Commerce? Kenny Rudamen [sp?]? Kenny Rudamen? Almi
19 Care [sic] 103? 103, 103, no? I think this is twice.
20 Solidaridad [sp?] Hasuiano [sp?], ACDP. Johnathan
21 Kirschenfued [sic] Architects.

22 UNIDENTIFIED: Feld.

23 CHAIRPERSON RICHARDS: Kirshenfeld? Am I
24 saying that--Kirschenfeld, Johnathan Kirschenfeld,
25 no? Emanuel Zebeta [sp?], New York City Youth

2 Council District Five? Jose Tejada [sp?], Dominican
3 American Society of Queens. John Williams, New
4 Creation Ministries Incorporated? Urmel Abdul Halim
5 [sp?], Northshore Community? Anyone else here to
6 testify in favor of this proposal? Don't say it all
7 at once. Anyone here to testify in favor? Alrighty.
8 Alrighty, so we are now going to move into
9 opposition. Oh, you have--oh, sorry. I had a senior
10 moment. I had a senior moment, forgive me. You may
11 go.

12 SHY LAURIS: I get all their minutes,
13 right?

14 CHAIRPERSON RICHARDS: You get all three
15 minutes.

16 SHY LAURIS: Good evening.

17 CHAIRPERSON RICHARDS: [interposing] We
18 have one more in favor? In favor? Opposition? Okay,
19 opposition. So, we're going to--we're going to call.
20 We're not finished. We just are finishing up all the
21 people in favor. Sorry, you're by yourself.
22 Security, she may need security. Okay, alrighty.

23 SHY LAURIS: Hopefully not.

24 CHAIRPERSON RICHARDS: The one person.
25 Don't attack her, alright? You may begin ma'am.

1 SHY LAURIS: Thank you. Good evening
2
3 Council Members. My name is Shy Lauris and I am here
4 on behalf of Cypress Hills Local Development
5 Corporation, a community development corporation and
6 nonprofit affordable housing developer for
7 approximately 30 years in Cypress Hills and East New
8 York Brooklyn. Cypress Hills LDC is currently in
9 construction on a senior housing development which
10 requires zoning authorization and a Mayoral override
11 in order to finance and build the affordable senior
12 housing project. As a result of these experiences
13 and the desperate need for affordable senior housing
14 I want to note our support to addressing the zoning
15 challenges to these types of developments as is
16 outlined in the Zoning for Quality and Affordability.
17 The issues raised by the Council this morning on
18 height, transportation and several other details of
19 the text are of course very real, and with the
20 concerns and frustrations very real and felt by all
21 sides, and we feel them all in Cypress Hills in East
22 New York but recognize the limitations we are working
23 within and the benefits to the text. The solutions
24 posed here make a difference, and we should all use
25 this as a catalyst to catch up on and push for

1 transportation solutions. Could or should this maybe
2 have been part of plan that included transportation
3 improvements as well as more financing commitments?

4 Sure, and we all know the realities and difficulties
5 of introducing and funding everything all at once.

6 That doesn't mean we can't keep asking or pushing for
7 it as there's a lot already on the table, but I'm

8 going to put out a few more. There were a couple

9 points I made to the City Planning Commission that I

10 will highlight here as well. The articulated facades

11 as opposed to the more homogenous flat facades that

12 the Zoning for Quality and Affordability resolution

13 outlines which is very welcomed translates into

14 increased construction costs, and any increase for

15 the construction of affordable housing is significant

16 as the margins and thresholds are exceedingly narrow.

17 The city and in particular HPD and HDC will need to

18 acknowledge this reality and adjust their

19 underwriting assessments and subsidies and funding

20 provided accordingly. In addition, given the text

21 amendment's facilitation of retail and potentially

22 better retail it would behoove the City, in

23 particular SBS, to provide support and guidelines for

24 developers and their retail tenants to be able to

1 fully utilize their space design to be outward facing
2 to the community and thus fully implement the
3 offerings of the resolution being presented. There's
4 little point to fully glazed windows completely
5 blocked with boxes of product and storage. The point
6 is to see in. It would be a shame to make these
7 changes and witness missed opportunities in future
8 developments due to insufficient funding and support.
9 Given the major focus here today on parking, let me
10 reiterate my hope and challenge to the Council and
11 the City to get the transit system to catch up to the
12 current and projected growth and development of the
13 city. Let this zoning be utilized as a tangible
14 catalyst for that change because we can't not move
15 forward waiting on transportation, which has been
16 very seriously lagging for the past decade in which
17 would otherwise hold the city back, and we welcome
18 additional conversations held earlier this morning
19 that the Council, HPD and DCP work together to
20 respect previously negotiated and important height
21 agreements in historic areas. Ultimately, the
22 benefits of the Zoning for Quality and Affordable
23 housing resolution are significant, and when matched
24 with addressing the issues being noted today it could
25

2 concretely improve New York City and help to address
3 a real senior housing crisis that is yet to even
4 fully reveal itself and which will be significantly
5 worse in low income neighborhoods like Cypress Hills
6 and East New York than it is now. I can unfortunately
7 personally relay many a story of destitute seniors in
8 the neighborhood we serve and their difficult housing
9 struggles. Let's keep these folks in mind and start
10 building more affordable senior housing. Thank you
11 very much for your consideration.

12 CHAIRPERSON RICHARDS: Thank you so much.
13 Very interesting that you're in support of this
14 proposal. How are the residents of East New York
15 feeling about more density and less parking?

16 SHY LAURIS: Well--what's interesting
17 about this process especially given that all three
18 ZQA, MIH and the East New York rezoning are together,
19 there's a general understanding and agreement for ZQA
20 which is not there for MIH or the East New York
21 rezoning--

22 CHAIRPERSON RICHARDS: [interposing] so,
23 the Community Board voted in favor of ZQA over there?

24 SHY LAURIS: Didn't.

25 CHAIRPERSON RICHARDS: Did not, okay.

2 SHY LAURIS: No, I'm not speaking to ZQA
3 with the Community Board, but to MIH and the East New
4 York rezoning of which they voted to--

5 CHAIRPERSON RICHARDS: [interposing] Okay.
6 Okay. And just so--

7 SHY LAURIS: [interposing] But our
8 building is a case study effectively for what ZQA is.

9 CHAIRPERSON RICHARDS: Okay, got you. So,
10 you sort of went through some SBS strategies. Can
11 you just run through that again? I thought that that
12 was very good that you were--

13 SHY LAURIS: [interposing] Sure.

14 CHAIRPERSON RICHARDS: speaking on that.

15 SHY LAURIS: If you think of very often
16 walking down the street you'll see a store with a lot
17 of glazing, with a lot of glass, and against the
18 glass are boxes of food and products or so forth
19 usually for small grocers or even sometimes large
20 grocers, and the point of this is to bring people
21 walking down the street into a space be it a
22 restaurant, be it any form of retail. So when you
23 have the glazing completely blocked and you can't see
24 in, you lose that element, and the additional height
25 supports that as well. You've heard already, so I

1 don't need to reiterate what that translates into in
2 terms of development. But what I'm referring to is
3 that you can actually support a bodega owner who is
4 not an architect who may not be hiring an architect
5 to better arrange their space such that it can be
6 more inviting. They could be more successful as a
7 business. They could potentially have more healthy
8 food because of the way that they organize
9 refrigeration in cold stores and so forth. So, but
10 they need support, and that's where an agency like
11 SBS could come in.

