

CITY COUNCIL  
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

SUBCOMMITTEE ON ZONING AND  
FRANCHISES

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August 9, 2016  
Start: 10:10 a.m.  
Recess: 11:12 a.m.

HELD AT: Committee Room - 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

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

Robert Callahan

Nick Hockens

Greenberg Traurig, SMBRO Rivington

TS Young

Stephen B. Jacobs Group

Samy Mahfar

Stephen B. Jacobs Group

Susan Stetzer

Community Board Three

Harry Bubbins

Greenwich Village Society for Historic  
Preservation

Paul Young

Enrique Cruz

Association of Latino Businesses and Residents



1  
2 CHAIRPERSON RICHARDS: Alrighty, good  
3 morning. I am Donovan Richards, Chair of the  
4 Subcommittee on Zoning and Franchises, and today we  
5 are joined by Council Members Rosie Mendez, Council  
6 Member Dan Garodnick, Chair of Land Use Committee  
7 David Greenfield, Council Member Gentile, and also  
8 Council Member Reynoso. Today we have two items for  
9 consideration. We'll be holding a hearing and voting  
10 on one sidewalk café application, and we will also  
11 hold a hearing on the East Houston Street rezoning.  
12 And if you are here regarding the Broadway Sherman  
13 rezoning applications, unfortunately, we will not be  
14 voting on these items today, but we will be laying  
15 over the Broadway Sherman application for  
16 consideration at a future meeting. We will start  
17 with the café before moving on to the East Houston  
18 rezoning application. I will now open the public  
19 hearing for Land Use Number 426, an application for  
20 an unenclosed sidewalk café in Council Member  
21 Garodnick's district, and Council Member Garodnick  
22 has been in discussions with the applicant on this  
23 item, and they have reached an agreement to reduce  
24 the size of the café. So, with that being said, I  
25 will now-- oh, you're good? Okay. No statements

2   today, okay. Are there any members of the public who  
3   are here who wish to testify on this item? We have  
4   one. Alrighty, I will call Robert Callahan [sp?]  
5   from Ali Baba's Terrace, Incorporated to hear some  
6   testimony.

7                   ROBERT CALLAHAN: Good morning.

8                   CHAIRPERSON RICHARDS: Morning.

9                   ROBERT CALLAHAN: I would just like to  
10   read into the record the letter of agreement that has  
11   been previously submitted to Council Member  
12   Garodnick's office. Dear Honorable Council Member,  
13   please accept this letter of confirmation that as per  
14   our agreement, we agree to the following: We will  
15   reduce our café from 10 tables with 20 seats to six  
16   tables with 12 seats, which will only be on East 46<sup>th</sup>  
17   Street. We will move the café at least 15 feet from  
18   the phone book. We will keep the sidewalk vault  
19   doors down at all times when we are not getting  
20   delivery. We will comply with New York City  
21   Department of Buildings' requirement that we have  
22   planters on the roof deck between our tables. We  
23   will set up the sidewalk café according to the  
24   attached plan, which will be submitted to the New  
25   York City Department of Consumer Affairs. If

2 anything else is required, please contact me at the  
3 below number. Michael Kelly [sp?], authorized  
4 representative.

5 CHAIRPERSON RICHARDS: Thank you so much.  
6 Alright, thank you for your testimony, sir.

7 ROBERT CALLAHAN: Thank you.

8 CHAIRPERSON RICHARDS: Alrighty, alright.  
9 So we will now move on to a vote on this-- oh, anyone  
10 else would like to testify on this issue? Alrighty,  
11 seeing none. Alrighty. We will close the public  
12 hearing on Land Use Number 426. We will now move on  
13 to a vote on this café and onto another café  
14 application that was withdrawn. We'll be voting to  
15 recommend approval of Land Use Number 426 and on a  
16 motion to file Land Use Number 425 to remove it from  
17 our calendar. Are there any members from the  
18 Subcommittee who will [sic] speak on these items?  
19 Alrighty, seeing none. Counsel, please call the  
20 roll.

21 COMMITTEE COUNSEL: Council Member  
22 Richards?

23 CHAIRPERSON RICHARDS: I vote aye.

24 COMMITTEE COUNSEL: Council Member  
25 Gentile?

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SUBCOMMITTEE ON ZONING AND FRANCHISES

COUNCIL MEMBER GENTILE: I vote aye.

COMMITTEE COUNSEL: Council Member  
Garodnick?

COUNCIL MEMBER GARODNICK: Aye.

COMMITTEE COUNSEL: Council Member  
Reynoso?

COUNCIL MEMBER REYNOSO: Aye.

COMMITTEE COUNSEL: The Resolution to  
approve LU Number 426 and to file LU Number 425 is  
approved by a vote of 4 in the affirmatives, 0 in the  
negative and 0 abstentions.

CHAIRPERSON RICHARDS: Thank you,  
Counsel. We will now move on to a public hearing on  
Pre-considered Land Use Application for a Zoning Map  
Amendment to establish a C2-5 commercial overlay  
along the Southside of East Houston Street from  
Norfolk Street to halfway between Clinton and  
Attorney Streets. The overlay would be mapped to a  
depth of 100 feet. The underlying R8A District would  
remain unchanged. The rezoning would facilitate the  
establishment of ground floor retail use in a  
proposed 13-story mixed use building. This item is  
in Council Member Mendez's district, and I want to

2     thank her for her leadership here and I believe she  
3     has a statement to read on this item.

4                   COUNCIL MEMBER MENDEZ:   Yes, I do.   Thank  
5     you, Mr. Chair and members of the community and those  
6     who are here to testify today on this application.  
7     In 2008, the East Village-- I'm sorry, hold on one  
8     second.   The Lower East Side East Village was  
9     rezoned.   This 111 block rezoning was one of if not  
10    the largest rezoning undertaken during the Bloomberg  
11    Administration.   The process was initiated by  
12    Community Board Three and Department of City Planning  
13    because of series of non-contextual buildings that  
14    went up in the years leading up to the 2008 rezoning.  
15    I myself worked on this rezoning for six years, three  
16    prior to becoming a Council Member.   The swiftness  
17    with these projects went up and the scale of the  
18    projects mobilized the Community Board and the City  
19    to institute a large contextual rezoning with an eye  
20    towards ensuring that development proceeded in a  
21    controlled way, to create opportunities for  
22    affordable housing, to institute height caps that  
23    enshrine the low-rise character of this district, and  
24    insured a commercial character that enhanced the  
25    community.   I'm greatly concerned about this

