

CITY COUNCIL  
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON LAND USE

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June 15, 2017  
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HELD AT: Council Chambers - City Hall

B E F O R E: DAVID G. GREENFIELD  
Chairperson

COUNCIL MEMBERS:

- VINCENT J. GENTILE
- ANNABEL PALMA
- DANIEL R. GARODNICK
- DARLENE MEALY
- ROSIE MENDEZ
- YDANIS A. RODRIGUEZ
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- ANDREW COHEN

BEN KALLOS  
ANTONIO REYNOSO  
RITCHIE J. TORRES  
MARK TREYGER  
RAFAEL SALAMANCA, JR.

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

Eunice Suh

Assistant Commissioner of Planning and  
Predevelopment at the Department of Housing  
Preservation and Development

Joel Kolkmann

Team Leader at the Manhattan Department of City  
Planning

Erik Botsford

Deputy Director of Manhattan Department of City  
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Jordan Press

Executive Director for Development and Planning,  
HPD's Government Affairs Unit

Paula Segal

Attorney at the Community Development Project at  
The Urban Justice Center

Mara Kravitz

Director of Partnerships at 596 Acres' which is  
New York City's Community Land Access Advocacy  
Organization

Trevor Holland

Representing CAAAV and GOLES

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[gavel]

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CHAIRPERSON GREENFIELD: Good afternoon, my name is David Greenfield, I'm the Council Member from the 44<sup>th</sup> district in Brooklyn. I'm privileged to serve as the Chair of the Land Use Committee. I want to apologize we started a little bit late today, we had an unanticipated stated meeting to deal with several items that were sent to us by the state in the form of Home Rules. I want to recognize my colleagues who are joining us here today; Council Member Mendez, Council Member Rodriguez, Council Member Lander, Council Member Wills, Council Member Kallos, Council Member Palma, and Chair Salamanca and also of course we want to welcome Council Member Margaret Chin who is the Sponsor of the legislation that we are reviewing today. At the Land Use Committee we rarely do hearings on legislation, our focus is on the review of land use changes across the city from large rezonings to the designation of historic districts, to HPD applications to build affordable housing, to the locations of new schools, to the sale of city owned land, and the list goes on and on and on and rest assured those responsibilities keep us very busy but over the past three years it

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2 has been my policy as Chair that when there is an  
3 issue that we need to look at more carefully and when  
4 we have seen limited progress on a particular issue  
5 we have decided to focus on that issue. For example,  
6 we reformed a landmarks review process which was a  
7 difficult but important discussion to ensure that the  
8 public and elected officials have a clear  
9 understanding of how long it would take for the  
10 Landmarks Preservation Commission and the Council to  
11 make a decision under a law that was co-authored by  
12 Landmarks Chair Peter Koo and myself and heard in  
13 this committee. The Landmarks Preservation Commission  
14 was required to go through its backlog and make final  
15 recommendations on calendared properties, legislation  
16 Intro 775A also ensures that there will never be a  
17 backlog again because designations must be made  
18 within one year of calendaring for individual  
19 properties or two years for historic districts. This  
20 legislation has been incredibly successful and in  
21 fact to the credit of the Landmarks Preservation  
22 Commission they actually reached the finality of the  
23 backlog before our deadline and they have told us  
24 consistently that they were able to meet both  
25 deadlines; the one year for individual properties and

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2 two years for historic districts. We've also crafted  
3 legislation to radically improve our oversight of  
4 public spaces which are privately owned but were all  
5 too often property owners have failed to live up to  
6 their end of the bargain and we hope to have that  
7 legislation passed soon. Today's hearing is a  
8 continuation of this commitment to oversight and to  
9 ensuring that the public understands and has access  
10 to the critical information that shaped their  
11 neighborhoods. Our hope is that an informed public  
12 will only make for better planning outcomes. This is  
13 a basic premise that we and the council believe  
14 strongly but unfortunately has not always been  
15 shared. So, today we bring that principal to a  
16 discussion of the urban renewal and its' legacy in  
17 New York City. Like many of the big planning  
18 conversations in New York City, we're wrestling with  
19 the ghost of Robert Moses here as well. First a very  
20 brief and simple overview. To take advantage of state  
21 and federal subsidies for urban development the city  
22 of New York under Robert Moses began to designate  
23 vast swaths of the city as urban renewal areas. An  
24 urban renewal area is an area of the city that has  
25 been designated by the City Planning Commission and

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2 the council as appropriate for urban renewal because  
3 it is deteriorated or has a blighting influence. In  
4 these areas cities are authorized to clear and  
5 acquire property by condemnation and other means and  
6 to dispose of the property to a developer. One  
7 revealing area case studies in our committee report  
8 is an urban renewal area in Council Member Chin's  
9 district along the Manhattan water front between the  
10 Manhattan and Williamsburg Bridges this neighborhood  
11 known as Two Bridges was the location of an Urban  
12 Renewal Plan adopted back in 1967. The purpose of  
13 this plan was to limit density, promote the  
14 construction of low and moderate-income housing,  
15 ensure adequate open space and lighted air among  
16 other goals. The Urban Renewal Plan expired in 2007  
17 and with it went critical restrictions on the  
18 property including restrictions on how much could be  
19 built. So, today this community is on the verge of a  
20 profound transformation. Literally three towers close  
21 to a thousand-foot-tall are being proposed in a  
22 neighborhood of... primarily 100 to 200 feet towers  
23 including 2,775 new dwelling units which doesn't  
24 include another 815 units which are as of right. The  
25 Department of City Planning included this change to

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2 this plan which have significant impacts and only  
3 quote, unquote a minor modification not requiring  
4 council review despite Council Member Chin's  
5 strenuous objections. We actually agree with the  
6 Council Member. And the reason we agree is because  
7 essentially what's happening over here is that based  
8 on a plan that was originally adopted in 1967 we're  
9 now taking actions that nobody could have foreseen 50  
10 years later where a neighborhood has completely  
11 changed and we're about to change the fact of this  
12 neighborhood without any significant public input. We  
13 might not be facing this unfortunate situation if  
14 before the plan expires the community and elected  
15 officials were aware of the context and importance of  
16 the Urban Renewal Plan. This information could have,  
17 have a profound implication for the proposals we see  
18 today and that is the point of this legislation. To  
19 ensure that there's transparency and the public can  
20 access Urban Renewal Plans and advocate for them to  
21 remain in place or to ensure that the zoning is  
22 updated when a plan expires to maintain key  
23 provisions. If we are going to grow as a city we're  
24 going to need to build trust with communities and a  
25 key part of that is access to information. We'll also



1  
2 explore today in our Q and A with the Department of  
3 City Planning who has so graciously agreed to attend  
4 the question as to what is in fact a minor  
5 modification and how do we define that and how can  
6 something that has such a large impact in the fort of  
7 thousands of units that will literally change the  
8 shape of a neighborhood be considered a minor  
9 modification as well and we're going to do that with  
10 the eye towards potentially revising this bill down  
11 the road in an A version. I want to thank the Co-  
12 Sponsors; Council Member Chin, Council Member  
13 Rosenthal, and Council Member Reynoso, we're all  
14 waging tirelessly to ensure that in the midst of this  
15 regulatory complexity the needs of the community are  
16 not forgotten for highlighting this issue for us  
17 today. I'd also like to thank our outstanding Land  
18 Use Staff for their hard work in preparing for  
19 today's hearing including Raju Mann, Amy Levitan,  
20 Julie Lubin, Jeff Compana, Dillon Casey, and Liz  
21 Leus. I also want to thank my own Council, Lana  
22 Sucheva for the extensive preparation that has gone  
23 into this hearing. With that I'm happy to turn it to  
24 Council Member Chin if she'd like to make some  
25 opening remarks as well.

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2 COUNCIL MEMBER CHIN: Thank you. Good  
3 afternoon, I'm Council Member Margaret Chin and I  
4 want to thank Chair Greenfield and the Land Use  
5 Committee for this opportunity to hear testimony and  
6 public comments on Intro 1533, a bill requiring  
7 notification and information about Urban Renewal  
8 areas that will create additional transparency in the  
9 land use process. In 1961, New York City designated  
10 14 acres along the East River in my district as the  
11 Two Bridges urban renewal area and adopted the Urban  
12 Renewal Plan in 1967. The plan imposed land use  
13 controls that were more restrictive than the  
14 underlying zoning. For example, certain parcel land  
15 have four area caps. When the Urban Renewal area  
16 expired the protection of this plan expired as well.  
17 Without these protections the underlying C6-4 zoning,  
18 the highest density in the city allowed developers to  
19 build slender taller buildings in a neighborhood a  
20 modest 20 and 30, 30 story middle income and low-  
21 income housing. We lost these protections in a time  
22 when any empty land seems to go to the highest bidder  
23 and the most luxurious projects. In 2007, a plan to  
24 extend the urban renewal area was mysteriously  
25 withdrawn without community input, allowing it to

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2 expire. That same year neighbors began hearing rumors  
3 that the site of the Pathmark Supermarket was being  
4 targeted for a luxury condo. These speculations  
5 created even greater development pressure. Within a  
6 few years it had been purchased by one of the largest  
7 developers in the city. Extell's project, an 0421A  
8 was a luxury condo and a poor building is rising on  
9 this site. The building as of right without the urban  
10 renewal area or some other zoning change wreaked  
11 havoc on a community already under siege from  
12 overzealous developers. It caused structural damage  
13 to the streets and neighboring buildings and Con ED  
14 is currently suing the developer for damage to their  
15 critical infrastructure. Now three other different  
16 development proposals seek to generate nearly 3,000  
17 units of housing, changing this neighborhood forever.  
18 Unfortunately, the underlying zoning allows these  
19 humongous towers and these buildings are within the  
20 so-called letter of the law but do not represent  
21 either the spirit or the intent of the Urban Renewal  
22 Plan to create safe, affordable housing in this  
23 neighborhood. We need more public input on land use  
24 decisions not less. We ask for ULURP Process in the  
25 Two Bridges area to ensure that all voices are heard

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2 but the Department of City Planning said no to us.  
3 So, with Intro 1533 we could have had an opportunity  
4 to prevent these humongous developments if in 2007  
5 the community had the information that this bill  
6 requires we could have come together and fought back,  
7 we could have pushed harder to extend the protection  
8 in the Urban Renewal Plan. We could have had a tool  
9 to try to stop project like Extell and knowing a  
10 little bit of transparency and notification could  
11 have prevented this nightmare in the Two Bridges  
12 area. Frankly it makes me sick to my stomach every  
13 time I see the picture of these big towers but I hope  
14 this will never happen again to any other community  
15 across the city. If passed Intro 1533 can empower  
16 communities all over the city with vital information  
17 so they can proactively advocate for sensible  
18 development unlike the proposal right now that's  
19 happening in the Two Bridges area. I want to thank  
20 Chair Greenfield for holding this important hearing  
21 and I also want to thank the staff who work on this  
22 legislation; Raju Mann, Julie Lubin, and Jeffrey  
23 Campana. I look forward to hearing testimony from HPD  
24 and advocates from across the city. Thank you very  
25 much.

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CHAIRPERSON GREENFIELD: Thank you. I

just want to recognize that we've also been joined by Council Member Koo, Chair Koo, Council Member Mealy, Chair Richards, and Council Member Levin and seeing that there are no... the other co-sponsors who would like to make any opening remarks I will turn it over to the Department of Housing Preservation and Development to make some remarks of their own. Thank you.

EUNICE SUH: Thank you. Good afternoon

Chairman Greenfield and members of the Land Use Committee. My name is Eunice Suh and I am the Assistant Commissioner of Planning and Predevelopment at the Department of Housing Preservation and Development. I'm joined by Jordan Press, the Executive Director for Development and Planning, HPD's Government Affairs Unit; Joel Kolkmann, Team leader at the Manhattan Department of City Planning and Erik Botsford at the end, Deputy Director of Manhattan Department of City Planning. Thank you for the opportunity to testify... [cross-talk]

CHAIRPERSON GREENFIELD: I, I apologize...

[cross-talk]

EUNICE SUH: ...sorry, yep... [cross-talk]

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CHAIRPERSON GREENFIELD: ...we... because we do this infrequently we haven't updated our normal roles which are... [cross-talk]

EUNICE SUH: Okay... [cross-talk]

CHAIRPERSON GREENFIELD: ...to, to pause for a moment and ask you to please raise your right hand and respond do you affirm or swear that everything that you say today in your testimony and your answers to your questions will in fact be truthful?

EUNICE SUH: I do.

CHAIRPERSON GREENFIELD: You do, that's for the entire panel.

JORDAN PRESS: I do.

ERIK BOTSFORD: I do.

CHAIRPERSON GREENFIELD: Thank you very much, you may continue.