13 CHAIRPERSON RICHARDS: Very good. Well,
14 I want to thank you, and I guess I'll be seeing a lot
15 of you as we go through East New York rezoning period
16 pretty soon, but very happy that you came out today.
17 Thank you for testifying. Alrighty. How many people
18 have given in slips and are testifying that are still
19 out there? Okay. Alrighty. Lovenda Vul [sp?]
20 Carnegie Hill Neighbors, Carnegie Hill Neighbors?
21 Gone. You know everybody it seems like. Okay. We
22 need you, so you'll let me know. Simeon Bankoff?
23 Alrighty, that's you. Good to know yourself.
24 Zachary Weinstein, Greenwich Village Community
25 Taskforce? Oh, am I doing that bad of a job? You

2 sure? Okay, alrighty. Carol Krump, East Village
3 Community Coalition. Carol Krump, East--okay.
4 Alright, yeah, you do this. I'm going to chop
5 everybody's name up. I know Steve Cooper, though.

6 UNIDENTIFIED: Shay Diabati [sp?].

7 [laughter]

8 CHAIRPERSON RICHARDS: You're no better
9 than I am.

10 [laughter]

11 UNIDENTIFIED: Miho Watabe? Ben Darsch,
12 I believe? Ansley Humphries? Juan Oliver? Rosemary
13 Ginti [sp?]? Dan Padernacht? Peter Anderson?

14 CHAIRPERSON RICHARDS: Corey Johnson's
15 back. Rode in on a horse, huh? Alrighty, you may
16 begin if you can just state your name for the record
17 and the organization you're representing. I also
18 just want to add that Council Member Corey Johnson
19 has rolled back in on a horse. You may begin.

20 COUNCIL MEMBER JOHNSON: A pony.

21 [laughter]

22 ROSEMARY GINTI: Good evening, Mr.

23 Chairman--[off mic]

24 CHAIRPERSON RICHARDS: [interposing] Just
25 hit that button it should light up red.

2 ROSEMARY GINTI: Okay. Good evening, Mr.
3 Chairman and Committee Members. My name is Rosemary
4 Ginti. I'm a resident of the Bronx and I'm here to
5 speak against one section of the ZQA, namely the
6 reclassification of continuing care retirement
7 communities from a use group two to a use group
8 three, thereby allowing in R1 and R2 districts
9 multifamily, multistory residential structures which
10 are as far from affordable as our economic system
11 allows. You're considering two zoning texts over
12 these days dealing with the very critical issue of
13 affordable housing. You're hearing from Community
14 Boards, Borough Boards, civic groups. Not to take
15 anything away from these issues, these are very
16 important, but I only have three minutes so I have
17 chosen to focus on one aspect of the--

18 CHAIRPERSON RICHARDS: [interposing] You
19 said these special permits in R1 and R2 residential
20 districts.

21 ROSEMARY GINTI: Yes. So, it's a small
22 part of the text, but very important none the less.
23 I honestly do not know why this is in the ZQA text
24 because--

2 CHAIRPERSON RICHARDS: [interposing] I
3 don't want you to waste your time. You may have
4 another issue, but that actually was put back in now.
5 So, special permit now applies back to the R1 and R2
6 districts.

7 ROSEMARY GINTI: Totally understand.

8 CHAIRPERSON RICHARDS: So if you have
9 another one I just didn't want you to take your--

10 ROSEMARY GINTI: [interposing] No, no, no
11 this is--my issue is the absolute existence of
12 allowing a use group to use--a use group to use in R1
13 and R2. Special permit or not it's just--

14 CHAIRPERSON RICHARDS: [interposing] Okay,
15 okay, got you.

16 ROSEMARY GINTI: My argument is a little
17 different, okay? Again, I don't know why this is in
18 ZQA, which the zoning text is supposed to be the
19 cornerstone of the Mayor's Plan for Affordable
20 Housing. This change has nothing to do with
21 affordable housing, producing affordable housing and
22 is damaging to low density communities. Let me just
23 make three points. CCRC's are residential buildings.
24 These are residential uses. They are use group two
25 uses. They are not use group three uses. Three years

1 ago our community was given a presentation by someone
2 who wanted to put a CCRC in the community. Their
3 zoning lawyer was asked what use group is this.
4 Point blank, the zoning attorney said this is a use
5 group two use. This is a residential building. At
6 that point they were thinking of seeking a change
7 from R1 to R4. That zoning change was not pursued,
8 but now City Planning with the wave of a pen has
9 changed a use group two to a use group three, thereby
10 allowing multi-family housing in R1 and two
11 districts. My second point, CCR's units are not
12 increasing the availability of affordable housing.
13 Again, three years ago we were told the smallest unit
14 that was being proposed, a one bedroom unit would
15 sell for 500,000 dollars. The monthly maintenance on
16 that unit would be 4,000 a month for one person. A
17 second person would have an additional 4,000 dollar a
18 month charge. These figures were reported in
19 newspapers at the time, including the New York Times.
20 This zoning text change does not increase affordable
21 units. Third, R1 and R2 districts should remain low
22 density districts. They have been since 1961. There
23 is a place in this city for single family home
24 districts. The zoning resolution recognizes a whole
25

2 variety of uses, brownstones, high rises, single
3 family homes. R1 and R2 were defined in 1961 as low
4 density. That definition was correct in '61. It is
5 correct in 2016. The three points again, CCRC's are
6 residential buildings. They're use group two. They
7 cannot be counted toward affordable housing, and we
8 are told CCRC's are coming to New York welcomed. Go
9 to appropriate zones. Thank you.

10 CHAIRPERSON RICHARDS: Thank you.

11 DANIEL PADERNACHT: Good evening, Mr.
12 Chairman and Members of the Council. My name is Dan
13 Padernacht. I'm the Chair of Bronx Community Board
14 Eight and a lifelong Bronx resident. I'm here to
15 speak against ZQA and MIH. CB8 supports the Mayor's
16 initiative to create 80,000 units of affordable
17 housing and to preserve an additional 120,000 units
18 of affordable housing. However, CB8 does not believe
19 that ZQA and MIH are the path to create those
20 affordable units. CB8 believes that City Planning is
21 attempting to solve a financial problem through
22 zoning to the detriment of the City of New York. CB8
23 holds as a basic tenant that community planning is
24 essential. ZQA and MIH are in direct contradiction
25 to that principle. ZQA allows apartments to be built

2 as small as 250 square feet. Our community,
3 particularly our seniors, deserve much better than
4 that than these inhuman apartment sizes which ZQA
5 permits. Hence, CB8 opposes any text amendment that
6 permits apartments that are less than 400,000 square
7 feet to be built. ZQA permits large residential
8 buildings as Ms. Ginti just stated in R1 districts.
9 These are multi-family buildings in the form of
10 CCRC's which can be built with a special permit. I am
11 aware of the recent change in the text. We do not
12 believe these should be built at all in R1 districts.
13 As a note as well, we would say that the new--

14 CHAIRPERSON RICHARDS: [interposing] Say
15 [off mic]

16 DANIEL PADERNACHT: They should not be
17 built. CCRC's should not be built in R1 districts at
18 all. R1's are for single detached family houses.
19 However, I will make a note that the special permit
20 which was added in the reports just recently have
21 deminimous [sic] findings requirements. Basically
22 anything can qualify for it, and when you look at the
23 findings you'll see it's that, but again, we don't
24 even think they should be built there. In addition,
25 Mr. Chairman, ZQA increases the buildable square

1 footage within envelopes of contextual building lots.
2 CB8 is opposed to any text that increases the height
3 of buildings of contextual buildings that eliminates
4 yards, that allows rear yard construction and
5 decreases the distance between buildings. Basically,
6 open space and light are vital to our communities and
7 it's vital to the health of our communities,
8 specifically our children. Parking, CB8's opposed to
9 any text that eliminates or reduces parking within
10 our district. Transportation needs and availability
11 of transportation are different in every single
12 community of this city. I could tell you I live in
13 Van Courtland [sic] Village in the Bronx. I've lived
14 there all my life. If you're home after a certain
15 hour, you have to circle for hours, and that's just
16 the way it is, and I live in the transit zone in
17 which they seek to reduce parking even more.