1 application. The application before us today seeks  
2 to rezone an R8A contextual district to include a 625  
3 commercial overlay. This application comes in an  
4 area where community facilities are in short supply  
5 and where grandfathered commercial uses have  
6 persisted despite commercial uses not being allowed  
7 in an R8A district. I C2-5 overlay would allow use  
8 group six uses. This use tends to be occupied by  
9 bars, clubs and restaurants. Proliferation has  
10 plagued this community and has led to the  
11 oversaturation of such uses in this area. An example  
12 of the kind of uses that tend to be put in place with  
13 the 625 overlay can be seen to the north of my  
14 district, along Avenues A, C and First Avenue, and in  
15 the southwest portion of Council Member-- just south  
16 of my district in Council Member Chin's district  
17 Ludlow Street, which is known to people as Hell's  
18 Square. Larger retail uses also are allowed in C2-5  
19 districts as can be seen along Delancey Street to the  
20 south. The applicant claims that the establishment  
21 of a 625 overlay in this area would be to enable the  
22 inclusion of ground floor retail. However, it  
23 remains to be seen what public interest is served by  
24 expanding a number of allowable use groups in this  
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1 location. In addition, this applicant has only site  
2 control of their property, yet, is applying to rezone  
3 a much larger area. How these property owners feel  
4 about this rezoning is unknown. Finally, this  
5 applicant proposed the same rezoning in 2011 which  
6 was turned down. Now, just five years later, this  
7 body is being asked to consider the application once  
8 again. I would like to note for the record that  
9 Community Board Three in Manhattan has recommended  
10 denying this application as has Manhattan Borough  
11 President Gale Brewer. Community Board Three worked  
12 in 2008 to preserve this space for community facility  
13 use. In nearly every area where a commercial overlay  
14 has been mapped in Community Board Three, a community  
15 use has become the tenant. If that tenant went out of  
16 business, a commercial venture took its place rather  
17 than a community facility. There is by no means a  
18 shortage of places to eat and drink in my  
19 neighborhood. However, facilities meant to provide  
20 services to those living in the area have become  
21 harder and harder to find. It is important to note as  
22 pointed out by Borough President Brewer, that "these  
23 blocks were specifically designated for contextual  
24 residential use under the 2008 East Village Lower  
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2   East Side rezoning." In addition, as noted by the  
3   Borough President, it is hard to understand how the  
4   applicant has been unable to find a community  
5   facility use when just next door the new project  
6   almost complete has been able to incorporate such a  
7   use. At this point, I cannot support this  
8   application. However, I will keep an open mind as we  
9   listen to everyone's testimony, and I look forward to  
10  hearing from everyone on this matter. Thank you, Mr.  
11  Chair.

12                   CHAIRPERSON RICHARDS: Thank you, Council  
13  Member Mendez. Alrighty, so with that being said  
14  we'll call the first set of people to testify. Nick  
15  Harkron [sic]-- Hockens, sorry, from SMBRO Rivington,  
16  TS Young, I think this says, a architect from Stephen  
17  Jacobs, and Samy Mahfar, SMA Equities [sic]. Good to  
18  see you all again.

19                   NICK HOCKENS: Good morning--

20                   CHAIRPERSON RICHARDS: [interposing] So,  
21  what you'll do, if you don't mind, just make sure  
22  your button is lit up, and you'll just say who you  
23  are and who you're representing today, and then you  
24  may begin.

1  
2 NICK HOCKENS: Alright. Good morning,  
3 Chair Richards and Commissioners. My name is Nick  
4 Hockens. I'm a Land Use Attorney at Greenberg  
5 Traurig, and I'm here today with respect to an  
6 application to map the C2-5 commercial overlay to a  
7 depth of 100 feet along two and a half blocks on the  
8 south side of East Houston Street between Norfolk  
9 Street and the centerline between Clinton and  
10 Attorney Streets. The rezoning would allow up to  
11 approximately 5,000 square feet of ground floor  
12 commercial use instead of doctor's offices in a 13-  
13 story mixed use building to be constructed at 255  
14 East Houston. We understand and respect that the  
15 Community Board and the Council Members took a long  
16 hard look at zoning in the area during the Lower East  
17 Side East Village rezoning beginning in 2002, but  
18 believe that there are very strong land use and  
19 public policy rationales for the application. At 125  
20 feet wide, East Houston is one of the widest, most  
21 heavily trafficked streets in Lower Manhattan. Most  
22 of East Houston is already zoned for commercial use.  
23 Commercial districts are mapped along both sides of  
24 the street from Broadway to Essex Street and along  
25 the north side from Avenue A to Avenue B. there's

1 also an existing C1-5 overlay map down Clinton  
2 Street. The rezoning would fill in this missing gap.  
3 The rezoning would also be consistent with existing  
4 land uses in the area. On the north side of Houston  
5 Street there are already a variety of local retail  
6 and services uses. Within the rezoning area itself  
7 there are 19 sites. Eight of them are already zoned  
8 to allow commercial use with the C1-5 overlay and  
9 contain a variety of local retail and services uses.  
10 A C2-5 overlay would allow some additional uses such  
11 as health clubs, bike shops and funeral homes. On  
12 the other sites, four of them are legal non-  
13 conforming. They're retail and eating and drinking  
14 establishments. The rezoning would synchronize  
15 zoning with the existing land use patterns, and in  
16 addition, non-conforming uses may not be structurally  
17 altered and lose their grandfathering if they're  
18 demolished. The rezoning would allow the structural  
19 alterations and encourage redevelopment of the non-  
20 conforming sites pursuant to the R8A rezoning that  
21 was put in place with the East Side-- Lower East Side  
22 East Village rezoning that would increase market and  
23 affordable housing in the area by allowing the  
24 redeveloped sites to retain their legal commercial  
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1 uses on the ground floor. With the exception of  
2 doctor's offices, most community facilities are of a  
3 contemplated nature that benefit from relative quiet,  
4 houses of worship, daycare, schools, which is why  
5 they're appropriate for and permitted in residential  
6 districts. Lots of residential-- there's a lot of  
7 residential zoning in the area that can continue to  
8 accommodate ground floor community facility uses.  
9 Our-- my client, the applicant, has tried without  
10 success since 2010 to find a tenant that would be  
11 willing to take the existing building for community  
12 facility use and has been unable to. He's had long  
13 discussions with two different schools, but  
14 ultimately they went to different sites, and part of  
15 that is because there's not a demand for community  
16 facility on East Houston. It's a busy street.  
17 Finally, retail uses compared to doctor's offices,  
18 will activate the streetscape at night. This is a  
19 long stretch with the playground to the east of  
20 inactive area, and at night time it's nice to have a  
21 little bit of activity. At the recommendation of  
22 City Planning staff, when we first went to them to  
23 talk about the rezoning, the applicant and I met with  
24 the Community Board in December 2011. That was an  
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1 informational meeting. It wasn't an actual  
2 application. When we went and met with the Community  
3 Board we asked them-- we told them about what we were  
4 proposing. At the time, we were unclear whether the  
5 project would be a condo project that would use  
6 inclusionary housing certificates off-site or a  
7 rental project. The Community Board made it very  
8 clear that they wanted a commitment to provide onsite  
9 affordable housing, that they didn't believe that  
10 offsite inclusionary was appropriate, and in response  
11 to that we designed a rental project that has  
12 qualified for 421A, and as such, we're providing 20  
13 percent of affordable housing over the entire site,  
14 20 percent of the units, not just the portion that's  
15 in the inclusionary housing designated area. That's  
16 resulting in 2,000 square feet more affordable than  
17 would be provided under inclusionary, and it's at a  
18 lower AMI, 60 percent. But in order to provide those  
19 lower-- in order for that to work economically, it's  
20 important to have as many revenue streams as  
21 possible, and retail generates a more certain revenue  
22 stream than community facility does. The Community  
23 Board also wanted to know how the neighbors felt  
24 about the site. We-- and I provided to you. we  
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2     obtained 67 letters of support from business owners  
3     and tenants in the area that have stated that they  
4     support the rezoning. We're here to answer any  
5     questions you may have.

6                   CHAIRPERSON RICHARDS: Thank you for your  
7     testimony. So, let's just go through. So, you're  
8     looking to convert it to a C2-5 to create more  
9     commercial or what usage do you see on the ground  
10    floor, in particular that your particular  
11    organization is looking for?