EUNICE SUH: Thank you again for this opportunity to testify at this hearing on Intro 15... or 1533 which would require HPD to notify relevant community boards, borough presidents, and council members when an Urban Renewal Plan Expires. In addition, the bill would require HPD to post online information about the status of Urban Renewal Plans

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2 including any approved or pending extensions of  
3 expiration dates. Urban Renewal began in the late  
4 1940's as a centralized federally assisted program  
5 and evolved over several decades into a decentralized  
6 amount of mostly locally funded programs to preserve  
7 and redevelop existing communities. At one time,  
8 there were approximately 150 urban renewal areas in  
9 the city ranging in size from one block to several  
10 hundred blocks. Approximately 60 of these plans  
11 remain in effect today. Much of the property  
12 acquisition occurred in the late 1960's and early  
13 1970's when federal and state urban renewal funding  
14 was at its height. The city continues to work on the  
15 redevelopment of some of these properties and on a  
16 much smaller scale still acquires new properties for  
17 redevelopment. The state Urban Renewal Law defines  
18 urban renewal as a program established, conducted,  
19 and planned by a municipality for the redevelopment  
20 of substandard and insanitary areas. The same law  
21 establishes approval processes for the designation of  
22 the urban renewal area approval of the... of the plan  
23 and the acquisition of property. In addition, the  
24 city charter requires ULURP for approval of the plan  
25 and the acquisitions made pursuant to the plan. In

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2 practice, the approvals required pursuant to the  
3 urban Renewal Law are virtually always granted  
4 simultaneously with the approvals under the ULURP  
5 Process. In New York City, the actions and approvals  
6 required by the Urban Renewal Law are performed or  
7 granted by HPD, the City Planning Commission, the  
8 City Council, and the Mayor. The council plays a  
9 pivotal role in both the designation of urban renewal  
10 areas and the approval of Urban Renewal Plans.  
11 Neither an urban renewal area nor a plan can be  
12 created or changed without council approval. An Urban  
13 Renewal Project involves the following six steps.  
14 One, designation as an urban renewal area, the  
15 municipality determines that an area contains  
16 substandard conditions that are appropriate for urban  
17 renewal and designates it for renewal. The property  
18 is designated for redevelopment constitute an urban  
19 renewal area. Two, Urban Renewal Plan, the  
20 municipality in our case is HPD acting on behalf of  
21 the city prepares the plan for the redevelopment of  
22 the area, it includes among other things a statement  
23 of proposed land uses, acquisition demolition,  
24 methods of renewal, public or community facilities,  
25 and the time schedule for implementation. Three,



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2 acquisition, the municipality acquires the sites that  
3 are designated for renewal. Four, site preparation,  
4 after acquisition the municipality may relocate any  
5 residents and businesses that will... that will be  
6 displaced by the renewal activities. It may also  
7 perform demolition on sites slated for new  
8 construction or open space. The... five, disposition,  
9 the municipality sells a site to a private sponsor.  
10 And the last step, step six is redevelopment. The  
11 sponsor redevelops the site in accordance with the  
12 plan. After holding a public hearing, the council  
13 votes to designate the area and finds that it is  
14 appropriate for urban renewal. The area is composed  
15 entirely of the site specifically designated and  
16 targeted in the plan for acquisition and  
17 redevelopments. There may be other properties within  
18 the boundary of the area which have not been  
19 designated as renewal sites but these properties are  
20 not part of the area and are exempt from the controls  
21 of the plan. Even if they are subsequently acquired  
22 by the city by other means they do not automatically  
23 become part of the area and are not subject to the  
24 plan, they are treated like any other city owned  
25 property unless and until the area designation and

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2 plan are specifically amended to include them as  
3 urban renewal sites with the council's approval. The  
4 plan establishes how every designated site will be  
5 redeveloped and used after acquisition but has no  
6 effect on the property until and unless it is  
7 acquired by the city. Unlike the zoning resolution a  
8 plan cannot impose land use controls on privately  
9 owned property in the area. The Urban Renewal Law  
10 simply gives the city authority to buy the property  
11 and then resell it to redevelopers who voluntarily  
12 agree as a condition of the sale to comply with the  
13 plan. The property is bounded by the version of the  
14 plan in effect when the city sells a property to the  
15 developer. The deed or the land disposition agreement  
16 will contain a covenant requiring the developer to  
17 develop and use the property in compliance with a  
18 version of the plan then in effect. And I'll actually  
19 include that plan as an exhibit. It is important to  
20 note that once the property is sold there is a  
21 contractual relationship between the city and the new  
22 property owner. Neither the city nor the property  
23 owner may change the terms of the disposition without  
24 mutual consent. For any urban renewal property that  
25 the city sells butt the covenant and the plan

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2 pursuant to which the city sold the property can be  
3 found online using the city registered Acra System.  
4 If the city subsequently amends the plan the changes  
5 in that amendment will apply to any property that has  
6 already been, been sold unless both the owner and HPD  
7 enter into a new agreement specifically providing  
8 that amended plan will apply to the property  
9 appreciates the council's interest in making more  
10 information about Urban Renewal Plans easily  
11 accessible to the public. HPD shares the sponsor's  
12 goal of increasing the transparency of the Urban  
13 Renewal Process. Before addressing specific items in  
14 the legislation HPD would like to reiterate that when  
15 a property is conveyed by the city to a private  
16 sponsor pursuant to an Urban Renewal Plan a covenant  
17 is placed on the property requiring it to adhere to  
18 the plan and effect at the time it was conveyed. In  
19 this way current, Urban Renewal Plans are useful in  
20 determining which restrictions will be placed on  
21 applicable sites to be conveyed in the future but  
22 would not affect properties that have already been  
23 conveyed. Regarding the specific provisions of Intro  
24 1533 HPD is supportive of notifying the effected  
25 borough president, council member, and the community

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2 board when a plan is expiring. However, we suggest  
3 amending the window for notification to provide an  
4 earlier notice. It takes many months to complete work  
5 to amend or extend a plan and it'll be more useful  
6 to... for communities to learn about its expiration  
7 earlier. As discussed HPD shares the goal of  
8 increasing transparency of the Urban Renewal Process.  
9 HPD is willing to provide an online database that  
10 catalogues the city's Urban Renewal Plans and  
11 specifies which are still active and their future  
12 expiration dates. We have some concerns with the way  
13 the bill is currently drafted and the data points it  
14 would require and we look forward to discussing  
15 amendments to the bill with the sponsor. It is  
16 important that we balance the need for transparency  
17 with making sure that information is provided in the  
18 most useful way possible and that the compiling and  
19 posting of data is not excessively resource  
20 intensive. Thank you for the opportunity to testify,  
21 we look forward to working on amendments to this bill  
22 with the sponsor and we are happy to answer any  
23 questions, thank you.

24 CHAIRPERSON GREENFIELD: Thank you, I'm  
25 going to turn it over to Council Member Chin who can

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2 start us off with some questions and I'll take  
3 questions after her, thank you Council Member.

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COUNCIL MEMBER CHIN: Thank you Chair.  
5 And thank you for your testimony. Can you give us  
6 some historic perspective why was the Two Bridges  
7 Urban Renewal Area created, what... can you give us  
8 some background, history in terms of the, the, the  
9 goal or the purpose, the principle?

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EUNICE SUH: Sure. As discussed, the  
11 goals of the Urban Renewal Plan initially was to  
12 remove blight and substandard conditions from an  
13 area. There are Urban Renewal Plans in all five  
14 boroughs throughout the city, they were created  
15 mostly in the 1960's and 1970's so they did start in  
16 the 1940's and at the time of its creation this was  
17 selected as a potential urban renewal area or plan.

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COUNCIL MEMBER CHIN: Do you remember how  
19 tall the buildings in that area were?

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EUNICE SUH: At which point?

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COUNCIL MEMBER CHIN: When the plan was  
22 being designated at that time, they were mainly  
23 tenement buildings, right?

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JORDAN PRESS: Honestly Council Member I,  
25 I don't think we know the heights of the building.. or

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2 don't currently know the heights of the buildings at  
3 the time that the plan... [cross-talk]

4 COUNCIL MEMBER CHIN: Okay... [cross-talk]

5 JORDAN PRESS: ...was passed... [cross-talk]

6 COUNCIL MEMBER CHIN: ...I think some of  
7 the residents who were in the neighborhood sort of  
8 remember that it... what that area looked like and also  
9 the, the building that was built after the plan was  
10 designated, I mean we have project based section 8  
11 buildings there, we have Mitchell Llama building but  
12 they all were like relatively... I mean the height was  
13 like 20, 20 story, 20 something story, the highest so  
14 there were certain restrictions that were put in  
15 place and do you know what planning principle were  
16 the bases of the, the floor area cap and the height  
17 limit that were put on some of the site by the plan?  
18 There must have been some reason, right?

19 EUNICE SUH: I, I think it's a little  
20 challenging for us to speak to the plan at the point  
21 of its creation in 19... in the 1960's.

22 COUNCIL MEMBER CHIN: You can't answer  
23 that why there were restrictions that... and  
24 protections that were put in place, I mean there must  
25 be some reason for it, right, that all the buildings

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2 there is pretty much about the same height, there  
3 were public housing buildings and the project based  
4 section 8 building that was built, a senior housing  
5 was built, all the housing that was built and then  
6 they have some low... the, the townhouse is only like  
7 two stories high... [cross-talk]

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JORDAN PRESS: Right... [cross-talk]

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COUNCIL MEMBER CHIN: ...and all of the  
10 sudden now when the plan expired now we got these  
11 like humongous monstrosity, it's like what happened,  
12 you know...

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JORDAN PRESS: Right, so to your earlier  
14 question it's reasonable to assume and while we  
15 weren't involved obviously in the process at the time  
16 that issues such as what was contextual to the  
17 neighborhood and height limits and development goals  
18 that the community may have had at the time would  
19 have been included in the document.

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COUNCIL MEMBER CHIN: Oh, maybe City  
21 Planning can answer some of that question, like in  
22 terms of from a planning perspective when the Urban  
23 Renewal Plan was instituted there were, you know  
24 height protections, floor area cap so there must have

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1  
2 been some reason for all those protections that was  
3 in place.

4 JOEL KOLKMANN: Sure, so I actually just...  
5 I'm not remembering off the top of my head that there  
6 were actually height restrictions, I certainly  
7 remember that there were... [cross-talk]

8 CHAIRPERSON GREENFIELD: Sorry, I  
9 apologize but could you... do you mind stating your  
10 name for the record?

11 JOEL KOLKMANN: Oh sure, of course, Joel  
12 Kolkman, City Planning.

13 CHAIRPERSON GREENFIELD: Thank you, can  
14 you just give us your title and... [cross-talk]

15 JOEL KOLKMANN: Oh sure, Team Leader  
16 Manhattan Office City Planning.

17 CHAIRPERSON GREENFIELD: Thanks very  
18 much.

19 JOEL KOLKMANN: Of course. So, I... again I  
20 just don't recall off the top of my head if there  
21 actually were height restrictions in that Urban  
22 Renewal Plan, there were definitely floor area  
23 restrictions, you're correct on that front. So, even  
24 with those floor area restrictions it would have been  
25 possible to have taller buildings than existed.. or



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2 then we... that we see in the neighborhood today and  
3 one reason for that maybe the construction technology  
4 was obviously very different then, it wasn't as easy  
5 to construct as tall of a building with the same cost  
6 constraints and technology that was available then.  
7 That's just one potential... possible idea but that's,  
8 that's all I have for now.

9 COUNCIL MEMBER CHIN: Well I mean it's,  
10 it's in the... right next to the East River, right and  
11 in terms of... in a flood zone but it's just  
12 interesting that all the buildings that were built  
13 after the Urban Renewal Plan were all about pretty  
14 much the same height. The public housing that was  
15 further inland and all the, the buildings that were  
16 built even the, the senior building, I mean they all  
17 was pretty much the same height that's why it just...  
18 it's outrageous all the sudden, you know Excell comes  
19 in and they build this, you know start building this  
20 monstrosity and it's as a right and the thing is like  
21 the city like... maybe just go back a little bit to  
22 like there were... there were... there was a suggestion  
23 to... or there was an attempt to renew the, the Urban  
24 Renewal Plan but then it was withdrawn, do you have  
25 any insight into what happed back then?

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JOEL KOLKMANN: We... I... we do not have any insight at the moment but certainly something to look into.

EUNICE SUH: Yes, that's... we'll look into it.