18 CHAIRPERSON RICHARDS: Which transit zone
19 do you live in?
20

21 DANIEL PADERNACHT: I live in Van
22 Courtland Village, Kings Bridge Heights is what you
23 probably know better or Kings Bridge. That's where I
24 live. With regard to MIH, CB8 is opposed to any text
25 that increases floor area ratio as-of-right. Bulk

2 changes should be accomplished through community
3 planning. In addition, CB8's opposed to any text
4 that permits a BSA waiver of MIH requirements. We're
5 opposed to that waiver at all. They could basically
6 get rid of anything through the BSA. Lastly, in
7 conclusion, we ask this committee if you can hold
8 additional hearings. We got these reports on Friday,
9 February 5th. We've only had four days to evaluate
10 the reports, and its complex. It's dense, and we ask
11 for one additional hearing towards the end. We know
12 you have 50 days. We ask for one additional hearing.
13 Thank you, Mr. Chairman.

14 CHAIRPERSON RICHARDS: Thank you.

15 SIMEON BANKOFF: Good evening, Council
16 Members. Simeon Bankoff, Executive Director of the
17 Historic Districts Council. HDC is the citywide
18 advocate for New York's historic neighborhoods. We
19 represent over 500 neighborhood based groups
20 dedicated to preserving the physical character of
21 their communities. Many of our constituents who have
22 spent years working with property owners, Community
23 Boards, City Planning, and elected officials such as
24 yourselves to enact appropriate zoning in order to
25 better protect the character of their neighborhoods

2 and encourage new development which enhances the
3 places they call home. I should just note as a
4 response to what Council Member Cohen had said
5 earlier about the areas that are protected by land
6 marking. Those areas are only three and a half
7 percent of the city, but they actually house 12
8 percent of the population. Our historic
9 neighborhoods are already dense. It is on behalf of
10 our constituents that we address our very strong
11 concerns about these proposed citywide zoning text
12 amendments. We feel ZQA is a wholesale upzoning of
13 the entire city and will not guarantee either goal of
14 affordability or quality. There is no panacea
15 unfortunately for New York's affordable housing
16 crisis which is quite real, but ZQA is not even cure
17 for its symptoms. Rather, it seems that ZQA is a
18 concession to developers to sweeten the mandatory
19 inclusionary housing, MIH. MIH is the only part of
20 this proposal which might actually provide affordable
21 units. ZQA on the other hand loosens the entire
22 city's existing zoning to allow greater density for
23 development under the guise of creating affordable
24 units perhaps. The provisions for seniors we're still
25 a little confused about that. We've heard that they

1 SUBCOMMITTEE ON ZONING AND FRANCHISES 479
2 may expire after 30 years. They may be permanent. It
3 seems to be there's been a lot of discussion about
4 that. It is of concern. The upzoning component of
5 it, this upzoning amendment raises height limits and
6 diminishes yard requirements across the city
7 according to a mathematical nicety without examining
8 the built fabric of our city's neighborhoods.

9 Contextual zones came into fruition after years of
10 effort by community driven, carefully planned,
11 carefully examined, neighborhood specific studies.

12 New York City thrives because of the diversity of its
13 neighborhoods, yet this proposal will deal with each
14 neighborhood as the same. A calculation of potential
15 growth is not the same as actual development,
16 especially when one considers the diversity of our
17 environment. This potential environment--the
18 potential impact will also be consequential to
19 contextually zoned properties as well as buildings in
20 historic districts where additional five feet will
21 impact the uniformed streets and pressure the LPC to
22 approve taller buildings. The Mayor's housing
23 priority--the Mayor's Administrative priority for a
24 housing crisis has been stated as twofold, the
25 creation and preservation of affordable units. Thus

1 far, we've only heard about the creation, which is
2 calling for a text amendment that will rewrite our
3 neighborhoods. There's a piece missing from this
4 affordable housing narrative. ZQA might also
5 incentivize demolition of existing housing in order
6 to replace it with new development. The success of
7 MIH as proposed is dependent on upzoning as well,
8 which will encourage the demolition of existing
9 building stock. Nearly half, 47 percent of all
10 housing in New York City is rent regulated, which
11 translates to over a million units. Where is the
12 plan for the preservation of these units? Smaller
13 buildings which are 100 percent rent regulated should
14 be identified and spared from ZQA. The notion that
15 the city can only house people by relying on private
16 investment where the market component lacks vision.
17 We feel that--basically, we feel that why not take
18 this opportunity to request that in a housing crisis,
19 why not demand 100 percent affordable housing units
20 in rezoned areas and a percentage of affordable units
21 in all new construction? That is a real vision.
22 Perhaps you would have to negotiate down from it, but
23 that would be a place to start. Bigger buildings do
24 not equal lower rents. If that were the case, West

1 SUBCOMMITTEE ON ZONING AND FRANCHISES 481
2 57th Street would be Manhattan's newest neighborhood
3 for the middle class.

4 CHAIRPERSON RICHARDS: Thank you.

5 ZACK WINESTINE: Hi, my name's Zack
6 Winestine. I'm Co-Chair of the Greenwich Village
7 Community Taskforce. I'd like to take this moment to
8 thank Council Member Johnson for his ongoing help
9 with our fight to save Gansworth [sic] Street at the
10 Landmarks Preservation Commission. The problem with
11 ZQA is that the affordable housing that it would
12 provide is inadequate and that the damage it would do
13 to our communities is all too real. Quite frankly,
14 the fingerprints of REBNY are all over this thing. It
15 is a laundry list of--it's a wish list for the real
16 estate industry, and it's really a sad comment on the
17 state of our society that it appears the only way to
18 get even a modicum of affordable housing is to bribe
19 the practitioners at what's currently one of the most
20 lucrative industries in New York City to do the right
21 thing, and as Simeon just mentioned, there are other
22 ways of going about this that could basically create
23 requirements for affordable housing without leading
24 to the kinds of damaging overbuilding that ZQA is all
25 too likely to result in. Getting back specifically

1 to the West Village, over the past decade we've
2 worked long and hard to create two new contextual
3 zones in the West Village. What we see--what we're
4 concerned about with ZQA is the possible undoing of
5 that work. We've made lots of compromises when we
6 got those zones created. We made deals. We excluded
7 certain lots from the zonings so that they could be
8 developed, you know, as--developed at larger sizes.
9 We see a delicate deal being undone here and it's
10 quite frankly unfair to come back 10 years, five
11 years after deals were made and rewrite the terms.
12 We're concerned specifically about the increase in
13 height that would be allowed in buildings that
14 contained--new buildings that don't contain any
15 market-rate housing. Excuse me, that don't contain
16 any affordable housing. Start over again. We're
17 concerned about the increase in height that would be
18 allowed in buildings that are purely market-rate and
19 allow no affordable housing whatsoever. It's a peer
20 giveaway to developers. There's no justification for
21 it, you know, at all. We're concerned about the
22 plans to eliminate the Sliver Law restrictions on
23 tall, skinny developments if they set aside just a
24 fraction of units for affordable senior housing.
25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

We're concerned about the additional construction rear yards that would be permitted, and we're concerned about the substantial bonuses in height and size that would be granted for even a small fraction of units set aside as senior affordable housing. Just briefly, affording--addressing the quality components of the--of this proposal. I can only go by our own community. It's where my experience is, but when we switched to contextual zoning about 10 years ago, since then I am not aware of a single project that was proposed that was unable to take full advantage of all available FAR. Again, from extensive personal experience, I have to say the quality of housing that was construction that was built under the previous noncontextual zoning was pretty awful, and under the new contextual zoning it is if anything improved. It has certainly in no way had a negative effect on the quality of housing. Thank you very much.