12                  NICK HOCKENS: Well, that's an excellent  
13    question. You know, this is a rental project. My  
14    client, the applicant, is going not continue to own  
15    this building. So, they have the same interest as  
16    the community does in making sure that there's  
17    appropriate commercial use here. There's no interest  
18    in having a bar or anything that's going to generate  
19    a lot of noise and disturb our tenants and other  
20    tenants in the area. The uses that we've been  
21    looking at, there have been some preliminary  
22    discussions with a paint store. Also--

23                  CHAIRPERSON RICHARDS: [interposing] You  
24    [sic] said a paint store?

25                  NICK HOCKENS: Paint store.

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CHAIRPERSON RICHARDS: Okay.

NICK HOCKENS: Like a Sherwin Williams.

There's also been discussions about having a fresh food store that would provide fresh food which we think is in shortage in the area, and maybe a diner or, you know, a simple restaurant. Those are the uses we've been thinking.

CHAIRPERSON RICHARDS: And those are uses the community, in particular. So when you went to the community you heard, and specifically what type of usage did the community, in particular, have discussions with you on?

NICK HOCKENS: In 2011, we didn't get down to that level of detail about what kinds of uses they thought were appropriate, but we're more than happy to speak with the community and work with them to find uses, appropriate commercial uses.

CHAIRPERSON RICHARDS: So you said 2011 was the last time you had a discussion with the community on the uses?

NICK HOCKENS: About. 2011 was the first discussion we had. We were before the Community Board a few months ago, but we didn't-- and we had

2 some basic discussions about uses, but nothing  
3 specific.

4 CHAIRPERSON RICHARDS: Okay, great. So,  
5 I'll just suggest, you know, we're in 2016 now, that  
6 we go back and certainly have a discussion. I'm sure  
7 Rosie, Council Member Mendez will certainly chime in  
8 on this in a particular second. Can you go through,  
9 so how much commercial square footage?

10 NICK HOCKENS: In our building it's about  
11 5,000 square feet.

12 CHAIRPERSON RICHARDS: Five thousand  
13 square feet.

14 NICK HOCKENS: Just under 5,000--

15 CHAIRPERSON RICHARDS: [interposing] In  
16 particular just for the commercial.

17 NICK HOCKENS: For the commercial use.

18 CHAIRPERSON RICHARDS: And residential  
19 use?

20 NICK HOCKENS: Residential use is about--  
21 it's about 63,000, about 63,000 square feet.

22 CHAIRPERSON RICHARDS: And how many units?

23 NICK HOCKENS: Eighty-eight.

24 UNIDENTIFIED: Eighty-eight.

2 CHAIRPERSON RICHARDS: So 88 units,  
3 alrighty. And so you said that some of these units  
4 will be set aside as affordable, so can you go  
5 through--

6 NICK HOCKENS: Twenty percent of the  
7 units, 20 percent of the residential floor area.

8 CHAIRPERSON RICHARDS: Twenty percent.  
9 At which AMI's?

10 NICK HOCKENS: Sixty percent.

11 CHAIRPERSON RICHARDS: Sixty percent AMI,  
12 and you said that you got 421A.

13 NICK HOCKENS: Yes. We've--

14 CHAIRPERSON RICHARDS: [interposing]  
15 Alright, so you were grand-- you were vested. Okay.  
16 And so are you receiving any HPD subsidy or no? And  
17 has the local community spoke of wanting to see AMI's  
18 lowered a little bit, in particular.

19 NICK HOCKENS: We haven't heard that, no.

20 CHAIRPERSON RICHARDS: You haven't heard  
21 that discussion yet, okay. So I will let Council  
22 Member Mendez ask questions in a second. Is there  
23 any set-backs in particular on the building?

24 NICK HOCKENS: There's setbacks at the  
25 maximum, at the base height. Under ZQA the maximum

2     base height on Houston Street is 105 feet, and on  
3     Suffolk it's 65 feet, and--

4                   TS YOUNG: [interposing] Correct, and  
5     they're set back on both.

6                   NICK HOCKENS: Just say-- just give your--  
7     -

8                   CHAIRPERSON RICHARDS: [interposing] Just  
9     say who you are if you're going to speak, if you can  
10    just say your name.

11                  TS YOUNG: Sorry, my name is T. S. Young.  
12    I represent the architect Steven B. Jacobs Group on  
13    the project. the project consist essentially of two  
14    buildings linked around a corner site. Therefore,  
15    the building that we are searching for or our client  
16    is looking for a commercial use for would be the main  
17    building that fronts Houston Street. The smaller  
18    building fronting Suffolk Street is still under the  
19    R7A zoning. Lines, lining cuts through it so it's  
20    much shorter. That'll be our residential entry. The  
21    building is set back on the Houston side well below  
22    the setback, the maximum base height basically  
23    because the amount of floor area that we could  
24    squeeze into our bulk massing. On the Suffolk side  
25    we are set back a total of 20 feet at the 65 foot

1 base height limit. And we have a total of 88 units,  
2 18 of which will be affordable units. The spread of  
3 these units has been approved by the HPD for in terms  
4 of the number of two bedroom studios and one  
5 bedrooms, and they are spread because these two  
6 buildings are considered one. They are spread  
7 throughout both segments of the building.  
8

9 CHAIRPERSON RICHARDS: And what's the  
10 spread on the bedroom number? So, how many one-  
11 bedrooms? How many two? How many three?

12 TS YOUNG: Okay, well in total in the  
13 project, the total on the project has 37 studios, 39  
14 one-bedrooms, 11 two-bedrooms, and one three bedroom  
15 for a total of 88 units. The affordable units have a  
16 total of seven studios, eight one-bedrooms and three  
17 two-bedrooms yielding 18 affordable units. On the  
18 spread in terms of the percentages is about equal.  
19 You know, 42 percent studios, 44 percent one-  
20 bedrooms, 12 and a half percent two-bedrooms, and  
21 that single three-bedroom at one percent. On the  
22 affordable side you've got about 38.9 percent  
23 comparable to 42 percent of studios. For the one  
24 bedroom we've got 44 percent exactly [sic] comparable  
25 to 44 percent the one-bedrooms on the market rate

2 side. For the two-bedrooms we've got 16 percent,  
3 close to the 12 percent that we--

4 CHAIRPERSON RICHARDS: [interposing] And  
5 do you know what the rents will look like? So I'm  
6 interested in particular. So on the affordable side  
7 what will the rents look like? Do you know yet, or?

8 TS YOUNG: we do not.

9 CHAIRPERSON RICHARDS: You do not know  
10 yet.

11 TS YOUNG: We have--

12 CHAIRPERSON RICHARDS: [interposing] Do  
13 have a range on any of the apartments as of yet?

14 NICK HOCKENS: No, but they'll comply  
15 with HPD requirements for 60 percent of AMI.

16 CHAIRPERSON RICHARDS: And which program  
17 are you using through HPD?

18 NICK HOCKENS: It's not a-- it's not a  
19 subsidy--

20 CHAIRPERSON RICHARDS: [interposing]  
21 You're not using it.

22 NICK HOCKENS: program.

23 CHAIRPERSON RICHARDS: Okay.

24 NICK HOCKENS: It's just 421A and  
25 inclusionary.

2 TS YOUNG: inclusionary.

3 CHAIRPERSON RICHARDS: And you did not  
4 wish to ask for a subsidy in particular in this  
5 project, no?

6 NICK HOCKENS: Nope.

7 CHAIRPERSON RICHARDS: Okay. Alrighty,  
8 with that being said, and just lastly, any green  
9 features in particular for these buildings?