COUNCIL MEMBER CHIN: Yeah, that's only... we, we would love for you to help us solve that mystery... [cross-talk]

EUNICE SUH: Uh-huh... [cross-talk]

COUNCIL MEMBER CHIN: ...like what happened, you know why was... you know there was somebody actually was paying attention and was looking at... knew that it was expiring, wanted to work on renewing it and then someone it was withdrawn so we definitely want to find out exactly what happened there. Chair can we ask him, I guess City Planning to sort of explain... you mentioned about it earlier in your opening remarks about how they justify that each one of these new developments coming in was a minor modification and how come three minors doesn't add up to a major, I mean when you look at the picture that the developer are showing to DCP, to the community it just doesn't make sense at all. So, in terms of city planning I think one of the things relating to the

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2 Urban Renewal Area is that does the city planning  
3 come in and kind of like kind of review the area and  
4 see what's happening there and see what development  
5 is appropriate or not appropriate because I don't  
6 think that we can just say hey, it's as of right and  
7 we can't do anything about it... [cross-talk]

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JOEL KOLKMANN: Uh-huh... [cross-talk]

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COUNCIL MEMBER CHIN: ...but in terms of  
10 over city planning process you got to have, you know  
11 recommendations and have a say and have oversight, we  
12 just can't let things just to do whatever they want  
13 or just like everything is as of right and then we,  
14 we cannot do anything about it but in this area where  
15 all the buildings are the same height and then all of  
16 the sudden you have something that's coming in that's  
17 more than double the height. It's just going to  
18 change the character of the neighborhood and its  
19 creating a lot of havoc there that shouldn't happen.  
20 So, would you like to address... [cross-talk]

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JOEL KOLKMANN: So, so... [cross-talk]

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COUNCIL MEMBER CHIN: ...the... [cross-talk]

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JOEL KOLKMANN: ...I'll speak to the, the  
minor modification versus major modification

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distinction. So, as you know this is the former Urban

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2 Renewal Area and... which has the existing large scale  
3 residential development which was approved by the  
4 Commission in a series of approvals over time to  
5 allow for certain kind of development in that area.  
6 So, when we... [cross-talk]

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CHAIRPERSON GREENFIELD: When, when, when  
were those approvals?

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JOEL KOLKMANN: Starting from roughly  
1972 to '95.

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CHAIRPERSON GREENFIELD: Okay, thank you.

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JOEL KOLKMANN: Over... you know multiple  
times. So, the, the difference here is when we... when  
we have a new... when there's a proposal for a change  
to a large scale or a new development in a large  
scale we look at it and say okay, is there, there's  
two ways, there's the minor mod or major mod and if  
the proposal is compliant with the underlying zoning  
and does not increase the extent of any previously  
approved waivers that were approved on the sites, in  
this case from 1972 to approximately 1995 then that  
would be a minor modification which would require for  
the site plan to be updated, for the zoning analysis  
of the entire large scale to be updated to reflect  
that new development. However, if the proposal was...

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2 did require new waivers whether it be, you know  
3 height and set back or you know distance between  
4 buildings which was... an example of a previous  
5 approval within this large scale then a major  
6 modification would be required and of course that  
7 would trigger the full ULURP review here. Is there  
8 another part to the... to the question, I want to make  
9 sure I answered... [cross-talk]

10 CHAIRPERSON GREENFIELD: Yeah, Council  
11 Member Chin I think... I think you tagged me so... you  
12 asked me to jump in for a second so... is that okay,  
13 I'm going to jump in to follow up with some of the  
14 questions, I'm going to bring it back to you. just  
15 to... just to fine tune... fine tune this point. So,  
16 let's just... I think we've jumped into the weeds let's  
17 just take a little bit of a step back. So, when this  
18 plan was originally... was originally created some 50  
19 years ago did this plan contemplate the current  
20 developments that we are seeing specifically, the  
21 projects by JDS, L and M, and Stara totaling an  
22 additional two and a half million square feet of  
23 residential and other square footage as well?

24 JOEL KOLKMANN: The plan... the plan at the  
25 time... [cross-talk]

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CHAIRPERSON GREENFIELD: It's a simple yes or no question, that's right, yes at the time when... [cross-talk]

JOEL KOLKMANN: No, no... [cross-talk]

CHAIRPERSON GREENFIELD: ...when, when... [cross-talk]

JOEL KOLKMANN: ...no, they certainly did not, they... [cross-talk]

CHAIRPERSON GREENFIELD: They certainly did not, okay, very good... [cross-talk]

JOEL KOLKMANN: ...they... [cross-talk]

CHAIRPERSON GREENFIELD: So, this was... so... I think that's really what we're getting at over here, so let's just step back a second. When this Urban Renewal Plan was created, it was created for a certain purpose, that purpose was met, the transfer of property took place, those developments took place, in fact there was a planning rational at the time, I imagine, right, the same Department of City Planning was involved today, I'm not sure that you actually have anyone there from 1967, that'd be an interesting factoid, Joel do you know if anyone is still there from 1967?

JOEL KOLKMANN: Maybe.

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CHAIRPERSON GREENFIELD: Maybe, get back to me on that one, maybe we can bring that individual in and they might be able to shed some light on that but I would imagine that when the plan was contemplated there was a very specific plan and that plan essentially was achieved, right, do we agree with that, that, that plan that was originally contemplated originally back in 1967 which was the action for this urban renewal to clear the blight and to beef up this neighborhood and to make it nice again that plan was successful, check, mission accomplished? Yes, Jordan is that a fair... [cross-talk]

JORDAN PRESS: Yes... [cross-talk]

CHAIRPERSON GREENFIELD: ...statement?

JORDAN PRESS: Yes.

CHAIRPERSON GREENFIELD: Very good, okay. So, the question I believe that we're asking is that it would seem to us and I think this is where we're going to dig in a little bit on the definition of the minor mod and as I said before we are reserving the right to tweak this legislation to also explore whether we should tweak the definition of minor mod versus major mod so maybe you can help us do that

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2 here today and so I think our, our curiosity is... so,  
3 there was a plan that nobody contemplated would,  
4 would result in essentially three, three skyscrapers  
5 and now the community wakes up and they're finding  
6 out that there's going to be two and a half million  
7 new square feet of residential, tens of thousands of  
8 square feet of a community facility, accessory  
9 parking and other sorts of things, nearly 3,000 units  
10 of housing. So, the Council Member says regardless of  
11 what... how you define minor mod or major mod this to  
12 me would seem like a major modification of the  
13 original plan going back to 1965. Now logic would  
14 argue... logic would argue that this is a pretty big  
15 modification, right if originally we intended on  
16 having a community and that community is now fully  
17 developed and then suddenly a few years ago out of  
18 the left field poof, we're now dropping an extra two  
19 and a half million square feet of space, nearly 3,000  
20 units without any sort of review or any sort of  
21 context or any sort of planning rational or any  
22 conversation about the impact it's going to have on  
23 the community including the infrastructure,  
24 environmental impact, potential things like schools,  
25 traffic, parking, the list goes on and on not to



1  
2 mention the lack of affordable housing. It certainly  
3 would seem to us as folks who are not as expert as  
4 you are, obviously the experts that are here on our  
5 panel at HPD and DCP, it would seem to us like that  
6 is a quote, unquote "major modification" as opposed  
7 to a quote, unquote "minor modification". So, we ask  
8 you why did you decide to designate this as a minor  
9 modification and did you have the ability or the  
10 discretion to choose it as a major modification but  
11 did you choose to decide it as a minor modification  
12 instead? That is the question. Council Member Chin  
13 does that sound about right?

14 COUNCIL MEMBER CHIN: [off-mic] Yes.

15 CHAIRPERSON GREENFIELD: Thank you. Don't  
16 everyone answer at once.

17 ERIK BOTSFORD: Thank you. So... [cross-  
18 talk]

19 CHAIRPERSON GREENFIELD: You are?

20 ERIK BOTSFORD: Just to state my name for  
21 the record, I'm Erik Botsford, Deputy Director of the  
22 Manhattan Office of the Department... [cross-talk]

23 CHAIRPERSON GREENFIELD: Thank you...  
24 [cross-talk]

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2           ERIK BOTSFORD: ...of City Planning. So,  
3 just to, to address your, your comments and questions  
4 Council Member I, I think clearly we, we understand  
5 the... you know the, the level of community concern  
6 around the size of these... of these developments and  
7 that to, you know many people in the communities do  
8 not seem to be minor and its perhaps an unfortunate  
9 term of planning process nomenclature that these are  
10 termed minor modifications but we looked very  
11 carefully at the three proposals that were before us  
12 to modify the large scale residential development  
13 plan that is what is currently in effect today is  
14 this large scale residential development plan and the  
15 extent to the modification to that plan that was  
16 necessary for these developments to take place and as  
17 my colleague Joel described the level of modification  
18 to the plan was such that the, the plan that's in  
19 effect today does not specify height limits for  
20 example for, for buildings in the large scale  
21 residential development and does not contain very  
22 much specificity actually regarding developments that  
23 can take place other than the site plan for  
24 individual development. So, the types of changes  
25 necessary to the large scale for these three

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2 developments were indeed determined to be minor when  
3 we took a look at them and, and therefore the... they  
4 do not warrant a full ULURP Process... [cross-talk]

5 CHAIRPERSON GREENFIELD: So, the types... I  
6 just want to... I just want to be clear, the types of  
7 changes you're saying, meaning the, the technicality  
8 of the changes that were being requested in the large  
9 scale special permit, right, which is the application  
10 before you, you believe that those changes... the  
11 technical changes were minor, can you... can you drill  
12 in a little bit and explain to us why you felt those  
13 were minor modifications?

14 ERIK BOTSFORD: Uh-huh, well as, as Joel  
15 described it... if these were to be considered major  
16 modifications for example they would need... they would  
17 necessitate... they would be... the type of changes that  
18 would necessitate additional waivers, waivers beyond  
19 what were initially considered and approved by the  
20 City Planning Commission when the large scale  
21 residential development was, was approved and this  
22 large scale residential development does not contain  
23 those types of provisions therefore modifications to  
24 the site plan for example do not result in waivers  
25 beyond or, or considerations beyond what was

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2 originally made when the large scale was approved  
3 therefore these are... these are minor, it's, it's very  
4 detailed technical parsing of, of what led to our  
5 determination but we did look at this very carefully  
6 and, and you know we, we believed and continue to  
7 believe that these are indeed minor modifications. I  
8 will say to address Council Member Greenfield's  
9 comments about the potential for environmental  
10 effects here that one thing that we were very  
11 conscientious of is that the environmental  
12 considerations be very carefully analyzed, we, we  
13 asked the three separate developers to participate in  
14 a coordinated and joint environmental review, which  
15 they are undertaking and it's in process right now  
16 and this type of joint and coordinated and  
17 environmental review for three separate projects  
18 undertaken by three separate private applicants is  
19 an... unusual and, and, and you know we think quite  
20 important component of these actions here to ensure  
21 that the... any potential environmental effects are  
22 considered for all three applications simultaneously,  
23 that the cumulative effects of these are taken into  
24 consideration and that the local community has the  
25 opportunity to review the scope of the environmental

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2 analysis for all three projects and to provide  
3 comment on the... on the three projects through the  
4 environmental impact statement process.

5 CHAIRPERSON GREENFIELD: Comments that  
6 you may or may not listen to.

7 ERIK BOTSFORD: We listen to all comments  
8 that come from... [cross-talk]

9 CHAIRPERSON GREENFIELD: Well you may...  
10 [cross-talk]

11 ERIK BOTSFORD: ...the public... [cross-talk]

12 CHAIRPERSON GREENFIELD: ...I'm sorry, that  
13 may or may not... [cross-talk]

14 ERIK BOTSFORD: ...in this process... [cross-  
15 talk]

16 CHAIRPERSON GREENFIELD: ...act on just to  
17 be clear, certainly you would listen to the comments  
18 but unlike the ULURP Process which would in fact give  
19 the local community a formal say this would not give  
20 the local community a formal say, is that correct?

21 ERIK BOTSFORD: Well the community... the  
22 community has a formal role in the process in  
23 participating... [cross-talk]

24 CHAIRPERSON GREENFIELD: A formal role  
25 but... [cross-talk]

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ERIK BOTSFORD: ...in... [cross-talk]

CHAIRPERSON GREENFIELD: ...there's no finality of the council or an individual council member being able to object as we would have with a traditional ULURP Process. So, essentially, you're taking the feedback, which is appreciated but you don't necessarily have to listen to the feedback whereas under traditional ULURP you would have to listen to the feedback because there would be a local approval that would be required by the council member.

ERIK BOTSFORD: It's a process as distinct from the ULURP Process... [cross-talk]

CHAIRPERSON GREENFIELD: I understand... [cross-talk]

ERIK BOTSFORD: Yes... [cross-talk]

CHAIRPERSON GREENFIELD: ...I just wanted... I just want to clarify for those people who can't sleep at two in the morning and are watching this at home later tonight. So, I hear what you're saying. So, is it your contention and I just want to be clear about this because it's a very important point Erik, is it your contention that you could not, you did not have the ability to designate this as a major

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2 modification, is that your contention because this  
3 was just a tweak of the site plan as opposed to a  
4 zoning waiver, is that essentially your contention?