CHAIRPERSON RICHARDS: Thank you.

MIHO WATABE: Hi. Thank you for having this meeting today. My name is Miho Watabe, and I'm testifying on behalf of--

2 CHAIRPERSON RICHARDS: [interposing] Just
3 pull your mic a little closer to you. Thank you.

4 MIHO WATABE: I'm testifying on behalf of
5 Class Size Matters, a citywide parent and public
6 interest group that advocates for better schools and
7 smaller classes in New York City and nationwide. MIH
8 and ZQA they would lead to increased rates of school
9 enrollment at a time when our public schools are
10 already busting at the seams. According to the
11 City's own data, there are over 556,000 students
12 crammed into the public schools that are overcrowded,
13 and our elementary schools are at an astonishing 104
14 percent capacity. Yet, there is nothing in these
15 proposals or in zoning laws that would require that
16 new schools be built at the same rate as these
17 residential housing units. According to the
18 Department of Ed's own estimate, the current school
19 capital plan which was released last month only funds
20 that 59 percent of the 83,000 seats that are needed
21 to alleviate current school overcrowding and
22 projected enrollment without even taking into account
23 these new zoning proposals. Our estimates at Class
24 Size Matters are that the real needs for seats are
25 over 100,000. Needless to say, the current capital

1 plan will not be able to alleviate the accelerated
2 growth that these proposals are likely to create. We
3 at Class Size Matters join with Make the Road by
4 walking and other groups to urge the City Council not
5 to adopt any rezoning proposals unless at the same
6 time you make a commitment to fully fund at least
7 83,000 seats that the DOE projects are currently
8 needed. We also strongly urge you to create a
9 Commission or task force to proposed reforms to make
10 the process of school planning and siting more
11 effective and more efficient. According to the DOE's
12 own estimates, only 15 percent of the school seats in
13 our public education system requires are sited and in
14 the process of being designed. Chair Cohen, I'm
15 supposed to inform you that only nine percent needed
16 in D10 are being in the scope and design process, and
17 there is zero percent of seats in scope and design
18 process right now through D11 and D12, even though
19 they are in much dire need. The school planning
20 process is broken and we need a better one, including
21 reforms since [sic] the school capacity keeps up with
22 development rather than leading--lagging decades
23 behind. The City Environmental Quality Review in
24 particular, the formula that is used by the City
25

1 Planning estimates the impact of new construction on
2 school enrollment, it's fundamentally inadequate.
3 One example--there are more in my written testimony,
4 but I'm just going to say one, is the formula itself
5 is based upon census data from 1990 to 2000 and it
6 relies on borough-wide data with no differentiation
7 for neighborhoods or boroughs, or neighborhoods
8 within the boroughs. Tyrin got get through. As a
9 result, New York Lawyers for Public Interest and many
10 Community Boards have called for reform on the review
11 process to ensure that development does not worsen
12 school overcrowding. Fundamental forms to the
13 planning process are needed including a revamping of
14 the CQR formula, improvement of the DOE's enrollment
15 projections and utilization formula, a more
16 transparent needs assessment, and a more responsive
17 public process that better takes account of the need
18 to build schools along with housing. I'm going to
19 wrap it up in a second, but I also want to mention an
20 impact fee [sic] should be also considered as the
21 existing more than 83 percent of cities and counties
22 so that developers are obligated to pay into a fund
23 for schools and other infrastructure projects. And
24 lastly, in conclusion, all these steps which are
25

2 better outlined in this written testimony because
3 three minutes, all these steps should occur before
4 any zoning changes which are instituted that would
5 end up accelerating the rate of residential
6 development, which has already far outpaced the past
7 needs for public schools. Basically, you're going to
8 be stuffing all these kids into a building that's
9 already falling apart because we already don't have
10 any plan to fix the overcrowding situation in New
11 York City.

12 CHAIRPERSON RICHARDS: Thank you. Good
13 points.

14 PETER ANDERSON: My name is Peter
15 Anderson. As a black activist, I speak with
16 frustration and anger. I speak for the voiceless and
17 the unaware and that Mayor de Blasio and Speaker of
18 the House, Melissa Mark-Viverito, do not genuinely
19 act in the interest of people of color. Case in
20 point, they both supported and support Bloomberg's
21 plan. They changed 125th Street and the surrounding
22 area at the expense of Harlem residents, and truly
23 pro developers while homelessness and displacement
24 results. Affordable housing is not as it is supposed
25 to be a positive term. Genuine affordable housing

2 should be the commitment of people in the
3 communities, the politicians to be truly committed to
4 New York residents and citizens. End.

5 CHAIRPERSON RICHARDS: Thank you for your
6 testimony. I will defend my Speaker, though, she does
7 care about black people. Okay, we will--okay. I
8 want to thank everybody for their particular
9 testimony.

10 COUNCIL MEMBER COHEN: Mr. Chair?

11 CHAIRPERSON RICHARDS: Question, okay.
12 I'm going to go to Councilman Cohen, and I'll just
13 ask before we go to him. I know you brought up some
14 points. So, for instance the point that you made if
15 these things were changed, is ZQA feasible, or is
16 this just a no deal. And I also thank you for your
17 comments on definitely perhaps some, you know, extra
18 public participation as we move along. So, I just
19 want to let you know that the Council has dually
20 noted that, and you know, we'll be trying to work
21 through it and think of some creative things we can
22 do as we move along.

23 DANIEL PADERNACHT: And we'd be very
24 appreciative of that term. Thank you.

2 CHAIRPERSON RICHARDS: I'm not sure it'll
3 be a hearing. I'm not committing to that, but
4 definitely something--

5 DANIEL PADERNACHT: We're just looking
6 for additional public input or an additional period
7 where the public can have a say. It's just that we've
8 been faced with certain deadlines just going through
9 the initial part and then with the changes, and it's
10 just a very short period of time to go through it and
11 have our public come out within our community to
12 speak to guide us as well.

13 CHAIRPERSON RICHARDS: Okay, great.

14 ROSEMARY GINTI: I'm sorry, I missed the
15 question. I apologize.

16 CHAIRPERSON RICHARDS: Oh, I just wanted--
17 so you brought up a few points that concern you about
18 ZQA. So, one of the things I was asking if those
19 things were adjusted, is ZQA something that you would
20 support?