10 NICK HOCKENS: Yes, there's a variety of  
11 green features, and TS can expand on them, but  
12 there's a-- the building systems will use high  
13 efficiency VRF and PTAC cooling systems. Heating in  
14 natural gas. LED lighting instead of incandescent.  
15 Storm water detention tanks. There'll be landscaped  
16 roof deck on the top of the buildings and the  
17 insulated values of the building are better than code  
18 requirement by as much as seven percent.

19 CHAIRPERSON RICHARDS: Okay, I'm going to  
20 go--

21 NICK HOCKENS: [interposing] So, it's--

22 CHAIRPERSON RICHARDS: Alright, thank  
23 you. That sounds pretty good. So, I'm going to go  
24 to Council Member Mendez now for questions, but just  
25 want to echo, and you know the community has

2 certainly spoken about the need for community  
3 facility space, and we're definitely interested in  
4 hearing a lot more about that. Council Member  
5 Mendez?

6 COUNCIL MEMBER MENDEZ: Thank you, Mr.  
7 Chair. I'd just like to add before I, you know, pose  
8 my question, that when the community and I worked on  
9 this rezoning many years ago, we looked at these  
10 block by block by block. And so it was very  
11 purposeful to keep the R8A that was existing. You  
12 propose to extend the C2-5 from the north side of  
13 Houston Street down to these two and a half blocks  
14 so. Houston Street, which is triple lane going in  
15 each direction, right, going east/west. Also,  
16 Clinton Street a much smaller street there is a C1-5  
17 commercial overlay. So, what made you go across the  
18 street to extend that commercial overlay instead of  
19 around the corner to extend the other commercial  
20 overlay?

21 NICK HOCKENS: That was based on input  
22 from the Department of City Planning. I think in  
23 general the Department has preference for C2  
24 overlays. They allow a slightly wider set of use  
25 groups than C1's do, and that's-- and they thought it

2       made sense to have the C2-5 overlay, especially given  
3       that East Houston is such a wide street along both  
4       sides, but we're-- you know we don't plan on having  
5       any uses that require a C2-5, like a health club.  
6       So, it's not-- that's not something that we feel  
7       strongly about, whether it's a C2 or C1.

8                   COUNCIL MEMBER MENDEZ: So, if you do not  
9       contemplate those uses, then why ask for it? Just  
10      because the Department of City Planning photo was a  
11      good idea?

12                  NICK HOCKENS: Yes, I mean, it--

13                  COUNCIL MEMBER MENDEZ: [interposing]  
14      Okay, the Community Board thinks it's a good idea  
15      just to keep it in R8A. How about that?

16                  NICK HOCKENS: Right. Well, that's a-- I  
17      hear you, but what we're looking for is some kind of  
18      reasonable local commercial use, and that could be  
19      accommodated in a C1 or in a C2.

20                  COUNCIL MEMBER MENDEZ: Would you prefer  
21      and interested not-for-profit tenant over a  
22      commercial tenant?

23                  NICK HOCKENS: You know, and interested  
24      not-for-profit tenant that can pay a market rate, you  
25      know, that's not a problem. The real issue is that

1           this is, you know, this is a building that's going to  
2           be around for many, many years. It's going to be a  
3           rental project, and we need a reliable income stream  
4           from this space. The problem with not-for-profits  
5           and other community facility uses is that you're so  
6           limited into the type of tenant that can take the  
7           space that you wind up having vacancies for very long  
8           periods of time, and that affects the-- that affects  
9           the value of the project.

11           COUNCIL MEMBER MENDEZ: What is the square  
12           foot market rate that you are looking for?

13           NICK HOCKENS: Do you have a sense of  
14           what the market-- Well, we--

15           SAMY MAHFAR: The--

16           NICK HOCKENS: Just got to say your name.

17           SAMY MAHFAR: Hi, I'm Samy Mahfar. I'm  
18           part of the development group for 255 East Houston.  
19           So, in talking to brokers it doesn't seem there's a  
20           big delta between community facility value today and  
21           retail. We believe it's in the 60 to 80 dollars a  
22           foot range, but as Nick pointed out, we've been  
23           trying for the last five years to get community  
24           facility in the building and the demand has not been  
25           there to do so. So, we just would like to have a

2 wider spectrum of potential tenants in the space and  
3 keep it occupied as opposed to have an empty space.

4                   COUNCIL MEMBER MENDEZ: How have you  
5 tried to secure a not-for-profit tenant to occupy  
6 your community facility? Can you tell me some of  
7 your measures, and can you provide me with some  
8 documentation of where and how-- for how long you  
9 tried to secure community facility at that-- someone  
10 to occupy the community facility there?

11                  SAMY MAHFAR: Sure, so we had the space  
12 listed with two different brokers, one Sinvin [sp?]  
13 Group and one Wexler Group for potential medical use,  
14 and we spent about eight months to a year negotiating  
15 with the Blue Man Group which was going to open up a  
16 school there, but unfortunately the space didn't work  
17 and they ended up buying a building somewhere else.  
18 We spent another few months negotiating with another  
19 school called Cook School, I believe, Cook Center,  
20 and unfortunately, that didn't work for them either.

21                  COUNCIL MEMBER MENDEZ: And could you  
22 provide me and this committee with some of that  
23 documentation during those years that you were trying  
24 to find?

2                   SAMY MAHFAR: Absolutely. We have fully  
3 negotiated leases with Blue Man Group. If you'd  
4 like, we can send you those. We had spent thousands  
5 of dollars between negotiating a lease between doing  
6 some sort of structural study of the building. So if  
7 you would like, we can send you all the leases that  
8 were negotiated, and different stages of the lease  
9 and so forth.

10                  COUNCIL MEMBER MENDEZ: Did you say that  
11 you were currently in negotiations with some other  
12 possible tenants?

13                  SAMY MAHFAR: So we have a paint store, a  
14 Sherwin Williams, that is looking for space in the  
15 area, and they showed us very, very preliminary  
16 interest to take this space.

17                  COUNCIL MEMBER MENDEZ: Question, if I or  
18 the community were to put you in touch with an  
19 interested local not-for-profit, would you engage in  
20 negotiations with them?

21                  SAMY MAHFAR: We would be more than happy  
22 to. We just want to see it occupied.

23                  COUNCIL MEMBER MENDEZ: Did you mention  
24 what publications you tried to put for rent your  
25

2   community facility during the past years? Can you  
3   tell me?

4                   SAMY MAHFAR: We engaged to brokers, and  
5   I believe they did-- they went to the regular routes  
6   of what brokers do where they send out mailers or  
7   they put it up on their website, and we didn't do it  
8   directly. We engaged a broker to market it for us.

9                   COUNCIL MEMBER MENDEZ: SO you don't know  
10   exactly what the broker did?

11                  SAMY MAHFAR: I know that they had it on  
12   the website, and--

13                  COUNCIL MEMBER MENDEZ: [interposing] You  
14   don't know that they put it in the publication?

15                  SAMY MAHFAR: I don't know if they put it  
16   in publications.

17                  COUNCIL MEMBER MENDEZ: And do you know  
18   what website they put it in?

19                  SAMY MAHFAR: I know it was on their  
20   website.

21                  NICK HOCKENS: We can get statements from  
22   the brokers and provide them to you with their  
23   marketing efforts. Happy to do that.

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COUNCIL MEMBER MENDEZ: Okay, thank you.  
and at that time, what price per square foot were you  
asking for?