5           ERIK BOTSFORD: Yes, that's... I mean the,  
6 the... that, that was the, the determination that was  
7 made at the Department of City Planning..

8           CHAIRPERSON GREENFIELD: That you could  
9 not...

10          ERIK BOTSFORD: I... [cross-talk]

11          CHAIRPERSON GREENFIELD: ...you didn't have  
12 the option, I... it's a very... the reason I'm asking is  
13 point because Erik this is a very consequential  
14 hearing, I don't think... I don't think folks recognize  
15 perhaps this happening at the hearing and certainly  
16 we're not going to have as many people watching as  
17 James Comey was the other week and I get that, it's  
18 not that riveting but we're exploring a piece of  
19 legislation, we're also exploring the possibility  
20 based on what you're telling me of changing the  
21 definition of minor modification because if in fact  
22 what you're saying is that you had no choice and you  
23 were essentially handcuffed, right and you had to  
24 change this as minor modification its certainly the  
25 view of this committee that that is a problem and

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2 therefore there must be a flaw in the definition of  
3 the minor modification and therefore we would... that  
4 would necessitate a change in how we define minor  
5 modification because we would view this as a major  
6 modification so apparently the law is flawed and so  
7 it's a very big distinction over here Erik as to  
8 whether or not you believe that you have no option in  
9 which case I certainly respect that and then it's not  
10 your problem, you have no option, we did the best  
11 that we could over here and then we will get back to  
12 you with some amendments that refer to how we plan on  
13 changing the law in the future so that you do have  
14 more options or whether you chose instead that you  
15 wanted to go from... you could have had the option of  
16 doing major or minor and you simply said okay, hey,  
17 you know what we're going to do... we're going to do  
18 minor so which one is it, is it the former where you  
19 have no choice or is it the latter where you could  
20 pick A and B and you just decided to pick B?

21           ERIK BOTSFORD: It, it was... it was not a,  
22 a, a choice that was made to pursue one or the other,  
23 we undertook it after a very careful review together  
24 with DCP council and, and, and the determination was  
25 made that these were indeed minor modifications. So..



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2 but it was... it was not a... it was not a, a, a choice  
3 which was made to pursue one or... over the other  
4 simply for expediency for example.

5 JORDAN PRESS: And Mr. Chairman if, if I  
6 may I just want to make sure that we're clear since  
7 the legislation is referring to Urban Renewal Plans,  
8 right that the minor modification or major  
9 modification as we're discussing would relate to the  
10 large scale plan, a different... a different land use  
11 matter and that with respect to these properties and,  
12 and their disposition and any changes that might  
13 occur to the Urban Renewal Plan I just want to be...  
14 reiterate a point that we made in our testimony which  
15 is that there's a covenant assigned when these  
16 properties were disposed of pursuant to the Urban  
17 Renewal Plan and the owner of the property is  
18 required to adhere to the covenant and to the Urban  
19 Renewal Plan at that time and the expiration of that  
20 Urban Renewal Plan, you know had... and, and while we  
21 fully support the, the goal and, and thank the  
22 council member for suggesting the idea of notifying  
23 the public about the expiration so that they can act  
24 appropriately, we think that's appropriate that even  
25 if the plan... even if the Urban Renewal Plan had been

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2 extended that that would not impact the covenant of  
3 the property that was disposed of at the time and  
4 that is now that question.

5 CHAIRPERSON GREENFIELD: No, we  
6 appreciate that. I think... I think Jordan you've been  
7 to this committee enough to know by now that we try  
8 to explore the issues in depth, right and so what  
9 we're saying over here today is if this... if, if in  
10 fact we are stating its correct that this legislation  
11 won't solve our problem and then the answer is we  
12 need to amend the legislation in order to solve our  
13 problem. So, this is why this is helpful, we're,  
14 we're discussing an area of the law that doesn't  
15 usually get the light of day and as I said isn't as  
16 glamorous as some other hearings but this may in fact  
17 lead us to come back and to amend this legislation  
18 and to say okay, the problem over here is that the  
19 minor modifications in fact are not minor, they're  
20 minor from a technical perspective but the aspect  
21 that they have are major and that seems to be a, a  
22 legitimate issue, I mean would you... would, would  
23 anybody care to agree with my assessment or the  
24 assessment of Council Member Chin or disagree perhaps  
25 or state what your opinion is on our assessment which

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2 is that these are major changes even though  
3 technically from a legal perspective they would be  
4 minor modifications, its major changes to the site  
5 plan that are having a significant impact, the kind  
6 of changes that would normally be done in a rezoning?

7

ERIK BOTSFORD: I would say that the,  
8 the... we've made the assessment that these are minor  
9 modifications to the large-scale plan pursuant to  
10 zoning that is existing on the site today.. [cross-  
11 talk]

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CHAIRPERSON GREENFIELD: Erik I've, I've  
13 conceded the point to you, I, I trust you and I  
14 believe you that you did this in good faith, that's  
15 great. My question is this... because you did it based  
16 on the law that exists, my question is would you  
17 agree as a planner, you and Joel are planners, I  
18 don't know if Eunice and Jordan are planners or not,  
19 are you guys planners per chance? You are, excellent,  
20 this is my lucky day, I have three out of four  
21 planners, Jordan why do we even have you up there if  
22 you're not a planner?

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JORDAN PRESS: To respond to your  
24 humorous... [cross-talk]

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CHAIRPERSON GREENFIELD: Oh okay, fair enough. In any event... so, as planners from a planning perspective, let's put aside the issue of, of the technical law over major versus minor modification, would you say this is a major change to the original proposed plans for this Urban Renewal Area as a planning perspective, put aside the technicality, would you like to pine on that?

JOEL KOLKMANN: I mean I think these obviously are large buildings and they are, are going to bring a lot of different things to the neighborhood and that's exactly why the three developers are working together to undergo the cumulative environmental impact statement process which is the more robust environmental review process which has two different public hearings as part of that process. So, by the fact that these projects are again being reviewed cumulatively on a... together in one single document and undergoing the, the most robust environmental review process that, that we have available to us that demonstrates, you know the, the significance of these projects.

CHAIRPERSON GREENFIELD: Okay, so you would agree the changes are significant, right, I

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2 mean so obviously they must... they must be significant  
3 or so significant as you pointed out that these three  
4 developers who normally hate each other, would never  
5 work together and competitors that are working  
6 together in the environmental to try to figure out  
7 what the impact would be. So, you understand the  
8 thesis which is this appears to us to be a, a major...  
9 a major change all be it not necessarily technically  
10 a major modification as opposed to what you folks are  
11 saying is a minor modification. So, I'm glad that we  
12 explored that so that we can take a look at that in  
13 terms of the amendments on this bill in the future.  
14 My question though is... follow up question is why did  
15 you choose to do a rezoning, right, the realities of  
16 the Department of City Planning has that ability, you  
17 could of decided, you know what this is an area we  
18 would like to see some changes and, and in fact there  
19 was something similar done I believe it was in 1995,  
20 it wasn't a rezoning but there was a special permit,  
21 an authorization for site 4B where you changed the  
22 allowable FAR on that particular site and you chose  
23 not to do that for other sites and that was a full  
24 ULURP so why did you take the approach, you said you  
25 know what we hear you minor major, you know what we

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2 should do over here, we should just rezone this  
3 neighborhood and that way we can have full community  
4 input and we can bring people together and then we  
5 can just go through the traditional rezoning process,  
6 what... why was that not a consideration from the  
7 Department of City Planning?

8

                  JOEL KOLKMANN: So, when we look at  
9 rezoning a lot of analysis goes into that and a lot  
10 of research but the few key themes are looked at.  
11 The, the first is the, the context of the area and  
12 for that context I think while there is a number of  
13 buildings that are, you know around 20... mid 20  
14 stories tall, there's also buildings that are two  
15 stories tall, two or three stories tall and obviously  
16 now more recently there are buildings that... buildings  
17 that are being constructed, constructed that will be  
18 much taller than that. So, in regard to the context  
19 it's a very, very... it's a varied context that, that  
20 really doesn't lend itself to a single zoning  
21 district, a single set of height restrictions there.  
22 The, the second point I'll make for Two Bridges  
23 specifically is the fact that it's on the waterfront  
24 just a... generally it's the department's position to...  
25 you know to have height and to have density on the

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2 waterfront, you know from again our perspective a  
3 taller, skinnier building is, is a better option in  
4 terms of shadows and other impacts that's compared to  
5 a, a smaller building that's a little squatter and  
6 will cast a deep... a wider shadow...

7 CHAIRPERSON GREENFIELD: I'm not  
8 disagreeing but could you have achieved that through  
9 a rezoning process as well and isn't it the official  
10 policy of the City of New York, the, the Mayor and  
11 the Department of Housing Preservation and  
12 Development to try to maximize affordable housing and  
13 if you did a rezoning wouldn't that have necessarily,  
14 necessarily required a mandatory inclusionary housing  
15 which we passed last year so you would have been able  
16 to get more affordability and be able to tailor these  
17 buildings exactly to your specific requests and  
18 requirements and Jordan this is actually why we do  
19 have you up there so feel free to jump in at any time  
20 as to why it is that you didn't... decided not to  
21 maximize the affordable units on this project as  
22 well?

23 JORDAN PRESS: So... well just let me go to  
24 the MIH and that was actually the third point. So,  
25 this is a C64 zoning district and in order to, to

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2 math MIH in the area you need to in... have an increase  
3 in residential capacity and the current residential  
4 capacity in this area is 12 FAR and that is the  
5 highest maximum residential capacity allowed by the  
6 state multiple dwelling law. So, a rezoning here  
7 would actually not be able to get mandatory  
8 inclusionary housing in this area and you would not  
9 be able to... it required that affordable housing and  
10 mandate that through a rezoning process.

11 CHAIRPERSON GREENFIELD: Okay, I think we  
12 have a disagreement on that based... I'll refer you  
13 back to the Adorama Project where we have a  
14 disagreement over a creation of new residential FAR  
15 versus the usage of the FAR on, on that as well and  
16 Jordan are you concerned over here in terms of this  
17 voluntary inclusionary housing program the kind of  
18 affordability is not the same that we would see under  
19 mandatory inclusionary housing including higher AMI's  
20 and less time being locked in, in terms of the  
21 affordability of those units.

22 JORDAN PRESS: I would just say... [cross-  
23 talk]

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CHAIRPERSON GREENFIELD: Is it the position of the HPD to let developers skate now and do the least amount of affordable possible?

JORDAN PRESS: No, so I would just say as a general statement that it is always the interest of, of the agency in furtherance of the housing New York Plan to try to maximize affordable housing whenever possible.

CHAIRPERSON GREENFIELD: So, then why not look at it from a rezoning perspective or perhaps a full ULURP for it to be perfectly frank you would have had more leverage from a local council member who I assure you would be much, much, much in favor of more affordability. Council Member Chin can I refer to you, would you be in favor of more affordable housing on this particular site, is that something that you might be in favor of?

COUNCIL MEMBER CHIN: Yeah, we definitely want more affordable housing but the monstrosity that's being proposed... [cross-talk]

CHAIRPERSON GREENFIELD: Right... [cross-talk]

COUNCIL MEMBER CHIN: ...is way out...  
[cross-talk]

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CHAIRPERSON GREENFIELD: Absolutely...

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[cross-talk]

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COUNCIL MEMBER CHIN: ...way out of scale.

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CHAIRPERSON GREENFIELD: So, you... [cross-talk]

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COUNCIL MEMBER CHIN: ...and that is not a

8

tradeoff... [cross-talk]

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CHAIRPERSON GREENFIELD: ...you have a

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council member... I mean I'm, I'm certainly not as

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inside the... inside the room as you folks are but you

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got a Council Member here who'd be very happy to give

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you more affordable housing, you've got a Chair who's

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happy to hold hearings, you have a subcommittee Chair

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who loves to hold hearings as well, let's, let's do

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this as a... let's do this as a rezoning, everybody

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should come back in here and HPD will be able to get

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I guarantee you, mark my words, you have my personal

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assurance that we will not pass this project through

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a ULURP unless we get more affordable housing than we

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have right now. What, what, what say you HPD, sound

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fair, let's wrap this up, we'll call it a day, we can

23

gavel out?

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ERIK BOTSFORD: On, on questions of

25

rezoning in association with our housing projects we

1  
2 do heavily defer to our friends at the Department of  
3 City Planning.

4 JOEL KOLKMANN: I... just to follow on that  
5 point, I mean I, I think that we would... we've... we, we  
6 would feel very strongly that MIH is not something  
7 that could be implemented here through zoning actions  
8 given that the area is already mapped at the highest  
9 density residential capacity that is available to the  
10 site, the residential floor area exists on that site  
11 today and zoning actions would not enable any  
12 substantial increase in residential capacity which is  
13 a prerequisite for being able to apply MIH in any  
14 rezoning scenario so we do not see a scenario where  
15 MIH could be applied here through a rezoning.