21 ROSEMARY GINTI: No. No, the answer is
22 no.

23 CHAIRPERSON RICHARDS: So there's no
24 getting you on ZQA?

1 ROSEMARY GINTI: No, it's just-- ZQA,
2
3 actually you've heard it from a number of speakers,
4 ZQA has been--it's like a big stew pot and everything
5 has been thrown into it and unfortunately, most of it
6 does not produce what the Mayor is aiming for, and
7 it's affordable housing. It does seem to nip away at
8 things that developers want and certain individuals
9 want. You take this case in point here, this has
10 nothing to do with affordability. Please, I think
11 you see that. It's nothing to do with producing
12 affordability, and it changes a zoning construct that
13 has been in existence since 1961. We have a very,
14 varied city with all different source of
15 neighborhoods. There is a place for all of them, R1
16 all the way up to R10. To take what would be an R5
17 or R6 use and say it should be put into an R1
18 district is to eliminate truthfully the definition in
19 existence of an R1 district. I'm sorry I'm going on.

20 CHAIRPERSON RICHARDS: No problem, and I
21 just want to note that I think Council Members all
22 over who represent all over the city have certainly
23 voiced concerns and we certainly will be laser
24 focusing on these particular proposals as we move
25

2 along and looking to make changes as we move forward.
3 Council Member Cohen?

4 COUNCIL MEMBER COHEN: Thank you, Chair
5 Richards. I just want to first acknowledge Rosemary
6 Ginti and Dan Padernacht. The amount of work that
7 they've spent trying to understand this and digesting
8 this on behalf of the Community Board, so you have my
9 appreciation. I wonder if Chair Padernacht, if you
10 could just tell the committee how many hearings
11 Community Board Eight actually had, how many people
12 you think attended, and what was the ratio of for and
13 against?

14 DANIEL PADERNACHT: Yeah. So, I guess
15 I'll start at the beginning. Back in June we had an
16 initial meeting that CPC came out to, however, we had
17 no details whatsoever. They gave us some broad
18 strokes and broad guidelines, but it wasn't very
19 helpful because every question we had there was
20 really no detailed answer that could be given other
21 than, "Well, when you finally see the plan, you know,
22 we're going to address this." When we finally got
23 the plan, and it wasn't until September, we basically
24 moved our schedule around a lot within our Community
25 Board. We had one specific meeting only for MIH. A

2 few weeks later we had only a meeting for ZQA. There
3 after that we had a public hearing on November 9th,
4 because we had to vote as a Board on November 10th,
5 because we were going to the Borough Board the
6 following week. So, within the period of about 35 to
7 40 days we had four essentially public meetings on
8 the issue, and it was so compressed and such dense
9 complex material, which I'm sure you see going
10 through each of these. Each provision--I'm an
11 attorney and you have to go through back and forth
12 just to loop back around to go to another part of the
13 zoning resolution to try to figure out what that
14 means. So, we had a lot of hearings, and we thank
15 our Council Member who was there with us, was at the
16 meetings, tried to get us as much information as
17 possible and get us essentially cooperation from City
18 Planning in a lot of different ways.

19 COUNCIL MEMBER COHEN: Thank you.

20 CHAIRPERSON RICHARDS: Thank you, and I
21 don't dispute that at all. I sat through just one of
22 the presentations and thought that it was a lot to
23 digest, and I think that, you know, we look forward
24 to working. Council Member Johnson?

1 CHAIRPERSON JOHNSON: Thank you, Chair
2
3 Richards. I want to thank my constituent and a very
4 important community activist and leader Zack
5 Winestine for being here all day and for his
6 dedication on this issue, but also looking after all
7 of Greenwich Village and preservation issues and land
8 use issues and liquor license issues and
9 transportation issues that affect the neighborhood.
10 Zack, you mentioned in your testimony--I just want to
11 see if you can sus [sic] this out a little bit more
12 for us, since I know you were trying to get
13 everything into your three minutes, what you
14 mentioned on the contextual districts and some of the
15 rezonings that were achieved in the far West Village
16 near Washington Street just east of Washington, not
17 too far from where you live. Similar contextual
18 rezoning districts were created in West Chelsea. We
19 had the special Clinton District. We have so many
20 special districts in part of the Ganza [sic] Board
21 Historic District on West 15th Street. We just got an
22 expansion about a year and a half ago. Can you talk
23 a little bit about the tradeoffs that were made
24 during the process and actually trying to achieve
25 these districts? The community gave things away in

2 the process when that was happening. Is that
3 correct?

4 ZACK WINESTINE: Yeah, it's certainly
5 correct. I'm sorry, I'm a little bit fried from all
6 the Ganza Board stuff. It's a little hard to go back
7 10 and 15 years in time. There were two big
8 rezonings in the Far West Village. One was
9 essentially the area west of Washington Street, and
10 there were two very large essentially full block
11 sites that after a lot of back and forth we agreed to
12 exclude from the rezoning because they were
13 developers who, you know, rather power developers who
14 were ready to move on large projects on that site,
15 and it became extremely clear that if we wanted to
16 make a deal we had to agree to those sites being
17 excluded. Similarly we ended up agreeing to zoning
18 that allowed significantly higher heights than we
19 wanted originally, and frankly the thing was that the
20 committee was hoping for. And again, these tradeoffs
21 were made because it was under our understanding that
22 we were getting some long term protections here. It
23 was a delicate balance. You know, there were people
24 that were pro and con, but at the end of the day
25 there was a feeling, look, we can live with this if

2 this is the deal, and now with the effect of this
3 proposal would be to change the terms of that deal
4 retroactively, and I think that's one reason there's
5 a great deal of concern and unhappiness about it in
6 our community.

7 COUNCIL MEMBER JOHNSON: Thank you. And I
8 just want to mention--

9 ZACK WINESTINE: [interposing] And again,
10 I can only speak for the two zonings I was involved
11 with. I think it's a problem throughout the city as
12 well.

13 SIMEON BANKOFF: And I can also just echo
14 what Zack said. This happened in West Chelsea too
15 when--

16 COUNCIL MEMBER JOHNSON: [interposing]
17 Yes.

18 SIMEON BANKOFF: when after a lot of work
19 by the Community Board, I believe you were on the
20 Community Board at the time, I don't remember if you
21 were Chair, when the West Chelsea plan went through
22 and there was a great deal of discussion about 23rd
23 Street being a wide block and allowing development
24 there to lessen large scale development on the side
25 block. We ended up losing a couple of really good

1 buildings on 23rd Street for that reason, but that
2 was something that the community did as a tradeoff.
3

4 COUNCIL MEMBER JOHNSON: And, you know, I
5 was appointed to Community Board Four which covers
6 Chelsea and Hell's Kitchen in 2005, and I served on
7 the Board for eight and a half years. I co-chaired
8 the Land Use Committee. I eventually became Chair of
9 the Board. Predating my time on the Board six years
10 earlier there was a community-driven plan called the
11 Chelsea Plan which went through in 1999, and one of
12 the tradeoffs was keep height limits in West Chelsea
13 at 75 feet, and what did the community trade in
14 return? They traded away East Chelsea, and now above
15 23rd Street on Sixth Avenue you have 40, 50, and 60
16 foot towers, and that was the deal that was struck at
17 the time. The community traded things away to achieve
18 height limits in one area and to allow upzoning and
19 greater density in another area. I think it's
20 important that we ensure that we do not back track on
21 commitments that were made and that were achieved
22 through community activism and through Community
23 Board advocacy from years earlier, and I appreciate
24 you being here and giving us some context. Thank
25 you.

2 CHAIRPERSON RICHARDS: Thank you all for
3 testifying today. Thank you. Alrighty, it looks
4 like we're off to our last panel now. Thank you all.
5 Oh wait, I didn't say we're finished. When you see
6 this bang, that lets you know we're finished. This
7 is not bang [sic]. Sure, you'll just give that to
8 the Sergeant at Arms. Alrighty, we are ready. Down
9 to the last--this is historic, almost 20 hours.