NICK HOCKENS: I don't remember  
specifically. Our interest was to replace a tenant  
that would be paying similar rent to what ACS was  
paying. So we were asking basically what ACS was  
paying before they left.

COUNCIL MEMBER MENDEZ: And you don't know  
per square foot what that is?

NICK HOCKENS: I don't remember the  
square footage. I don't remember the square footage,  
but they were paying about 600,000 dollars a year. I  
don't know the price per foot.

COUNCIL MEMBER MENDEZ: Okay. I just  
want to add that you provide here a whole bunch of  
area businesses which most of them happen to be in  
the part of the neighborhood that we consider, you  
know, commercially different. So, west of Essex  
Street, we feel is, you know, bigger buildings and  
more commercial, and east of Essex Street is where we  
have some of the grandfathered uses. So, that is why  
we chose to keep it an R8A in 2008 when we did this

1 rezoning. Do you have specifically any letters from  
2 the businesses east of Essex Street?  
3

4 NICK HOCKENS: I have to review them and  
5 find out exactly, but I know we have a letter from  
6 the business next door to us from Gaia [sp?], I  
7 believe, Gaia Restaurant, which is a building right  
8 next to this project. I believe we have a few. I'm  
9 not exactly sure of how many what we have.

10 COUNCIL MEMBER MENDEZ: Okay, thank you. I  
11 have no further questions.

12 CHAIRPERSON RICHARDS: Thank you, Council  
13 Member Mendez. Any questions from any of my other  
14 colleagues? Okay, seeing none. Thank you so much  
15 for coming out today, and I urge you to continue to  
16 keep working with the community and Council Member  
17 Mendez on this application. Thank you.

18 TS YOUNG: Thank you.

19 NICK HOCKENS: Thank you very much.

20 SAMY MAHFAR: Thank you for your time.

21 CHAIRPERSON RICHARDS: Thank you.

22 Alrighty, we're going to-- we've been joined by  
23 Council Member Torres, Council Member Williams. So  
24 we now-- and Council Member Wills. So we will allow  
25 them to vote. We're going to ask the Counsel to call

2 the vote on Land Use items number 425 and 426.

3 Begin.

4 COMMITTEE COUNSEL: Vote to approve Land  
5 Use item 426 and to file Land Use item 425. Council  
6 Member Williams?

7 CHAIRPERSON RICHARDS: Council Member  
8 Williams?

9 COMMITTEE COUNSEL: Did you--

10 COUNCIL MEMBER WILLIAMS: [off mic] Vote?

11 COMMITTEE COUNSEL: Yes.

12 COUNCIL MEMBER WILLIAMS: I vote aye.

13 COMMITTEE COUNSEL: Council Member Wills?

14 COUNCIL MEMBER WILLS: I vote aye.

15 COMMITTEE COUNSEL: Council Member

16 Torres?

17 COUNCIL MEMBER TORRES: Paying attention.

18 I vote aye.

19 CHAIRPERSON RICHARDS: That as low.

20 [laughter]

21 COMMITTEE COUNSEL: Vote to--

22 CHAIRPERSON RICHARDS: [interposing]

23 Abstaining [sic] on Land Use. [laughter]

24 COMMITTEE COUNSEL: The vote to approve

25 Land Use item 426 and to file Land Use item 425 is

2 approved by a vote of 7 in the affirmative, 0 in the  
3 negative and 0 abstentions.

4 CHAIRPERSON RICHARDS: Thank you.  
5 Ritchie starting trouble. Alrighty, we're going to  
6 go to our next panel, Susan Spetzer [sic], I believe,  
7 Community Board Three, Harry Bubbins, Greenwich  
8 Village Society for Historical Preservation, Paul  
9 Young, and also Enrique Cruz, ALBOR, Association of  
10 Latino Business Owners and Residents. We'll ask you  
11 all to come up. Alright, once again, Enrique Cruz,  
12 Paul Young, Harry Bubbins, Bibbins, Bubbins, Susan  
13 Stetzer.

14 SUSAN STETZER: Stetzer.

15 CHAIRPERSON RICHARDS: Stetzer, okay. I  
16 can-- handwriting looks like mine, couldn't read it.  
17 Okay. Alrighty, I'll ask you to begin, and Sergeant  
18 at Arms, I'll ask you to put three minutes on the  
19 clock.

20 SUSAN STETZER: Should I go?

21 CHAIRPERSON RICHARDS: Sorry, just ask  
22 you all to state your name for the record, who you're  
23 representing, and then you may begin.

24 SUSAN STETZER: Okay. Thank you. It's  
25 on now? My name is Susan Stetzer. I'm District

1           Manager of Community Board Three. Community Board  
2           Three is serving the Lower East Side and Chinatown,  
3           values its community facilities, especially those  
4           that provide services to the most vulnerable and  
5           underserved. For over 40 years, 255 East Houston  
6           housed one such valuable community facility as city  
7           subsidized daycare center for 350 children. During  
8           the extensive preparation for the 2008 East Village  
9           Rezoning, the community deliberately allowed for  
10          community facilities on the ground floor with the  
11          intention that 255 East Houston remain a community  
12          facility. Spot zoning contradicts recommendations  
13          from the community planning process that resulted in  
14          the 2008 rezoning and that looked at the community as  
15          a whole. At the June 8<sup>th</sup> City Planning hearing, the  
16          applicant stated that several unsuccessful attempts  
17          were made to market the building for community  
18          facility use, thereby necessitated a need to allow  
19          for wider range of ground floor uses. He also stated  
20          he had no referrals from the Community Board. CB3  
21          was never made aware there was a problem in securing  
22          a community facility tenant and never received a  
23          request for help. Since viewing the hearing video  
24          last Thursday, we contacted three of our settlement  
25

1 houses, Henry Street Settlement, University  
2 Settlement and Educational Alliance, and they have  
3 provided letters which we have attached stating they  
4 would be interested in expanding, but were not  
5 contacted. The applicant cannot claim best faith  
6 efforts to secure community facility without  
7 contacting any of the settlement houses that have  
8 served our community for over 100 years nor  
9 contacting the Community Board for referrals.  
10  
11 Goddard Riverside has additionally been asking the  
12 Community Board for help in obtaining this space for  
13 the last year. Community Board Three is the highest  
14 gentrifying district-- third highest gentrifying  
15 district in the City and the second highest of 59  
16 districts in high diversity ratio between lower and  
17 higher income residents. It is essential that we  
18 retain our community facilities, particularly to  
19 serve the most vulnerable in our community. We have  
20 recently lost Rivington House, Cabrini and  
21 Bialystoker Nursing Homes because of gentrification.  
22 We cannot afford further loss. The applicant during  
23 the DCP hearing also claimed Houston Street is too  
24 noisy for community facilities such as educational  
25 facilities. The space is surrounded by schools,

2 PS20, PS188 and Bard High School, all operating  
3 without problems. The CB3 community already has a  
4 preponderance of residential areas with commercial  
5 overlays and commercial spaces predominantly used for  
6 destination night life. The C2-5 zoning allows for  
7 nightlife live performances, ticketed events and  
8 cover charges that are in conflict with the quality  
9 of life necessary for a residential neighborhood.  
10 Since these venues do not open before five, they  
11 result in shuttered blocks during the day and result  
12 in less pedestrian activity than community  
13 facilities. CB3 disapproves the zoning map amendment  
14 to map a C2-5 commercial overlay as this application  
15 requests.