16 CHAIRPERSON GREENFIELD: Okay, final  
17 question before I turn it back to Council Member  
18 Chin. Now you spoke about the environmental concerns  
19 what is being done to mitigate the impact or the  
20 increased density, the influx of residents regarding  
21 the schools, open spaces, transportation,  
22 improvements, all the sorts of things that we would  
23 generally consider when there is a rezoning  
24 considering that we didn't actually plan to have  
25

1  
2 these additional nearly 3,000 units in this  
3 particular community?

4 JOEL KOLKMANN: So, the environmental  
5 review process just formally begun at the end of May  
6 with the scoping public hearing or scoping meeting I  
7 should say so that's really just the beginning so all  
8 of those areas that you just mentioned will be  
9 analyzed, will be studied, comments from... well and  
10 before that I should even say comments at the scoping  
11 meeting will be addressed and incorporated into the  
12 final scope of work and, and again the... then those  
13 areas that you mentioned will be studied and looked  
14 at and if there are impacts mitigations will be  
15 assessed as well.

16 CHAIRPERSON GREENFIELD: And do you plan  
17 on having a restrictive declaration to bind them to  
18 the mitigation?

19 JOEL KOLKMANN: [off-mic] Yeah...

20 ERIK BOTSFORD: I... we would need to  
21 confer with the City Planning Council, I, I, I don't  
22 know off the top of my head if that's the case here.

23 CHAIRPERSON GREENFIELD: Great, I  
24 appreciate your response to the questions, I'm going  
25 to make a true form of WWE, I'm going to tag Council

1  
2 Member Chin back to take over for follow up  
3 questions.

4 COUNCIL MEMBER CHIN: Well I think my  
5 colleague, my Co-Sponsor Council Member Rosenthal  
6 also has some questions, I could defer to her first.

7 CHAIRPERSON GREENFIELD: Council Member  
8 Rosenthal would you like to jump in?

9 COUNCIL MEMBER ROSENTHAL: You know  
10 you've basically taken care of the whole thing as  
11 usual but you spoke so quickly that I'm going to say  
12 it now just a little bit more slowly so the residents  
13 in my district can understand what the issues are.

14 CHAIRPERSON GREENFIELD: Yeah, us  
15 Brooklynites we're fast speakers and readers, it's  
16 true.

17 COUNCIL MEMBER ROSENTHAL: You are.

18 CHAIRPERSON GREENFIELD: But we have  
19 tolerance for those of you who live in Manhattan, not  
20 to worry.

21 COUNCIL MEMBER ROSENTHAL: Thank you so  
22 much and thank you Council Member Chin and Reynoso  
23 for your leadership on this issue, I'm proud to  
24 sponsor and to support this legislation, you know  
25 it's just so important that our communities are able

1  
2 to respond in real time when there are land use  
3 changes that will affect them. So, I think this bill  
4 is an important part in making the development  
5 process more accountable to the people that we all  
6 serve. My district has seen expiration of Urban  
7 Renewal Plans lead to developments that members of  
8 the community would never have thought possible.  
9 Right now at 200 Amsterdam we are pushing back  
10 against what will be the tallest tower on the Upper  
11 West Side in the middle of what was the Lincoln  
12 Square Urban Renewal Plan, that plan expired in the  
13 1990's, no one was paying attention, this developer  
14 was collecting air rights and now we have a luxury  
15 high rise residential building with zero affordable  
16 housing and it doesn't even have the benefit of MIH,  
17 it's going to be 66 stories, twice the height, more  
18 than twice the height of the surrounding buildings.  
19 So, with that in mind I definitely attach myself to  
20 the comments that our Chair made that this can't have  
21 been what you had in mind when you set the Urban  
22 Renewal Plans into, into action, they certainly  
23 served a purpose, they certainly worked in my  
24 district but coming out is just a disaster for the  
25 community. Our Development Process is supposed to

1  
2 remove the arbitrary decision making and make the  
3 future of our neighborhoods more predictable but  
4 unless the community is able to react to the changes  
5 like this one in real time it ends up feeling as  
6 arbitrary and unpredictable to our neighbors as  
7 anything else. What I don't understand seriously to  
8 the city... to, to City Planning is why the rules  
9 always seem to be set up in favor of luxury high rise  
10 developers, they always win and in the 200  
11 Amsterdam's situation we got zero opportunity to  
12 review not a major, minor, large scale plan thrust  
13 upon the community, a 66 story building only because  
14 if the deal was done in the middle... in the dark of  
15 night and it's not the dark of night, right, it was  
16 20 years of... you know the developer always has the  
17 advantage, they have the land use lawyers, they were  
18 able to fix this and make it... fix it to work for  
19 them, they were very aware of the Urban Renewal  
20 Process coming to an end, very aware that they could  
21 buy the air rights and then use them for a 66 story  
22 building completely out of context for the Lincoln  
23 Center area and Lincoln Square, Lincoln Center area  
24 and we have no... we're not even getting affordable  
25

1  
2 housing. I, I, I don't get it what, what's the  
3 thinking?

4           ERIK BOTSFORD: Well I think that at the  
5 Department of City Planning we are always operating  
6 in the mindset of MIH now and being able to apply MIH  
7 where we can and to maximize the amount of affordable  
8 housing that we can produce as a result of, of  
9 discretionary actions that are undertaken, you know  
10 as, as we said in the context of Two Bridges the way  
11 in which we're able to do that is through applying  
12 increases in... or approving increases in residential  
13 capacity, that's the prerequisite for us to be able  
14 to apply MIH as part of... as part of City Planning..  
15 [cross-talk]

16           COUNCIL MEMBER ROSENTHAL: That's, that's  
17 not... [cross-talk]

18           ERIK BOTSFORD: ...approval... [cross-talk]

19           COUNCIL MEMBER ROSENTHAL: ...helping... I'm  
20 sorry, with all due respect that's got nothing to do  
21 with 200 Amsterdam which slipped through, no one... you  
22 can't tell me that any of you even knew about this  
23 property, you can't tell me you did because you  
24 don't.

25           ERIK BOTSFORD: I, I... [cross-talk]



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COUNCIL MEMBER ROSENTHAL: It's not on your radar, why should it be, right because there's nothing in the rules that would make... put it on your radar and once again the luxury high rise developers are ripping off the citizens of New York, answer that question?

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JORDAN PRESS: So, Council Member if I may I, I think some of the concerns that, that you've raised and again there is a challenge with respect to an individual property and how that applies to Urban Renewal Plan but a lot of the concerns that you've raised are exactly the reason why we think that, that the bill that Council Member Chin has, has suggested will be... will be helpful so that the community knows when an Urban Renewal Plan is expiring and can take appropriate action for sites that are... have not yet been acquired and disposed of.

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COUNCIL MEMBER ROSENTHAL: Well I'm glad you support the bill and I'm glad it'll pass very quickly, my concern is this, what are we actually learning from this situation at 200 Amsterdam and to me what we're learning is the city is always in a reactive position and once again we're reacting... you know being reactive to this situation, why not use

1  
2 this as an opportunity to reassess the Upper West  
3 Side and where we can have more Urban Renewal  
4 Planning sites or doubling down on the ones that were  
5 there and have expired, let's face it, the ones that  
6 were put in on along Amsterdam Avenue and Columbus  
7 Avenue between whatever... 88<sup>th</sup> and 96<sup>th</sup> they were huge  
8 successes, huge and now every single one of them are  
9 at risk certainly under a different Mayor, you guys  
10 are standing tall, supporting the Mitchell Lama's  
11 that are there and I really do appreciate that but  
12 under any other Mayor those would be flipped in a  
13 heartbeat and some of them as you know have already  
14 been flipped and gone market. So, what... given that we  
15 have a Mayor who believes deeply in affordable  
16 housing what can we do to lay the ground, groundwork  
17 today to maintain the affordable housing we have,  
18 could you... would you be willing to do another, I  
19 guess it would take a ULURP to reestablish the Upper  
20 West Side Urban Renewal area that's an area where its  
21 ripe for overdevelopment, ripe and if we could now do  
22 a ULURP we might be able to prevent... preempt it from  
23 happening again, I hear you, we might get some MIH,  
24 we might get some affordable housing now but that's  
25 not the point, you know let's use this opportunity

1  
2 with Two Bridges what's happening in Margaret's  
3 district, what's happening in mine, I mean it's  
4 outrageous that the people who live in the community  
5 wake up and there's a 66 story building going up  
6 where none of the buildings around it are 23... but 23  
7 stories and we get nothing out of it, they're going  
8 to bring more kids to PS199 which we're always trying  
9 to rezone so it's not overcrowded, no help for the  
10 subway at West 72<sup>nd</sup> Street, I, I just don't  
11 understand why this doesn't trigger for you guys an  
12 alarm to go back now and reestablish some areas, why  
13 not, right, do you want to meet on that, I'm up for  
14 it?

15 JORDAN PRESS: No, we, we would love to  
16 obviously every neighborhood and what would be  
17 appropriate from a zoning and land use perspective is  
18 different for every neighborhood but we really  
19 appreciate this kind of thinking from our partners at  
20 the council because it, it, it's an aligned thinking  
21 really about wanting to see affordable housing max,  
22 maximized either for new construction or for  
23 preservation and we'd, we'd love to sit down with you  
24 more whether it's for your neighborhood or, or any  
25 member's neighborhood.. [cross-talk]

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COUNCIL MEMBER ROSENTHAL: Great... [cross-talk]

JORDAN PRESS: ...and talk about how...  
[cross-talk]

COUNCIL MEMBER ROSENTHAL: So, to start this for an Urban Renewal do I start that... is that a land use thing that you guys initiate and city planning or does HPD start that?

EUNICE SUH: You'd be working with HPD to have those... [cross-talk]

COUNCIL MEMBER ROSENTHAL: Okay... [cross-talk]

EUNICE SUH: ...conversations.

COUNCIL MEMBER ROSENTHAL: So, I'm free next week... [cross-talk]

EUNICE SUH: Great... [cross-talk]

COUNCIL MEMBER ROSENTHAL: ...and I would really like to sit down with you and start mapping out sections, you know we again missed the boat about, I don't know, seven years ago when we downzoned along Broadway between 96<sup>th</sup> and 110<sup>th</sup> again in reaction to two high rises that went up and, and trust me that developer, oh Extell, that developer now has apartments with views that are going to be...

1

2 that are going to earn him millions forever, right  
3 because we immediately downzoned so... you're welcome  
4 Gary. How come we didn't downzone 96<sup>th</sup> South to 72<sup>nd</sup>,  
5 we're not Midtown and now we have a ton of soft  
6 spots... of soft sites that are being built on now...  
7 [cross-talk]

8

EUNICE SUH: So... [cross-talk]

9

COUNCIL MEMBER ROSENTHAL: ...and most of  
10 them are doing it without any MIH.

11

EUNICE SUH: We certainly understand and  
12 appreciate and also agree with you that we need a  
13 comprehensive plan for any neighborhood. In term... I  
14 just want to make a distinction between the creation  
15 of an Urban Renewal Plan and the larger framework of  
16 rezoning and zoning districts. With the Urban Renewal  
17 Plan, there may be parameters of... you know as Council  
18 Member Chin discussed the FAR however the Urban  
19 Renewal Plan really gives HPD the authority to  
20 acquire private sites for... in substandard and  
21 sanitary area. So, there has... there's a very... [cross-  
22 talk]

23

COUNCIL MEMBER ROSENTHAL: Okay, so I got  
24 to tell you if you want the city council to put more  
25 money in the budget for planners and for people in

1  
2 your office I will fight like a pit-bull to get that  
3 done, I'm not the expert you are, you tell me the  
4 tools I need to keep these high rise luxury  
5 developers who are getting away with raping the city  
6 over and over and over again, we've got a high rise  
7 going up on 66<sup>th</sup>... West 66<sup>th</sup> Street, 200 Amsterdam and,  
8 and we're getting nothing, what... where's the rule to  
9 fix that, you tell me?

10 EUNICE SUH: I think we should all sit  
11 down together with HPD, your office, and the City  
12 Planning as well and have a comprehensive strategic  
13 approach.

14 COUNCIL MEMBER ROSENTHAL: I'd like that,  
15 thank you very much.

16 CHAIRPERSON GREENFIELD: Thank you  
17 Council Member Rosenthal. I just want to follow up on  
18 the... just a point that the Council Member made, how  
19 many Urban Renewal Plans exist that are more  
20 restrictive in the underlying zoning?