10 UNIDENTIFIED: Steven A. Cooper?

11 CHAIRPERSON RICHARDS: Steve Cooper,
12 you're not testifying? Come on down.

13 UNIDENTIFIED: Sherida Paulsen? Gwen
14 Goodwin? Jill Rappaport [sp?]? Barry Wineberg [sp?]?
15

16 CHAIRPERSON RICHARDS: Okay, did we get
17 everybody? Everybody who's put a slip in? This is
18 the last panel. Last call. Last call. Alrighty.

19 COUNCIL MEMBER JOHNSON: Are you sure you
20 want to end? Don't want to stay?

21 CHAIRPERSON RICHARDS: I'm hoping we go to
22 20 hours. Alrighty, I'll ask you all to just state
23 your names for the record and who you're
24 representing, and then you may proceed with your
25 testimony. Steve Cooper, if you want to begin. Just
make sure your red button is lit.

1 STEVE COOPER: For the benefit of
2
3 Councilman Andrew Cohen and Corey Johnson, my name is
4 Steve Cooper. I live in Edgemere because Donovan
5 Richards knows me. So that's for your benefit.

6 CHAIRPERSON RICHARDS: I thought you said
7 you lived there because I put you there. Okay.

8 STEVE COOPER: Okay. I am definitely for
9 affordable housing. I think it's needed throughout
10 our city for people who have low incomes and people
11 who have a little bit higher income. A family, a
12 wife and husband working and three kids, 115,000
13 dollars doesn't allow them to go into Manhattan or
14 many places in the City of New York because they
15 can't afford it. Their rents are 4,000 and higher.
16 So they have no place really but to move out and go
17 to another area of the state or the country. The
18 poorer people, they can't get apartments, because a
19 lot of places been gentrified and they have to move
20 out, and affordable housing is important for them.
21 But I want you to be aware of federal government's
22 Fair Housing Act. Does the Council know? Have you
23 guys read it or know about it? It's simple.

24 CHAIRPERSON RICHARDS: Of course we--
25

1 STEVE COOPER: [interposing] You do,
2
3 okay. It's simple. It states that--and this is from
4 Barack Obama, July 8th, 2015, he unveils stricter
5 rules against segregation in housing, and what he
6 means by that, it means reduce the racial segregation
7 in residential neighborhoods and there are new
8 requirements for cities and localities to do this.
9 This fosters integration that has not yet been
10 realized, because we know that affluent minorities,
11 affluent minorities, have diversified into primary
12 predominantly white neighborhoods in these cities of
13 Detroit, Milwaukee, New York, but the segregation of
14 less wealthy minorities remain entrenched. The new
15 effort aims to encourage affordable housing
16 development in more desired neighborhoods and to
17 improve this housing stock. In Edgemere where I live
18 for 45 years it is according to the City of New York
19 67 percent African-American, over a quarter of the
20 population it is Hispanic and Latino. However, the
21 household weighted average median income is 34,400.
22 It is a very low income community.

23 CHAIRPERSON RICHARDS: I'm going to ask
24 you to begin to wrap up.

25 STEVE COOPER: What was that, sir?

2 CHAIRPERSON RICHARDS: I'm going to ask
3 you to begin to wrap up. Your time's up.

4 STEVE COOPER: I have this number from--

5 CHAIRPERSON RICHARDS: [interposing] I
6 understand. Going to ask you to begin to wrap up.

7 STEVE COOPER: Okay. I have to get back
8 my concentration here. There is an Edgemere Urban
9 Renewal Area in a part of that Edgemere and they have
10 working families that the city allows to go into two-
11 family homes that have tax abatement, and they rent
12 the other apartment. That--they're a little higher
13 in salaries, and they--if they were take--those
14 salaries were taken away, it would drop lower than 37
15 as the median--

16 CHAIRPERSON RICHARDS: [interposing] Okay,
17 I'm going to ask you to begin to wrap up, sir.

18 STEVE COOPER: Let me finish and then
19 you--

20 CHAIRPERSON RICHARDS: [interposing] Wait,
21 wait. Hold up. Hold up. You're in the People's
22 House, and everybody has a timeline, and therefore
23 we're going to ask everybody to hear that--adhere to
24 that. So I'm going to ask you to wrap your comments
25 up, sir.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

STEVE COOPER: Could you correct me at the end of my speech?

CHAIRPERSON RICHARDS: Okay. Your speech is done. We're at the--I'm going to allow you to wrap up your statement because your three minutes is up.

STEVE COOPER: Okay, you wrap me up because--alright.

CHAIRPERSON RICHARDS: Okay.

STEVE COOPER: That's what Obama is doing. They're saying that the address segregation and racially concentrated areas of poverty rather than be told they must meet new goals. And I'm asking the City Council to consider economic diversity in a community that is having buildings coming in that have low income, and you look for the low income and you'll see it.

CHAIRPERSON RICHARDS: Okay, thank you, sir. We're going to--

STEVE COOPER: [interposing] [cross-talk]

CHAIRPERSON RICHARDS: We're going to--

STEVE COOPER: [interposing] I have a couple more things.

2 CHAIRPERSON RICHARDS: We're going to
3 move on. I've given you extended--

4 STEVE COOPER: [interposing] I have one
5 more item to say.

6 CHAIRPERSON RICHARDS: Okay, one last
7 item.

8 STEVE COOPER: Do not stop me because you
9 never stop anybody.

10 CHAIRPERSON RICHARDS: Sir, it's three--

11 STEVE COOPER: [interposing] I've heard
12 people talk longer than I have.

13 CHAIRPERSON RICHARDS: I'm allowing you to
14 finish up your statement, sir.

15 STEVE COOPER: And I would ask you to
16 increase the amount of affordability for middle class
17 people by raising the levels that you have down here,
18 to put more, a higher percentage of housing
19 affordable for people who make 100,000 a year or more
20 because they don't--they can't--they're looking for
21 it too, and once they come in and the economic base
22 becomes higher, commercial enterprises that we don't
23 have at all in our community--

24 CHAIRPERSON RICHARDS: [interposing] Okay.

25 STEVE COOPER: will come.

2 CHAIRPERSON RICHARDS: Okay, thank you,
3 sir. Sorry--

4 STEVE COOPER: [interposing] Stores,
5 restaurants--

6 CHAIRPERSON RICHARDS: [interposing] I
7 want to move on to the next--

8 STEVE COOPER: cleaners, a bank.

9 CHAIRPERSON RICHARDS: Thank you.

10 STEVE COOPER: We don't have that in
11 Edgemere.

12 CHAIRPERSON RICHARDS: Thank YOU.

13 STEVE COOPER: Thank you very much.

14 CHAIRPERSON RICHARDS: Thank you so much
15 for your testimony, sir. Alrighty, on to the next
16 one. Thank you. Thank you, Mr. Cooper.