16 CHAIRPERSON RICHARDS: Thank you for your  
17 testimony.

18 HARRY BUBBINS: Thank you. I'm Harry  
19 Bubbins with the Greenwich Village Society for  
20 Historic Preservation. I urge-- also passed around  
21 the opposition to this rezoning by East Village  
22 Community Coalition that couldn't be here today.  
23 Good morning, Council Members. I'm here today to  
24 urge you to vote no on the proposed rezoning at East  
25 Houston Street which was approved by the City

1           Planning Commission over the objections of the  
2           Community Board Three and the Borough President, and  
3           I'm glad to be here with Community Board Three  
4           District Manager opposing it as well. There's  
5           absolutely no benefit to the public in this rezoning.  
6           That's supposed to be the criteria for zoning  
7           changes. Here, a single developer who has hired a  
8           well-connected lobbying firm that is a strong fund  
9           raiser for and supporter of the Mayor, as is the case  
10          here, is not supposed to be the criteria for doing  
11          so, but it appears to be so here. It is inconceivable  
12          that an applicant with such a checkered history would  
13          be so readily accommodated by City Planning  
14          Commission as was done in this case. This developer  
15          has a long record of accusations of tenant  
16          harassment. The city's subsidized daycare center  
17          which was previously occupied that he is seeking to  
18          develop was forced out at least in part according to  
19          some by failures on the part of this applicant to  
20          ensure the safety and integrity of the building. When  
21          this area was rezoned in 2008, the Community Board  
22          specifically sought to keep a commercial overlay from  
23          these blocks in order to encourage the retention of  
24          community uses, and yet, the City Planning Commission  
25

1 and the Mayor are all too willing to accommodate a  
2 developer whose actions have had such a harmful  
3 impact upon low income residence as well as tenants  
4 who need access to affordable childcare. This is a  
5 particular slap in the face given that at the same  
6 time elsewhere in the Community Board Three and in  
7 Council District Two, the Mayor and the City Planning  
8 Commission have adamantly refused to act upon  
9 community requested rezoning plans that are supported  
10 by the local Community Board and Council Member. On  
11 the west side of Council Member Mendez's district,  
12 along the University Place and Broadway corridors, we  
13 have been begging City Planning for nearly two years  
14 to move ahead with a community-driven rezoning that  
15 would for the first time require affordable housing  
16 in the area and put in place reasonable height caps  
17 for new development. But in spite of the support of  
18 Council Member Mendez, Borough President Brewer, the  
19 local Community Board, and virtually the entire  
20 affected community, the Mayor and City Planning have  
21 refused. And in Chinatown, a community-driven  
22 rezoning plan that would similarly preserve and  
23 create affordable housing, protect tenants and keep  
24 new development in character with the neighborhood  
25

2   has been consistently rejected by the Mayor and the  
3   Commission in spite of similar local support, and yet  
4   this developers request to rezoning which will  
5   benefit no one but himself received strong support  
6   from the Mayor's City Planning Commission.  Something  
7   is very, very wrong.  This is not the kind of  
8   rezoning this community is looking for or needs.  If  
9   the Mayor and the City Planning Commission wants to  
10  facilitate rezonings that will serve the public  
11  interest and which the affected communities want,  
12  there are several in the same council district and  
13  Community Board to choose from.  We urge you not to  
14  approve this one.

15                   CHAIRPERSON RICHARDS:  Thank you.  You  
16  may begin.

17                   PAUL YOUNG:  my name is Paul Young.  I  
18  bring a unique perspective here.  I live and own  
19  property in the affected area.  So, I think I was-- I  
20  must regard as poppycock the developer's attempt to  
21  reach out to the community.  They made no effort to  
22  reach out to me to see what I felt about this  
23  proposal.  Our neighborhood, as the other speakers  
24  have pointed out, is a wash and bar, screaming  
25  people, drunk and vomiting and pissing on the streets

1 all the time. We don't need any more of that, and  
2 that's what this proposal amounts to. Don't be  
3 misled by the developer's lies about being unable to  
4 attract a community interest to occupy this property.  
5 This is a two-step con. This building was  
6 destabilized as the gentleman mentioned under  
7 mysterious circumstances. A church that was on the  
8 corner was transferred into private property. The  
9 school was ousted under mysterious circumstances, and  
10 this is a further step in this con. I can only  
11 suggest that were this committee to approve this  
12 proposal, it can only be seen as an emblem of sleazy  
13 New York politics. The notice for this hearing was  
14 opaque could possibly be. It was noted on the agenda  
15 as being pre-considered, that is this was a done  
16 deal. The pay-offs are made, and there's not going  
17 to be any real consideration of community interest.  
18 I'm not wearing a suit. I can't afford to pay for a  
19 suit as the developer can to represent me or pay off  
20 politicians, but I can tell you that living in this  
21 neighborhood, there is zero community interest in  
22 expanding the community facility. If you're stupid  
23 enough or naïve enough to believe that what's going  
24 into this space is not going to be a giant bar with  
25

2   screaming people all night long, you're even dumber  
3   than I think you are. The benefit of this proposal  
4   will go only to the developer and to nobody else. I  
5   lived there when the daycare center was in operation.  
6   That's bullshit to claim that a school can't operate  
7   in this property. A school operated there for years  
8   and years. This community that I live in has  
9   hundreds and thousands of children who need places to  
10  go to school. I can't believe that the developer  
11  couldn't find a school or a community center or a  
12  daycare facility that needed a place to operate. The  
13  problem is he's looking for rents that can only be  
14  paid for by a restaurant, and restaurant in my  
15  neighborhood means bar, and bar means screaming  
16  people and music all night long. There's no benefit  
17  for the community. As was mentioned, these two  
18  blocks on the south side of Houston Street are still  
19  marginally residential in a neighborhood that looks  
20  like a riot most of the time because there's so much  
21  nightlife happening. The last thing we need is  
22  another restaurant and bar in this neighborhood.  
23  There's absolutely no community interest here at all.

24                   CHAIRPERSON RICHARDS: Thank you. And I  
25  just want to correct you. When something is pre-

2   considered, it means that it's been assigned to this  
3   committee. This is not a done deal. This is why  
4   we're holding a public hearing. Hold on. I'm  
5   talking now, because you made some accusations. No  
6   one has been paid off in this room. Council Member  
7   Mendez has echoed not only publicly but privately her  
8   concerns on this application, and I just want to  
9   correct you. When you something is assigned to this  
10  Council, we make the final decision on where an  
11  application goes, and that decision has not been  
12  reached, and that's why we're holding a public  
13  hearing today as well. Alright?

14                   PAUL YOUNG: I do--

15                   CHAIRPERSON RICHARDS: [interposing] I  
16  don't want to go back and forth, but I just wanted to  
17  correct you.

18                   PAUL YOUNG: I do hope that the committee  
19  will actually consider. I speak of the term pre-  
20  considered only as a naïve member of the public who  
21  looked at this and said well, this looks like a done  
22  deal to me. The notice itself in the agenda--

23                   CHAIRPERSON RICHARDS: [interposing] Well,  
24  you're here testifying, so--

2                   PAUL YOUNG: [interposing] also didn't  
3 spell out--

4                   CHAIRPERSON RICHARDS: [interposing] Okay,  
5 I'm going to stop you--

6                   PAUL YOUNG: what the  
7 [cross-talk]

8                   CHAIRPERSON RICHARDS: But if it was a  
9 done deal, you should not have wasted your time and  
10 came down here, but it's not a done deal. This is  
11 why we hold public hearings in this committee.  
12 Nothing is a done deal when it comes to this  
13 committee.