21 EUNICE SUH: We would have to get back to  
22 you on that, that piece. It would require looking  
23 through a hundred Urban Renewal Plans and comparing  
24 it to the zoning resolution.

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CHAIRPERSON GREENFIELD: Okay, so the question... the question then becomes can we agree that there are some?

EUNICE SUH: Yes.

CHAIRPERSON GREENFIELD: There are some, okay. We certainly would appreciate when you have a chance if you can get back to us on that preferably in writing. And the question that I would have is this then. So, considering that, that this is an issue and sees a lot of frustration and I, I want to be clear we're not trying to blame any agency over here, the purpose of this hearing is really to try to come up with solutions... [cross-talk]

EUNICE SUH: Uh-huh... [cross-talk]

CHAIRPERSON GREENFIELD: ...no one's blaming HPD or DCP its just we think there might... there might be a, a, a hole that we're trying to fill. So, why don't we make the policy that whenever these Urban Renewal Plans are about three years out from... three years out from expiring that we engage in a ULURP Process to consider rezoning those areas to bring them back up to date with what we would consider today to be the modern zoning so that we... and I think the frustration over here that you're

1  
2 hearing from the council is the unattended  
3 consequences, right just to be fair, nobody's  
4 blaming.. I mean we can't blame HPD or DCP for the  
5 fact that someone owns the air rights and they want  
6 to sell those and make a profit, I mean that's  
7 essentially capitalism, we understand that but we  
8 certainly can say hey there could be a mechanism that  
9 we could put in place so that when this happens  
10 there's review, that's all we're asking, we're not  
11 saying that we're against development or against a  
12 certain kind of development what we're saying is that  
13 we are in favor of public review under the URLURP  
14 Process which is I think we all agree the gold  
15 standard of review. So, would you consider coming up  
16 with a plan that says that when these Urban Renewal  
17 Plans are about to expire let's call that three years  
18 out before they're about to expire, we engage in a  
19 ULURP Process to determine whether or not we need to  
20 change that zoning proactively so that we don't end  
21 up in a situation like this where we're playing catch  
22 up now on, I think what everybody agrees is a major  
23 change in the Two Bridges neighborhood of two and a  
24 half million new residential square feet. What say

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2 you Erik you look like you want to answer this  
3 question?

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ERIK BOTSFORD: Well I, I, I'm here  
5 representing the Manhattan Office of City Planning  
6 and to speak about the questions that the Council  
7 Member had regarding Two Bridges, I can't speak for  
8 the agency as a whole, I think this is something that  
9 we can take back and discuss at city planning, I...  
10 [cross-talk]

11

CHAIRPERSON GREENFIELD: Joel do you want  
12 to speak for the agency as a whole? Danielle would  
13 you like to come on and be sworn up here and speak  
14 for the agency as a whole, is that... is that something  
15 you'd like to do?

16

[off-mic dialogue]

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CHAIRPERSON GREENFIELD: You're going to  
18 pass on that for now, you're welcome to do so I just...  
19 I want to be sure that you have the opportunity.

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[off-mic dialogue]

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CHAIRPERSON GREENFIELD: You're going to  
22 decline at this moment to... what's that?

23

[off-mic dialogue]

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CHAIRPERSON GREENFIELD: Well Erik's  
25 response was that he's not prepared to discuss that

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2 but you as the... as the... as the official spokesperson  
3 for H... for DCP you might have more light that you can  
4 shed on the subject, you're okay you're defer to  
5 response, no problem. Alright, well Jordan good news  
6 I know that you have the authority to speak on behalf  
7 of HPD so... let's hear it, what do you got for us on  
8 this issue, what do you think of this, do you know  
9 how much more affordable... can you imagine what we  
10 could do over here, we could create all these new  
11 units of affordable housing by just engaging in some  
12 ULURP process and communities would be so happy, I  
13 mean HPD... affordable housing is like a big part of  
14 what you do, right?

15 JORDAN PRESS: A little bit, yes.

16 CHAIRPERSON GREENFIELD: Okay, I'm just  
17 making sure that we're on the same page, okay. So...  
18 [cross-talk]

19 JORDAN PRESS: No, I, I... we, we  
20 appreciate this idea and you know we're, we're... we,  
21 we came prepared certainly on... to discuss Urban  
22 Renewal Plans and are happy to go back and discuss  
23 this new idea... [cross-talk]

24 CHAIRPERSON GREENFIELD: I mean this is...  
25 [cross-talk]

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JORDAN PRESS: ...with our... [cross-talk]

CHAIRPERSON GREENFIELD: ...just, just to  
be clear this is part of the Urban Renewal Plan  
discussion.

JORDAN PRESS: Okay, this... so this is a...  
this would be a new proposal and suggestion... [cross-  
talk]

CHAIRPERSON GREENFIELD: Yeah... [cross-  
talk]

JORDAN PRESS: ...it, its, it's an  
interesting one, I definitely want to... [cross-talk]

CHAIRPERSON GREENFIELD: No, like I said  
that's... [cross-talk]

JORDAN PRESS: ...have... [cross-talk]

CHAIRPERSON GREENFIELD: ...the purpose of  
these hearings... [cross-talk]

JORDAN PRESS: ...yep... [cross-talk]

CHAIRPERSON GREENFIELD: ...I mean it, it  
would be a waste of your time and my time if we just  
sat and met about one particular issue and if some  
other issue was flagged we said oh my gosh we can't...  
we can't discuss that, it would be the akin of you  
know if there was a job interview and somebody came  
in and said hey, you know are, are you good at

1  
2 computers and they said yes, I'm good at computers,  
3 so how are your people skills, well I wasn't prepared  
4 to speak about my people skills today only about  
5 computers, well you know... I mean the purpose of these  
6 hearings are to explore the depth of these issues and  
7 to try to solve the problem this my friend is the  
8 best of good government, we are willing to spend the  
9 time and we will hang out here all day, I think we  
10 have this room cleared until 11 p.m. so not to worry.  
11 Jordan, you seem... you seem like you have something  
12 better to do between now and 11 p.m., I hope not.

13 JORDAN PRESS: I'm only agreeing to do  
14 hearings with you on Fridays from now on so we can't  
15 get into the afternoons.

16 CHAIRPERSON GREENFIELD: I'm happy to do  
17 hearings on Fridays I just won't use the microphone  
18 and then I will gladly... I will gladly walk home, as  
19 you may know I'm a runner so it's not a big deal for  
20 me to walk from here back to Brooklyn. My only point  
21 is that I'm not... I'm... once again I'm not trying to  
22 put anyone on the spot I'm really just trying to  
23 explore the issue if you don't have a response now  
24 that's fine, we look forward to hearing the response  
25 but this seems like this might be... you know we're

1  
2 looking at different possibilities; one possibility  
3 is legislation that we discussed today, another  
4 possibility is changing the definition of minor  
5 modification and major modification at that and, and  
6 the other possibility would be that we could have  
7 some sort of agreement that says that when the... I  
8 mean I guess we could legislate it but that just  
9 seems unnecessary but when, when these Urban Renewal  
10 Plans expire three years before or enough time before  
11 we can engage in a ULURP Process and decide whether  
12 it makes sense to rezone those neighborhoods because  
13 those goals have now been achieved and then that  
14 leads to those loopholes that I think we're all  
15 concerned about which certainly is not of your doing  
16 and we're not blaming you for it we're just  
17 brainstorming here with you.

18 JORDAN PRESS: So, certainly the  
19 provisions in the bill that would provide for  
20 advanced notification before the plan expires would  
21 set up the opportunity for that conversation so in,  
22 in a way the bill already starts to get there so...

23 CHAIRPERSON GREENFIELD: See, we're doing  
24 our jobs, excellent. I'm going to turn it over to  
25 Council Member Barron and we're going to for non-

1  
2 responses we're going to put five minutes on the  
3 clock.

4 COUNCIL MEMBER BARRON: Thank you Mr.  
5 Chair, thank you to the panel for coming. And we're  
6 talking urban development sites and we're talking  
7 about in this case a significant change to a  
8 development that seems to be contrary to what the  
9 intent is as we thought about urban development. So,  
10 in, in your testimony it says it is important to note  
11 that once the property is sold there's a contractual  
12 relationship between the city and the new property  
13 owner and any successor or owner, neither the city  
14 nor the property owner may change the terms of the  
15 disposition without mutual consent there's Livonia  
16 Commons in my district and the developer Dunn  
17 Development received the award and a part of their  
18 description was that they would build along with the  
19 housing that's affordable to the people who live in  
20 my community at 30,000 AMI that Dunn Development  
21 would build a youth center. So, is that considered a  
22 part of the agreement?

23 JORDAN PRESS: I'm sorry, a part of what  
24 agreement?

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COUNCIL MEMBER BARRON: For the development of Livonia Commons?

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JORDAN PRESS: So, that, that site has yet to be conveyed.

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COUNCIL MEMBER BARRON: Say again?

JORDAN PRESS: That, that particular site has yet to be conveyed.

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COUNCIL MEMBER BARRON: No, I'm talking about the one where they already have the housing which was in fact designated to include a youth center. As a part of the getting the award they said they would build a youth center.

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JORDAN PRESS: On the... and the youth center would be built on a different site, correct?

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COUNCIL MEMBER BARRON: Correct but it's a part of that and that... the other housing is up, been up for about six years and there's no indication at all of a youth center going up. So, my question is when developers don't fulfil their agreement what happens to them?

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JORDAN PRESS: So, it, it would depend on what the nature of not fulfilling their agreement exactly is. One potential mechanism is, is a reverter that if a site has been conveyed, if it has in fact

1  
2 been conveyed in this case I believe the site has not  
3 been conveyed but if a site has been conveyed for  
4 development and that site is then not developed as  
5 they had agreed to with the city that the city has a  
6 reverter right.

7 COUNCIL MEMBER BARRON: Right but part of  
8 the award was that you would do that and when you  
9 don't do that what are the consequences, don't just  
10 take it back, what are the consequences and how does  
11 that impact their request to do other development  
12 going forward when they haven't fulfilled their  
13 obligation?

14 JORDAN PRESS: Well I'll say from the  
15 little bit that I know about this site that, that we  
16 are certainly hopeful that all obligations will be  
17 met. I, I, I don't know about it in depth and I'm  
18 happy to discuss this particular site with you...

19 [cross-talk]

20 COUNCIL MEMBER BARRON: Why should we be  
21 hopeful that obligations will get... and... will be met  
22 and not require that they be met, why should there be  
23 a hope? We had a contract, we had an agreement so why  
24 should we be hopeful that they will meet their



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2 obligation and not require them or impose some  
3 penalties when they don't?

4 JORDAN PRESS: So, I, I would say that  
5 we, we, we share this disappointment, there are  
6 ongoing discussions and negotiations to develop the  
7 site with community facility space as was always  
8 intended. We agree it's taking too long and.. [cross-  
9 talk]

10 COUNCIL MEMBER BARRON: So, what impact  
11 does that have on that developer when he applies for  
12 other projects going forward knowing that he did not  
13 honor what it was that he said he would do in this  
14 project?

15 JORDAN PRESS: So, let me answer more  
16 generally rather than focusing on a specific site  
17 that in general we look to developer's capacity to  
18 develop and to complete projects.

19 COUNCIL MEMBER BARRON: And when they  
20 don't?

21 JORDAN PRESS: That is taken into account  
22 in future awards.

23 COUNCIL MEMBER BARRON: And how much time  
24 do you give them to complete their obligations?  
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JORDAN PRESS: It, it, it depends on the site. So, so you have a challenge here in developing a community facility space, a very large community facility... [cross-talk]

COUNCIL MEMBER BARRON: Right... [cross-talk]

JORDAN PRESS: ...space where a particular tenant was, was identified... [cross-talk]

COUNCIL MEMBER BARRON: Right... [cross-talk]

JORDAN PRESS: ...and is experiencing difficulty in completing that transaction. So, we would take into account the... you know the, the good will or, or good faith rather that we see by, by the property... or by the developer. So, we... I mean we would certainly want to see best efforts being made by developer if there were no efforts being made and the... and this... more of a general comment than, than this site we want to see best efforts being made.

COUNCIL MEMBER BARRON: Thank you Mr. Chair. I would think that we need to use stronger words than hopeful and disappointed and we need to have some consequences, thank you Mr. Chair.

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CHAIRPERSON GREENFIELD: Thank you

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Council Member, I'm going to turn it back to Council

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Member Chin.

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COUNCIL MEMBER CHIN: Thank you Chair. I

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just want to get some clarification that the

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protection that was... let's say put in place for an

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Urban Renewal Plan, right, almost like a deed

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restriction or whatever right now is, is usually

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there's something that... it's my understanding that a

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deed or lease pursuant to an Urban Renewal Plan is

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imposed at the time of disposition while the plan is

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in effect, you can restrict a development for 40

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years from the completion of the project as opposed

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to 40 years from the date of the approval of the

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plan. So, the question was why wasn't it done here

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because people didn't develop they sort of like...