17 SHERIDA PAULSEN: Thank you. My name is
18 Sherida Paulsen and I'm speaking on behalf of the
19 Riverdale Nature Preservancy which is located in the
20 Bronx Community District Eight. I want to thank our
21 Chair and Vice Chair who spoke in the last panel, and
22 I saw that our Council Member is sticking it out, and
23 all of you for hanging in there. I know how hard it
24 is to do these hearings. The Preservancy urges the
25 Committee and Council to reject the proposed text

1 modifications under the Zoning for Quality and
2 Affordability or at the very least to send the
3 proposal back to City Planning for modifications.
4 The zoning text presented undermines and contradicts
5 our community district date sponsored 197A plan
6 approved by the Council in 2003 with follow-up zoning
7 actions taken through 2006. That plan included down
8 zoning, contextual zoning and amendments to the
9 special natural area district regulations. The
10 reductions in density and height for areas of our
11 district were essential to maintaining our
12 neighborhood character and are aligned with the
13 development of planning strategies adopted at City
14 Planning and the Council since the 1980's to maintain
15 the character of our many diverse neighborhoods. The
16 distinctive variety of neighborhoods and boroughs is
17 the DNA of New York City. The rejection of these
18 proposals across the city by Community Boards is
19 testament to the need to adopt zoning regulations
20 that are in keeping with our neighborhoods, not in an
21 effort to keep anyone out or exclude any
22 affordability, but in an effort to maintain
23 diversity, vibrancy and encourage local development.
24 Affordable housing is not the result of zoning
25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

modifications that work from the outside in. The cost of developing new buildings which is the combination of the cost of land, design and construction and the cost of money itself requires someone, private developer or government agency to provide funding to make up the difference between the cost of the housing production and the target pricing for rental or ownership. The zoning modifications in these amendments do absolutely nothing to address these costs, and I'm an architect. Nor do these amendments target development of affordable housing. The increase in development potential on sites will drive up the land price and the larger building will cost more to construct. The only part of the proposal that actually addresses cost of development and construction is the proposal to eliminate parking requirements. That proposal ignores the impact of the increased number of cars requiring on street parking and the necessary infrastructure cost to provide for those parking spaces. People in affordable housing and seniors drive cars. My mother's 87. My mother-in-law and father-in-law 88, 89. They all still drive. The most egregious part of this in our communities, I think, I cite [sic] is

1 SHERIDA PAULSEN: You're welcome.

2 DANIEL MCCALLA: Good evening. My name
3 is Daniel McCalla [sp?]. I urge the Committee and
4 the Council to reject the proposal. Once you change
5 the zoning of any neighborhood it is as-of-right. In
6 other words, City Planning interprets it "A",
7 Department of Buildings interprets it "D", and Board
8 of Estimate--I mean, Board of Standards and Appeals
9 bases their decision on if they granted the
10 application before precedence. You're erasing
11 contextual zoning. You're basically--you're going
12 back to before zoning has ever happened, or you're
13 going to Houston. Do you want a zoning resolution or
14 not? Once you change the zoning, the land price goes
15 up by speculation alone. A developer has--I don't
16 see how he's going to make a profit. It's an
17 argument that New York doesn't have to be affordable,
18 because realistically I have to meet my budget if I'm
19 a developer. For years we've had inclusionary house-
20 -all kinds of things and you never get low income
21 housing, not a high percentage of it. Most of the
22 time they just move that housing to another
23 neighborhood. I mean, two or three districts away.
24 But it's like I said, once you approve this, there is
25

2 no control. Even the Landmarks Preservation
3 Commission has a new definition of what their
4 provisions are. You thought it was just the front of
5 the house. Now it's the whole lot. Now you can put
6 extensions on landmarks. So, I just urge the
7 committee to rethink this or tell them to go back to
8 the drawing board. Thank you.

9 CHAIRPERSON RICHARDS: Thank you.

10 JILL RAPPAPORT: I'm going to apologize
11 in advance. I have to leave as soon as I testify to
12 meet my sister at a movie.

13 CHAIRPERSON RICHARDS: Don't apologize.

14 JILL RAPPAPORT: I just want to say a few
15 things. I live in Pen South [sic], which is an
16 affordable community for many years. I think New York
17 needs to build more of those. A similar--in the same
18 vein, we're being encroached upon by something called
19 Hudson Yards, which was a Michael Bloomberg gift to
20 the city not, and it's going to have an enormous and
21 negative impact on our area and on the whole city. I
22 agree with everything that has been said in
23 opposition to the ZQA proposal. I think it is we give
24 away to developers. It is a privatizing of space and
25 light and air and historic neighborhoods and sense of

2 place that people in the city have. There should be
3 no 30-year limit on the housing for seniors. That is
4 a giveaway to developers. It is a contributing factor
5 to an inflationary landscape of New York real estate
6 which is already beyond insanity. The developers
7 have been calling the shots for many years now and it
8 so out of control at this point that I think people
9 are reeling all over the city at the extent to which
10 developers call the shots, control the city
11 government, control Albany and are creating a
12 metastatic inflationary lunacy which is going to
13 leave nothing in the city but, you know, some subway
14 food shops and banks and nail shops, and that's what
15 we're going to have instead of famous places, famous
16 shops and housing that is truly affordable and a city
17 that people actually want to visit. We're turning it
18 into a wasteland, and this is part of that, and I
19 think it should be rejected 100 percent. Thank you.

20 CHAIRPERSON RICHARDS: Thank you for your
21 testimony. A new three minutes on the clock.

22 COUNCIL MEMBER JOHNSON: I just want to
23 thank you for coming tonight. It's always nice to
24 see you in the neighborhood. Thank you.

2 CHAIRPERSON RICHARDS: Oh, ma'am, can you
3 just state your name for the record and your
4 organization? I'm sorry.

5 JILL RAPPAPORT: I'm Jill Rappaport. I
6 live in Chelsea.

7 CHAIRPERSON RICHARDS: Thank you.

8 JILL RAPPAPORT: Thank you.

9 COUNCIL MEMBER JOHNSON: The People's
10 Republic of Penn South, my favorite place.

11 CHAIRPERSON RICHARDS: People's Republic
12 of the Rockaways is better. You may begin, ma'am.

13 GWEN GOODWIN: Hi. My name is Gwen
14 Goodwin. I'm a resident of East Harlem. I am the
15 Chair for the Coalition to Save PS 109. I think I'm
16 the first recipient from the Historic District
17 Council to get their award in 1999 for saving PS 109,
18 for land marking PS 109, and I worked for 12--
19 actually 15 years to turn it back into a public
20 school, but you people decided it should be a housing
21 space for so-called artists. And this space and this
22 use of this space and this waste of the space,
23 because let's remember this could have been a school
24 for the children of East Harlem for the next 100
25 years. Twelve-hundred students per year could have

1 gone to this school. Instead, it went to a bunch of
2 people, many of them who live outside of East Harlem,
3 so they could live in a so-called affordable house.
4 Well, everyone needs affordable housing, but this is
5 the way the City Council does their business and this
6 is the way Mayor de Blasio does, very similar to
7 Bloomberg, and it's really a shame how we continue to
8 waste our chances like this. We do have overcrowding
9 in all of our schools in East Harlem. We sorely
10 needed that school, and instead we have people living
11 in it, and that is a waste of space, and that is a
12 waste of our taxpayer's dollars. This is an upzone,
13 and I call upzones outzones because that's what they
14 do. I also vigorously fought this Council against
15 the rezoning of 125th Street just a few years ago,
16 and heartbreakingly it has happened, and people can
17 see that when you go from First Avenue all the way
18 over to the West Side you can see that the Council
19 went ahead and voted that Columbia University should
20 be allowed to have nine buildings through eminent
21 domain. That's where low income people were living.
22 So, here we go again. I don't see any difference
23 really between this Administration and the last
24 Administration. I think it's breathtaking that you
25