14                  PAUL YOUNG: I'm very glad to hear that.

15                  CHAIRPERSON RICHARDS: Thank you. Sir?

16                  ENRIQUE CRUZ: Chairman Richards, thank  
17 you for your time, and committee members, thank you  
18 as well. My name's Enrique Cruz with the Association  
19 of Latino Business Owners and Residents. To some of  
20 you, I believe you might have received an email from  
21 our organization on Friday in regards to this issue.  
22 To those that didn't, I apologize. We weren't able  
23 to identify your emails. I want to start my  
24 testimony today by saying this amounts to the bottom  
25 line. It's about dollars and cents. This area was

1 rezoned. All the stakeholders were at the table in  
2 2008. The Councilwoman spoke on her work on this as  
3 well as the Community Board. This was something that  
4 was talked about, dealt with and considered for six  
5 years, and this was what the community wanted. For  
6 this applicant to come here today and mislead us and  
7 tell us that he or they cannot find a community  
8 facility, in reality what they're saying is we are  
9 not satisfied with the price per square foot we're  
10 going to get from a community facility and we'd  
11 rather go down this rodeo and see if City Planning  
12 and this committee actually believes what he's saying  
13 and approves this application. I want to also state  
14 Community Board Three reviewed this application. It  
15 was 42 to zero at the Community Board level to reject  
16 this application. The Borough President has spoken  
17 against this application. The councilwoman is here  
18 working and speaking to this application. I think  
19 this committee, I'm sure, are very adept to land use  
20 issues. what this gentleman is trying to do, what  
21 his team is trying to do is get 150 dollars a foot.  
22 That's bottom line what he's trying to do here, and  
23 he wants the community to pay for it by foregoing  
24 community facility. Now, let me explain, those three  
25

1 blocks that this individual wants to try to get you  
2 guys to allow him to rezone is going to take out the  
3 potential for approximately, if built fully at its  
4 potential, 325,000 square feet of community facility.  
5 If built at the 2.0 FAR, it's about 100,000 square  
6 feet of community facility. Now, I want you to also  
7 take into consideration that our community lost the  
8 Rivington House, which I'm pretty sure everyone here  
9 knows about that issue. I hope that you're also--  
10 that Beth Israel Hospital is going to downsize in our  
11 community as well. I'd like for this committee to  
12 take into consideration that at the end of the day,  
13 the bottom line is he wants 150 dollars a square foot  
14 as opposed to 30 dollars for community facility, but  
15 besides that, what this is going to do, is this is  
16 going to ensure that community facilities such as  
17 doctor's offices, as early childhood care, as other  
18 organizations that serve the benefit of the community  
19 would not be able to provide their services at 150  
20 dollars a foot because they can't afford the space.  
21 So I appreciate your time, Chairman, and I please  
22 hope that this committee votes this application down.  
23 Thank you.

2 CHAIRPERSON RICHARDS: Thank you. And Ms.  
3 Susan, I had a question for you. So you said there  
4 were two organizations in particular, Henry Street  
5 Settlement and Goddard Riverside, who reached out to  
6 the Community Board in terms of interest in community  
7 facility usage?

8 SUSAN STETZER: Goddard has been reaching  
9 out to me for the last year.

10 CHAIRPERSON RICHARDS: Okay.

11 SUSAN STETZER: The University  
12 Settlement, Henry Street and Education Alliance, I  
13 reached out to after watching the video of the DCP  
14 hearing, and I reached out to them, and I said, "Were  
15 you contacted, and would you be interested?" And  
16 they said yes and supplied this in writing which is  
17 attached to the testimony. So, we don't have  
18 details, but they're looking to expand.

19 CHAIRPERSON RICHARDS: Okay, great. So,  
20 the applicants are still here. So I'm sure they're  
21 hearing this. I'm hoping that everyone will connect.  
22 Council Member Mendez, any last questions, or--

23 COUNCIL MEMBER MENDEZ: [interposing]  
24 Yes, thank you.

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CHAIRPERSON RICHARDS: statements on  
this?

COUNCIL MEMBER MENDEZ: For the Community Board, do you know if any of those settlement houses are still interested in renting this space, and did they talk about what price per square foot they could pay?

SUSAN STETZER: We had no information. This is very last minute because we just saw the video saying that they were unable to last week. The written letters from them were from yesterday. So, yes, they all are interested in expanding. They need to talk about the cost. We don't-- you know, there's just no information on that. We weren't aware of-- we weren't given any information as to the cost per square foot.

COUNCIL MEMBER MENDEZ: In the testimony of the Greenwich Village Society's Historic Preservation, in the third paragraph was read. Let me read the sentence, "The City subsidized daycare center which previously occupied the space, he is seeking to development-- the develop was forced out, at least in part according to the Community Board by failures on the part of this applicant to ensure the

2 safety and integrity of the building." Can anyone  
3 give me any more details about that?

4 SUSAN STETZER: About the integrity of  
5 the building?

6 COUNCIL MEMBER MENDEZ: Yes, and what  
7 this applicant--

8 SUSAN STETZER: [interposing] You mean  
9 today?

10 COUNCIL MEMBER MENDEZ: Yes. Or what-- and  
11 what did the applicant fail to do to ensure the  
12 safety and integrity of this building?

13 SUSAN STETZER: I-- the only information  
14 I know is what's on the DOB website that there was  
15 safety issues caused by excavation to the adjacent  
16 building. I have no information as to the state  
17 today.

18 HARRY BUBBINS: I don't know, since you  
19 mentioned it, I don't know the current conditions  
20 either, but it was stated in public that there wasn't  
21 a swift response to shoring up and fixing the  
22 property of the applicant, and there was a concern  
23 that the applicant did not act rapidly to address any  
24 challenges that then led to the need to vacate the  
25 space for the community use that was there. So, I

1 don't know the details or the engineering reports, but  
2 that has been made in the public.

3  
4 PAUL YOUNG: was your question about the  
5 current state of the building?

6 COUNCIL MEMBER MENDEZ: Current and  
7 anything that the applicant/the owner developer has  
8 failed to do to keep this building safe where its led  
9 to its current condition.

10 PAUL YOUNG: My understanding is the same  
11 as this gentleman's here. As to the current state of  
12 the building, the developer has begun demolition for  
13 whatever purpose. My understanding was that there  
14 was only previously an approval to build a gigantic  
15 55,000 square foot building. Here today I understand  
16 that the proposal was to expand that to 63,000 square  
17 feet in the same space, a building that's more than  
18 twice the size of the building that's currently there  
19 that's being destroyed currently.

20 ENRIQUE CRUZ: I'm going to speak a  
21 little bit to your question, Councilwoman, because I  
22 have a little knowledge on what happened. When DOB  
23 went to that property and inspected and put a vacate  
24 order on it, it was for approximately seven  
25 millimeters of foundation shift because of the work

2       that the developer next door was doing. Several days  
3       later that full vacate order was removed and made a  
4       partial vacate order, and the partial vacate order  
5       was predicated on the developer fixing coping [sic]  
6       stones or roof parts of the back of the building  
7       because it is where the kids used-- would play, which  
8       is on the Suffolk Street lot. So that full vacate  
9       order went to partial vacate a few days later.  
10      However, this owner/developer did not make those  
11      repairs, and so the partial vacate order remained  
12      until this developer made those repairs and DOB would  
13      come out and inspect. That never took place because  
14      this developer wasn't interested in making those  
15      repairs, because the ultimate interest was to vacate  
16      the building to get to where we're at now, which is a  
17      development. And that's my understanding, and I  
18      stick by that, because I have-- I understand how this  
19      happened years ago, and this was always the interest.  
20      And unfortunately, we tried to get the daycare center  
21      director here to testify, but unfortunately she  
22      passed away two months ago.