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until the plan expire then now they can do whatever

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they want, the restriction is gone. So, can HPD sort

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of look at, you know urban renewal sites and put in

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the restriction that this restriction will be for 40

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years after you complete the project that you agreed

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to so the protection sort of stay in place and not

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for a developer to buy the land and then sits on it

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2 until the plan expires, the restriction is gone then  
3 he can do whatever he wants?

4 JORDAN PRESS: So, the, the reference to  
5 completion of the work is something that we find in  
6 Urban Renewal Plans unfortunately it is a well-  
7 argued... I'm going to botch the word, litigable, an,  
8 an item that can be litigated as to when and that is  
9 litigated as to when completion occurs and what  
10 completion means with respect to the plan so, yes  
11 that is something that, that could go in but that  
12 could also be later debated as to what completion  
13 means meaning that the property owner would make an  
14 assertion that a completion occurred at a certain  
15 point and the city or the community might argue that  
16 completion occurred at another point and that, that  
17 would have to be settled in a court.

18 COUNCIL MEMBER CHIN: Well I think that's  
19 why in the... in the planning process that needs to be  
20 really clarified so that we don't have situations  
21 where people sits on... take advantage of the city, sit  
22 on the property and then can do stuff, you know as a  
23 right afterwards and relating to that is that when  
24 the, the Two Bridges Urban Renewal Plan expired did  
25 HPD and DCP sort of discuss the underlying C64

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2 zoning, did they really have an opportunity to look  
3 at it whether that zoning was appropriate still and  
4 at that point, you know was there any consideration  
5 to change it because that C64 zoning is really  
6 usually for Midtown, you know where you have a lot of  
7 transportation options and that's where all the high  
8 rise buildings are and it, it shouldn't be just  
9 because it is the waterfront, I mean you're looking  
10 at it's a working class neighborhood and it has very  
11 limited transportation options, right, the F train  
12 stops and near there is only one entrance to the  
13 subway station on Madison Street and that's about it  
14 and the bus service doesn't go that far it just goes  
15 East and West and there's one bus line so  
16 transportation options are very limited so with that  
17 area how could it really do C64 when it's supposed to  
18 be huge density like Midtown, I mean were there any  
19 kind of review when it... the Urban Renewal Plan was  
20 about to expire, was there any kind of review that  
21 happened with HPD and, and CPC?

22 EUNICE SUH: Unfortunately that does  
23 predate both of our times at DCP and HPD however we  
24 can certainly go back to our records and try to  
25 investigate that further to see if it happened.

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COUNCIL MEMBER CHIN: Yeah, I mean that, that would be helpful if you could go back but right now I mean HPD do you think that that zoning is appropriate for that area?

EUNICE SUH: We, we confer a lot with our partners at the Department of City Planning in terms of the zoning and we're happy to have further discussions of what is appropriate or not appropriate for the... for the area.

COUNCIL MEMBER CHIN: DCP do you think it's appropriate for the area even though I know you talked earlier that oh it's near the waterfront... [cross-talk]

ERIK BOTSFORD: Well... [cross-talk]

COUNCIL MEMBER CHIN: ...but, but it's an area where limited... very limited transportation options and then like all the buildings that was built there never were that tall to begin with.

ERIK BOTSFORD: I, I understand Council Member, the... I, I will say... I'll take two different texts. First the, the appropriateness of the zoning that's in place now acknowledging that it is a high-density district that is mapped there. These 10 FAR districts are, are not unusual along the waterfront

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2 including in locations that are at some distance from  
3 public transportation, sites that have been rezoned  
4 with the highest density residential districts for  
5 some time and those that have been more recently  
6 mapped as well along waterfronts both on the East and  
7 the Hudson Rivers, its, it's not unusual and as Joel  
8 said it is something that we do generally feel is  
9 appropriate to locate density and height on the  
10 waterfront. In terms of the Two Bridges area and the,  
11 the potential effects of density here given  
12 transportation I will point back to the joint  
13 environmental review that is taking place for these  
14 three developments in that transportation is one of  
15 the areas that is extensively analyzed as part of  
16 that environmental review process and the  
17 transportation options available through the subway  
18 and also through bus lines are something that, you  
19 know will be analyzed and, and addressed and if there  
20 are impacts that are identified then, you know  
21 mitigation measures will be... will be discussed as  
22 part of that process. So, the environmental review  
23 process that's being undertaken can speak  
24 specifically to, you know these concerns that, that  
25 you're highlighting regarding the high-density

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2 district that's in place today in, in the Two Bridges  
3 area.

4 COUNCIL MEMBER CHIN: But I agree with  
5 what Chair Greenfield talked about earlier there's  
6 got to be a mechanism to really review these urban  
7 renewal sites before they expire to see if it's  
8 still... if the, the mission still holds and to make  
9 sure that whatever is being proposed there is  
10 appropriate for the times, I mean just right now when  
11 you look at the example in my district in this area  
12 what's being proposed right now is just totally out  
13 of scale and something's got to be done, I mean like  
14 we got to find a way to mitigate but also to try to  
15 like hey, stop it because its... we cannot allow it to  
16 go forward and I think HPD and DCP I think you also  
17 share the responsibility with us and not just allow  
18 it to happen if there's something that can't be done  
19 now to mitigate to fix it... I mean these two towers  
20 cannot be coming in like that, it's one after  
21 another, right and you're talking about the Extell  
22 monstrosity that's there that's creating all these  
23 havocs, cracking on the streets, crack... you know  
24 created cracks in neighboring buildings and now  
25 you're going to have three more coming, it's just...



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2 it's just totally ridiculous and out of scale and  
3 something needs to be done so that's why we look  
4 towards, you know Department of City Planning to see  
5 how you can help us and then when we say look this  
6 really needs to go through a full review then we  
7 could do something about the height, about the  
8 density but you... the Department responds back to us  
9 minor... three minor does not equal a major so no  
10 ULURP. We don't accept that so we're still pushing  
11 for a full review and I think with the help of the  
12 committee and of course Chair Greenfield we're going  
13 to continue to push because it just cannot happen  
14 like this. Thank you Chair.

15 CHAIRPERSON GREENFIELD: Thank you  
16 Council Member Chin, thank you for your passion,  
17 advocacy for you constituents and your community. I  
18 have a couple of other related questions to this  
19 particular site then I just want to move onto one  
20 other topic. Do we know what the affordability will  
21 be on these proposed development sites, the three  
22 proposed development sites in Two Bridges, would  
23 either one of you care to elaborate on that?

24 JORDAN PRESS: To my knowledge there's no  
25 required affordability at these sites.

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CHAIRPERSON GREENFIELD: You know if I was my days of, of pretending to be a litigator, I was a corporate lawyer but I can pretend to be a litigator I would get up now and I would yell no required affordability, it would be a good quote for the jury and for the television, speak to that, no required affordability, what's up with that, that's not very good?

JORDAN PRESS: So... [cross-talk]

CHAIRPERSON GREENFIELD: Explain that for our audience at home.

JORDAN PRESS: So... [cross-talk]

CHAIRPERSON GREENFIELD: Those people who are watching, I always as you know Jordan from watching my hearings, I am very sympathetic to those people who have insomnia and cannot sleep and I feel like there are not very good TV options late at night especially on cable, you can just flip through the channels and there's nothing good and then you see wow, the New York City Council hearing and now usually those council hearings are not so riveting, I take it upon myself as the Chair of the Land Use Committee to make my hearings riveting and to make it accessible to the public who is sitting there and is

1  
2 about to fall asleep but I think we just woke them up  
3 when we just said no required affordability, talk to  
4 me about that?

5 JORDAN PRESS: So, the only.. the only  
6 mechanism via zoning to require affordability on a  
7 privately-owned site is through mandatory  
8 inclusionary housing and I'll ask my colleagues to  
9 interject if I'm saying anything incorrect... [cross-  
10 talk]

11 CHAIRPERSON GREENFIELD: So, this would  
12 be a voluntary inclusionary housing if they wanted to  
13 they could build more, get a bonus and in return they  
14 could then build some affordability, is that correct?

15 JOEL KOLKMANN: That's, that's correct.

16 CHAIRPERSON GREENFIELD: Dear friends  
17 Joel and Erik at the Department of City Planning.

18 JOEL KOLKMANN: So, if the proposals are  
19 the.. you know the, the floor area on each site was to  
20 go up to 12 FAR from the, the existing ten and then  
21 be bonused up to 12 through the voluntary  
22 inclusionary housing program then some affordable  
23 housing would be required to get to that 12 FAR.

24 CHAIRPERSON GREENFIELD: What kind of..  
25 [cross-talk]

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JOEL KOLKMANN: But... [cross-talk]

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CHAIRPERSON GREENFIELD: ...affordable

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housing, what would that requirement be?

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JOEL KOLKMANN: There... it, it all

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depends... there's different ratios and different

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amounts depending on if there's public subsidy or if

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there's not public subsidy.

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CHAIRPERSON GREENFIELD: But generally

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its roughly eight, eight AMI, is that fair?

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JOEL KOLKMANN: yes, oh yes.

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CHAIRPERSON GREENFIELD: So, it... the

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point is its much more permissive than the mandatory

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inclusionary housing program which would have more

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stringent requirements over the kind of housing that

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is required, is that correct?

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JOEL KOLKMANN: Yes... [cross-talk]

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CHAIRPERSON GREENFIELD: The answer...

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[cross-talk]

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JOEL KOLKMANN: ...and no... [cross-talk]

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CHAIRPERSON GREENFIELD: I know the

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answer is yes. The answer is yes, the old... the other

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rule my professor at law school taught me don't ask

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the question you don't know the answer to so... I know

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the answer to the... to the question. I, I think... I

1  
2 think you're sensing the frustration over here this,  
3 this is exact... this is... this is really... you, you just  
4 summarized the frustration for the community. The  
5 community lives here 50 years, you can live there  
6 your whole life, you grow up in a neighborhood, you  
7 are vaguely aware that this may be, maybe even not  
8 that there's something called an Urban Renewal Plan  
9 and that you are living within this Urban Renewal  
10 Plan and you're going about living your life and  
11 you're very happy and all is wonderful and you're  
12 enjoying the sun and the street and your kids are  
13 playing in oh what is this wonderful open space  
14 suddenly one day, bam, three huge towers fall out of  
15 the sky and pop up which don't even require  
16 affordable housing or any amenities for the community  
17 or any consideration for the possible impact that  
18 they have on the community, I think we would agree  
19 that that is essentially a zoning loophole that  
20 someone came up with and I'm not blaming them because  
21 this comes back to Council Member Rosenthal's point  
22 there are a lot of very good lawyers in this town who  
23 come up with these loopholes and they figure out and  
24 say hey, we could do that and while that may be legal  
25 and permissible and certainly I want to be clear I'm

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2 not blaming the Department of City Planning or HPD  
3 for what is essentially a loophole in the zoning  
4 regulations, I think you can understand why that is  
5 so frustrating to us for those of us who our job is  
6 that we are sworn to protect and to represent and to  
7 advocate for our communities where we can't do  
8 something when literally 3,000 units are falling from  
9 the sky and you're not even going to have any  
10 affordable housing. So, you can understand why that's  
11 frustrating for us and for the residents of those  
12 communities who have now woken up who never thought  
13 in a million years that there was going to be  
14 anything here suddenly poof there are going to be  
15 three skyscrapers in their neighborhood. Do you  
16 understand why that might be frustrating for local  
17 residents?

18 JOEL KOLKMANN: Absolutely.

19 CHAIRPERSON GREENFIELD: And that's all  
20 we're saying and that... and that's really our point.  
21 Our point is that there's a problem here, we think  
22 there's a loophole over here, we think that we need  
23 to fix this loophole, the way we want to fix this  
24 loophole is through some legislation that we're  
25 discussing today specifically this legislation that

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2 would require notice and that would actually get into  
3 the database, the possibility of looking at maybe  
4 changing, changing the definitions of minor and major  
5 modifications as well as the possibility of either  
6 agreeing or requiring that ULURP be engaged when  
7 these Urban Renewal Plans actually expire or rather  
8 before they expire which leads me to my final, final  
9 question for this panel of the day. You folks  
10 familiar with what this is in my hands, anybody ever  
11 see this before? This is ladies and gentlemen this is  
12 a Atlas of urban renewal project areas. Let me tell  
13 you something I'm very fortunate that I have an  
14 amazing, wonderful, outstanding hardworking land use  
15 staff, god knows they spent hundred plus hours  
16 working and preparing for this hearing, this is the  
17 best they could do to find some sort of plan from HPD  
18 that dates back to 1988 to try to figure out what  
19 exactly is on the list of urban renewal projects,  
20 what is not, do you folks keep some sort of  
21 centralized database, can I just go to HPD and say  
22 list of urban renewal project areas and something  
23 pops up, how does that work?