2 gave yourself that enormous raise the other day. I
3 have spoken to people that have literally broken down
4 into tears of frustration at the enormity of that
5 raise and why you think you deserve it. There is
6 unbelievable homelessness right now. I was in Harlem
7 this morning meeting Bernie Sanders, and I think what
8 he said about the system being rigged is completely
9 true, and I think this is an extension of the rigged
10 system. It is unbelievable that citizens of New York
11 need to come and bow before you and beg you to not do
12 business with the criminals at large. What we ought
13 to be doing is we ought to be putting back the rent
14 stabilization laws, that's it. Everyone needs to
15 have a home to live in, and the way we're doing this
16 is causing more and more displacement, which by the
17 way is also ruining the businesses of New York. I
18 was in Grand Central just two weeks ago, all the
19 beautiful renovation at Grand Central and the new
20 stores. Well guess what? People don't have a place
21 to live, so three of those stores in Grand Central's
22 food eatery area have closed because there are so
23 many homeless people that have to stay there to get
24 warm. You can't even drink a cup of coffee because
25 there's newspapers, there's urine, there's dirt all

2 over the place. So it's not just a matter of not
3 keeping people in their homes. It's a matter of an
4 ocean of other effects that happen when we create
5 this homeless situation. So, I think yes, you should
6 drop this thing in the ash can like a rock, period.
7 But I think you ought to grow some you know what's
8 and get back out there and start putting rent
9 stabilization back into effect because it is the only
10 thing that has ever done and worked in New York City.
11 Thank you.

12 CHAIRPERSON RICHARDS: Thank you.
13 Alrighty.

14 BARRY WEINBERG: Hi, I'm Barry Weinberg.
15 I'm a member of Community Board Nine, and I helped
16 draft our resolution opposing ZQA and MIH. I'm here
17 tonight speaking on my own personal behalf and not on
18 behalf of the Community Board. But, you know, I'm
19 not going to go through the litany of things in ZQA
20 that I oppose. Somebody called it a stew earlier,
21 and there's a lot of questionable things in that
22 stew, but I want to give you sort of our perspective
23 when it was presented to us. Somebody had mentioned
24 the very rushed nature of this process. We had a
25 similar time when we received a visit from DCP in

1 late June where they had no answers and said, "Oh,
2 just trust us. You'll see it when it comes out." So,
3 when ZQA was presented to us we had this beautiful
4 presentation, "Oh, look, we'll have lovely ground
5 floor retail and articulated building facades and
6 won't it be great, and that's wonderful." Fast
7 forward to, you know, when time is ticking down on
8 our deadline to, you know, present our official
9 response and I'm on my couch at five in the morning
10 reading through I don't know what page of the 485
11 pages of zoning text amendment, and I have a day job
12 that is not a lawyer or an urban planner or a
13 developer, and I find nestled in there a small
14 paragraph Section 23-674 which says that in Community
15 District Nine in the borough of Manhattan above 125th
16 Street districts zone R8A shall comply to quality
17 housing unless it, you know, has 20 percent
18 affordable or is affordable senior in which case bye-
19 bye. The Community Board worked for five years to go
20 through the West Harlem Rezoning that was passed in
21 2013. We made tradeoffs too much like Chelsea. We
22 traded off, you know, on our rezoning of the Columbia
23 site and of our upzoning of certain areas and now in
24 West Harlem because we wanted to preserve the context
25

1 of our district. We're a dense district. We like
2 density. We have, you know, I think density of
3 something like 93,000 per square mile, which is among
4 the top eight community districts in the city, and
5 we're fine with that. But what we don't want is out
6 of context dense development and we don't want
7 unaffordable dense development, both of which this
8 would allow. To give some affordability perspective
9 on MIH, you know 60 percent of AMI which is the
10 lowest, you know, band allowed is 46,000 dollars
11 roughly for a family of three. The median income in
12 our district is roughly 35,000 dollars. So it may be
13 60 percent of, you know, the seven county AMI. It's
14 125 percent of Community District Nine AMI, and so,
15 you know, in addition to the issues we have on
16 affordability there's also the fact that the HUD has
17 released its small area fair market rents which break
18 things down in a zip code tabulation. That, you
19 know, that's not even been talked about as an
20 alternative to the seven county AMI. So, I just want
21 to, you know, point out the last thing. Somebody
22 said, you know, when you change the zoning code it's
23 changed, things become as-of-right. Community Boards
24 are on the front line of dealing with neighborhood's
25

2 reactions to development. There's a provision in ZQA
3 23-663 that deals with rear yard setbacks. I can tell
4 you that the moment that somebody tries to develop a
5 building under this with a rear yard that is way too
6 close to the back yard of the property abutting them
7 I'm going to have irate community members showing up
8 to my Community Board meeting and to our Zoning and
9 Land Use Committee, and I'm going to only be able to
10 shrug my shoulders, throw my hands up in the air and
11 say it's as-of-right because of ZQA. So, that's why
12 I am asking the City Council to oppose ZQA for all
13 the variety of, you know, bad provision it has and
14 also to make MIH more affordable. Thanks.

15 CHAIRPERSON RICHARDS: Thank you all for
16 your testimony, and I just want to make it clear
17 that, you know, we are here and we heard from
18 everyone. Matter of fact, I think we've now hit
19 almost the 20 hour mark from hearing from the public
20 over the last two days, and I can tell you that
21 Council Members are taking this very seriously. I
22 mean, we have documented just about every Community
23 Board, every advocacy group. We'll be documenting
24 your testimony as well. So, I want to thank you for
25 coming out, and we look forward to continuing this

1 conversation as we move along. Thank you for coming
2 out. Alright. Oh, hold up, we're not finished yet.
3 I'm not officially finished yet. When I bang this
4 gavel we're officially finished, but you--so I want
5 to thank everyone for coming out. I want to thank the
6 public. The Council is certainly grateful for the
7 public coming out and certainly letting what they
8 feel is important be known to us, and this Council
9 will be taking it seriously. We have 50 days to
10 really oversee this process to either vote it up or
11 down, and we look forward to continuing a much more
12 robust conversation with the Administration as we
13 move forward. I just would like to thank some people
14 who weathered the storm. Not--I don't want to call
15 it a storm, but weathered the blessing of hearing
16 form the public over the last 20 hours, and I will
17 start with the Land Use staff, Raju Mann [sp?], Amy
18 Levensten [sp?], Dylan Casey, Julie Luben [sp?]. I
19 would like to also thank my staff, my Press Director,
20 Jordan Gibbons, Jarrell Burney [sp?], my Chief of
21 Staff, Mercedes Buchanan, also Frank Joseph, and I
22 would like to thank the Sergeant at Arms, the Police
23 Department who was here to help us ensure that we
24 kept civility here as we move through, and most
25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

importantly the public. We will look forward to continuing this conversation and reporting back to the public and hearing from the public a little bit more as we move through this process. So, I just would like to say that are there any more people here to testify on this issue? If not, we will lay over ZQA. I'm going to close the public hearing now, and we will lay over ZQA for further consideration as we move along. With that being said, this hearing is now officially, officially, officially closed.

[gavel]

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

SUBCOMMITTEE ON ZONING AND FRANCHISES

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

SUBCOMMITTEE ON ZONING AND FRANCHISES

C E R T I F I C A T E

World Wide Dictation certifies that the foregoing transcript is a true and accurate record of the proceedings. We further certify that there is no relation to any of the parties to this action by blood or marriage, and that there is interest in the outcome of this matter.



Date March 1, 2016