23                   PAUL YOUNG: may I just add that living  
24      next door to this property, my observations are  
25      consistent with what this gentleman has reiterated

2 here, that there was no viable effort to rehabilitate  
3 the property, and my belief as well that the only  
4 desire of the developer was to get to where we are  
5 today, to hoodwink this Council into a further  
6 expansion of the property.

7 COUNCIL MEMBER MENDEZ: Sir, where is your  
8 building and your property?

9 PAUL YOUNG: Directly next door. My  
10 building is 253 East Houston Street. So, it's  
11 directly next door to the place where he's seeking  
12 to, you know, put in the giant screaming restaurant.  
13 It's still a relatively residential neighborhood at  
14 this time, and as you've pointed out, there was an  
15 effort in this zoning to preserve that. That  
16 character still exists today. This is the last thing  
17 we need.

18 COUNCIL MEMBER MENDEZ: And you were not  
19 contacted by anyone in regards by the developer or  
20 any of his agents in terms of this proposed rezoning?

21 PAUL YOUNG: No, quite to the contrary.  
22 I was never contacted by the developer at all with  
23 regard to this. He's contacted me about everything  
24 else that he wants to do, to put up scaffolding on my  
25 property. He knows how to contact me. He made no

2    effort. I found out about this at 10 o'clock last  
3    night by accident because a friend found a blog site  
4    on the web and forwarded it to me. That's the only  
5    reason I'm here today. The developer made absolutely  
6    no effort to make me aware of this zoning change, to  
7    consult me about it. So that's why I regard it as  
8    complete bullshit in their representation to this  
9    Council--

10                   CHAIRPERSON RICHARDS: [interposing]  
11    Alright, sir, we're not allowed-- please stop using  
12    that language. You know, let's respect the body.

13                   COUNCIL MEMBER MENDEZ: It is a term of  
14    art, but--

15                   CHAIRPERSON RICHARDS: I'll let you  
16    continue, but just respect the body. Thank you.

17                   PAUL YOUNG: Yes, my regard is a  
18    falsehood, actually. Any effort, any representation  
19    by the developer to reach out to the community. If  
20    you wanted to reach out to the community, he's got my  
21    email, he's got my phone number. They've called and  
22    contacted me many, many times about many other  
23    things. This was a complete secret. There's no  
24    effort to reach the community. There's no community  
25    benefit.

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COUNCIL MEMBER MENDEZ: Do you know if any of your other neighbors who are in the proposed rezoned area were contacted?

PAUL YOUNG: I know that my downstairs neighbor who also owns the building with me and lives next door was also not contacted. He's the one who sent the email to me because a friend of his had sent it to him at 10 o'clock last night. I think there was no effort in any part of this process to reach out to the community. I would be stupefied to find out that such an effort had been made.

COUNCIL MEMBER MENDEZ: Okay, thank you. I have no further questions. Thank you, Mr. Chair.

CHAIRPERSON RICHARDS: Thank you. Thank you all for your testimony. Thank you. Oh, Council-- I'm sorry, stay. One more question, sorry. Council Member Gentile.

COUNCIL MEMBER GENTILE: Just a quick clarification. District Manager Stetzer, you-- Community Board argued in 2008 with the rezoning to keep it as a C1-5 which it was, but then after that these owners came to you with a proposal similar to the one that's here today. Am I correct about that?

2 SUSAN STETZER: I'm sorry. I didn't un--  
3 I didn't get that.

4 COUNCIL MEMBER GENTILE: At the rezoning  
5 in 2008--

6 SUSAN STETZER: [interposing] Right.

7 COUNCIL MEMBER GENTILE: it remained as  
8 C1-5, correct? That area.

9 SUSAN STETZER: I don't remember.  
10 Actually, a Council Member probably--

11 COUNCIL MEMBER MENDEZ: I'm sorry?

12 SUSAN STETZER: We're talking about what  
13 the zoning was before the 2008 rezoning.

14 COUNCIL MEMBER MENDEZ: The rezoning--

15 COUNCIL MEMBER GENTILE: [interposing]  
16 But it was a C1-5, right? When you rezoned, that was  
17 a--

18 CHAIRPERSON RICHARDS: [interposing] It  
19 was a R8A.

20 COUNCIL MEMBER MENDEZ: No, it was an  
21 R8A.

22 COUNCIL MEMBER GENTILE: Oh, just a R8--

23 CHAIRPERSON RICHARDS: Yes.

24 COUNCIL MEMBER MENDEZ: And we kept it.  
25 We discussed it and we decided to keep that an R8A.

1           Around the corner there is a C1-5 commercial overlay  
2           on Clinton Street of one out of the three blocks of  
3           Clinton Street are in my district. The other two are  
4           now in Margaret Chin's district, and on the northern  
5           side and further west it is a commercial overlay of  
6           C2-5, which they're looking to extend that.

8           COUNCIL MEMBER GENTILE: Right.

9           COUNCIL MEMBER MENDEZ: So--

10          COUNCIL MEMBER GENTILE: Okay, so--

11          SUSAN STETZER: [interposing] So,  
12          remaining what always has been.

13          COUNCIL MEMBER MENDEZ: But we-- the--  
14          when we did the rezoning, we kept the existing R8A as  
15          is. It was a decision of the different coalitions  
16          that were meeting because we felt that east of Essex  
17          Street it was a different type of businesses, and a  
18          different-- and more residential than west of Essex  
19          Street where there is transit and trains, and we  
20          don't have that on the other side.

21          COUNCIL MEMBER GENTILE: Okay, so you kept  
22          it as R8A, okay.

23          COUNCIL MEMBER MENDEZ: Right.

24          COUNCIL MEMBER GENTILE: So, the  
25          Community Board's vote, this is the only vote you've

2 ever taken on a proposal to make it a C2-5 overlay.  
3 Am I correct about that?

4 SUSAN STETZER: Yes.

5 COUNCIL MEMBER GENTILE: Okay. That's  
6 why--

7 SUSAN STETZER: [interposing] The recent  
8 vote.

9 COUNCIL MEMBER GENTILE: Right, the recent  
10 vote.

11 SUSAN STETZER: The recent vote to deny  
12 it.

13 COUNCIL MEMBER GENTILE: Right, okay.

14 SUSAN STETZER: Yes.

15 COUNCIL MEMBER GENTILE: That's what I  
16 wanted to clarify. Thank you.

17 CHAIRPERSON RICHARDS: Alrighty, thank  
18 you. Thank you for your testimony. Alrighty, I want  
19 to thank everyone for coming out today, and thank  
20 everyone for testifying. We look forward to continue  
21 the conversation on this application and other  
22 applications. I want to thank Council Member Mendez,  
23 and I'll--

24 COUNCIL MEMBER MENDEZ: [interposing] Mr.  
25 Chair, I just want to go on the record, my Director

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SUBCOMMITTEE ON ZONING AND FRANCHISES

of City Planning just corrected me to say that that area was an R72, and then it was rezoned to an R8A.

CHAIRPERSON RICHARDS: Okay, thank you, Council Member Mendez. So with that being said, we are now finished. Thank you all for coming out.

[gavel]

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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 August 11, 2016