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EUNICE SUH: So, HPD has all the active, active Urban Renewal Plans electronically internally. We have... [cross-talk]

CHAIRPERSON GREENFIELD: Internally?

EUNICE SUH: Yes.

CHAIRPERSON GREENFIELD: Okay.

EUNICE SUH: In terms of the expired Urban Renewal Plans they are in... some of them are at HPD, some of them are at an offsite location through a contract with DCAS. We are happy to share all the, the Urban Renewal Plans as we did in preparation with the Land Use Committee and in terms of all the different plans we are happy to talk with through with members of the public and whoever is asking about, about these plans.

CHAIRPERSON GREENFIELD: That's great but, but you see... you see my point here, you know which is that if you are an average citizen and you actually care enough to say hey, let me actually go see, I'm curious do I happen to live in an urban renewal area, might something like this happen, this... I'm sorry I got to pick this up this is just great, this, this little map with dots is essentially your guide to these neighborhoods that's not accessible to



1  
2 the average person and this just leads to the  
3 additional frustration when these local citizens in  
4 Council Member's district they literally had no way  
5 of knowing this was coming out of the pike and I  
6 think that's why they're so angry and they're so  
7 frustrated because they didn't know. It's one thing  
8 when you know something is coming and you say okay  
9 listen the zoning is what it is, there are plenty of  
10 Council Members out here who are going to rally and  
11 say I don't like the zoning, okay you don't like the  
12 zoning but we all know what the zoning is, that is  
13 the zoning. I have colleagues like Council Member Ben  
14 Kallos he always wants to change the zoning, God  
15 bless him but he knows the zoning is what it is right  
16 now... [cross-talk]

17 EUNICE SUH: Uh-huh... [cross-talk]

18 CHAIRPERSON GREENFIELD: We have no idea  
19 what, what are even in these Urban Renewal Plans, we  
20 have a very difficult time quite frankly finding out  
21 and then when we find out that something that was  
22 never even in the plan was being exploited through a  
23 loophole to actually build three new super  
24 skyscrapers to get... build two and a half million  
25 square feet of residential units that is very

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2 frustrating and that's really why we're having this  
3 hearing because it seems to us like in this case and  
4 other cases there is a loophole that's being  
5 exploited by developers in this city and you seem to  
6 be doing the best that you can within the rules and  
7 regulations of what it is that you have and we would  
8 like to give you the proper tools and the ability and  
9 pass legislation to try to prevent these loopholes  
10 and in some cases for example like in this case maybe  
11 to give you the option where you can say you know  
12 what this in fact would fall into a major  
13 modification where right now it doesn't based on the  
14 way the rules are written and that is really all that  
15 we are seeking to do here today. So, I want to thank  
16 you all for coming out here today and Jordan not to  
17 worry I was just joking, I was not going to keep you  
18 here till 11 p.m., it is 3:37 p.m. plenty of time to  
19 get back to the office and work on those other  
20 important projects before the end of June, I know  
21 you've got a whole stack on your desk and I want to  
22 thank all of you who are here from the Department of  
23 Safe Planning including those of you who are not  
24 testifying today are just here to observe and  
25 furious, furiously scribble notes and the folks who

1  
2 are here from the HPD as well, we are grateful for  
3 your work and cooperation and I, I have said this  
4 before, I said this yesterday at a Crane's Forum and  
5 I want to just repeat it again because I think that  
6 the... it can get lost in translation unfortunately  
7 when we have these hearings and we are frustrated  
8 about an issue and people think we're frustrated with  
9 individuals and that's not true, in my experience  
10 the... three of the most professional organizations  
11 that I've worked with as a Chair of the Land Use  
12 Committee have been the Department of City Planning,  
13 HPD, and EDC, the folks are consummate professionals  
14 and you're dedicated to the work that you do and  
15 we're grateful for all the work that you do and we're  
16 genuinely just trying to fix what we believe is a  
17 loophole that is being exploited that really has  
18 detrimental impacts on community that couldn't even  
19 see this coming, they had no idea and now suddenly  
20 you wake up and there are these three huge  
21 skyscrapers with 3,000 new units in your  
22 neighborhood, that's a lot, to contrast that  
23 literally I just want to point this out for those  
24 people who are watching at home, we will sometimes  
25 have a two hour hearing on a sidewalk café folks if

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2 you do not believe me please go to the archives, we  
3 will sit there and we will fight for two hours, for  
4 two hours we'll have a discussion should there be  
5 three tables and six chairs or should there be two  
6 tables and four chairs and we will go back and forth  
7 because the community is very passionate about this  
8 because the sidewalk belongs to the people and now  
9 we're taking over the public space and we'll go back  
10 and forth and they'll say you know what maybe we'll  
11 give you two tables with five chairs so that three  
12 people can sit around and we'll spend literally two  
13 hours discussing the tables and the chairs of a local  
14 sidewalk café at literally your local café. Here  
15 we've had no conversation, no input whatsoever, no  
16 perspective, no knowledge even and suddenly poof out  
17 from the sky will land three skyscrapers with 3,000  
18 units and two and a half million square feet, you  
19 could understand the consternation that we have and  
20 why we believe that this is not good public policy  
21 and why we intend on working with you to change that  
22 and we thank you for your work, we thank you for  
23 coming out here today and we hope that you enjoy the  
24 rest of your day and we'll now move on to our next  
25 panel. Thank you, our next panel is Paula Segal from

1  
2 the Community Development Project; Mara Kravitz from  
3 596 Acres'; Cathy Dang from CAAAV; Jessie Ngok from  
4 GOLES and Trevor Holland who appears to be a resident  
5 who lives in the neighborhood. This is our one and  
6 only panel so if you have not yet signed up or if  
7 you'd still like to make some comments or statements  
8 please let the Sergeant of Arms know immediately  
9 because this is our one panel that we are going to  
10 have public testimony from. So, seeing nobody who has  
11 not signed up we're going to continue to this panel  
12 and we're going to start from right to left, my  
13 right, ma'am if you can just have a seat please if  
14 you could tell us your name and who if anyone you  
15 represent and you can start with your testimony and  
16 we are going to put three minutes on the clock which  
17 is actually a minute longer than we normally do  
18 because we're running a little bit late today we'll  
19 give you an extra minute to testify on the issues  
20 that we are discussing here today. You may begin  
21 whenever you're ready.

22 PAULA SEGAL: Thank you so much. My name  
23 is Paula Segal, I'm an Attorney at the Community  
24 Development Project at the Urban Justice Center. I  
25 just want to really thank Council Member Chin and

1  
2 Council Member Reynoso for introducing this bill and  
3 thank the Chair for a really enjoyable afternoon.  
4 This has been incredibly cathartic. I have clients  
5 that are in Council Member Chin's district on who's  
6 heads these... the skyscrapers are dropping and before  
7 my current role at the Urban Justice Center I have  
8 actually spent a lot of time in HPD's archives trying  
9 to understand the impact of Urban Renewal Plan and  
10 I'll tell you a little bit more about that. So, just  
11 to introduce myself formally, I am at the new  
12 Equitable Neighborhoods Unit at the Community  
13 Development Center, the... I'm sorry, the Community  
14 Development Project. CDP works with grassroots  
15 groups, neighborhood organizations, and community  
16 coalitions to help make sure that people of color,  
17 immigrants, and other low-income residents who built  
18 our city are not pushed out in the name of progress.  
19 I will skip over the, the rest of the page, we heard  
20 a little bit... a little bit of good context about  
21 urban renewal history from HPD... [cross-talk]

22 CHAIRPERSON GREENFIELD: And I will note  
23 that we have your testimony... [cross-talk]

24 PAULA SEGAL: Yeah, you have... [cross-  
25 talk]

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CHAIRPERSON GREENFIELD: ...in print and it is... [cross-talk]

PAULA SEGAL: ...Yeah... [cross-talk]

CHAIRPERSON GREENFIELD: ...in fact submitted for the record so there's no need to go through many of... [cross-talk]

PAULA SEGAL: Exactly, so I'm... [cross-talk]

CHAIRPERSON GREENFIELD: ...the issues that we've already... [cross-talk]

PAULA SEGAL: ...I just want to highlight... [cross-talk]

CHAIRPERSON GREENFIELD: ...discussed today... [cross-talk]

PAULA SEGAL: ...I want to... [cross-talk]

CHAIRPERSON GREENFIELD: ...thank you... [cross-talk]

PAULA SEGAL: ...highlight a couple of things in the time that we have. So, just to point out Urban Renewal Plans are not ancient history, they are something that the city creates. Now it was great to hear a commitment from HPD to work with Council Member Rosenthal to create a new plan in her district as it seems like there's, you know development

1  
2 happening out of control and an Urban Renewal Plan  
3 may be the right solution. Since the federal  
4 government defunded Urban Renewal Programs in 1974,  
5 the City of New York adopted over 60 new plans with  
6 no federal support and 55 of those remain active now.  
7 There is an Urban Renewal Plan for downtown... for  
8 downtown Far Rockaway in Council Member Richard's  
9 district that is going through ULURP right now to  
10 give the city the powers that we've been discussing  
11 over the entirety of the redevelopment of downtown  
12 Far Rockaway. The Edemere Urban Renewal Plan was last  
13 revised in 2008, the community's been involved in a  
14 multiyear process since Sandy to help HPD decide on  
15 what the new revision of that plan will be, that  
16 revision will be going through ULURP in 2019. The  
17 community is thrilled that HPD is, is... plans to  
18 include the creation of a community land trust in  
19 that plan but without the transparency that we're  
20 talking about today, without the enforceability that  
21 we really need and without actually the city's  
22 cooperation in enforcing the reverters which they  
23 have and they don't use, all of this is meaningless,  
24 all of this is, is just time wasted but Urban Renewal  
25 is with us now, we're not just wrestling with Moses,



1  
2 this is the present and it is an incredibly powerful  
3 tool.

4 CHAIRPERSON GREENFIELD: If you can just  
5 wrap up here...

6 PAULA SEGAL: Thank you... [cross-talk]

7 CHAIRPERSON GREENFIELD: Thank you...  
8 [cross-talk]

9 PAULA SEGAL: ...so much. So, I have... so I  
10 think the legislation is fabulous but I think that  
11 the way that its drafted actually leaves a lot of  
12 gaps and it focuses on the expiration of the plans  
13 which is good but actually doesn't give us enough  
14 information and what should really be required is an  
15 annual report that's published for every district and  
16 for every borough that lets local elected officials  
17 know what's going on parcel by parcel with the Urban  
18 Renewal Plans in their district. I know this is  
19 possible because I built a database like this that  
20 you can go on your computer right now and look at, it  
21 is at Urban Reviewer dot org and what we had to do  
22 was get access to paper records in HPD's offices and  
23 read them to make that database, we couldn't afford  
24 copies, they wanted 25 cents a page, it would have  
25 been 4,000 dollars, we would of loved to have scanned

1

2 those documents and put them up online so people had  
3 them, we couldn't do it and one of the things that  
4 legislation should include is a digital repository of  
5 every plan and every revision and all of the  
6 documents that went with them so that's my...

7

CHAIRPERSON GREENFIELD: Thank you...

8

[cross-talk]

9

PAULA SEGAL: I'm happy to answer

10

questions.

11

CHAIRPERSON GREENFIELD: Thank you Paula

12

and in, if fact we will follow up with you separately

13

on those suggestions because I don't think we need to

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take the public's time at this point but we have your

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suggestions, we think many of them are good and we

16

certainly hope to follow up and our staff will reach

17

out to you to get some more, more of those details,

18

we're always looking... part of the purpose of a

19

hearing is not just to highlight the issues but it's

20

also to improve the legislation and to hear from

21

experts like you and so we're grateful that you came

22

out here, thank you very much.

23

MARA KRAVITZ: Good afternoon. Good

24

afternoon, my name is Mara Kravitz and I'm the

25

Director of Partnerships at 596 Acres' which is New

1  
2 York City's Community Land Access Advocacy  
3 Organization. We champion resident stewardship of  
4 land to build more just and equitable cities. So, we  
5 work with grassroots organizers and we help them  
6 transform vacant lots, mostly vacant city owned lots  
7 into community resources like gardens, parks, farms,  
8 and community centers and so much more. So, when we  
9 work with organizers there often in direct  
10 conversation with Urban Renewal Area history. It's  
11 left acres of abandoned city owned lots in our  
12 neighborhoods, these are areas that had already  
13 suffered decades of disinvestment as a result of  
14 legally instituted racism mapped out on the  
15 homeowner's loan corporation's infamous red line  
16 maps. And you can look at Urban Renewal Plans and how  
17 they overlap with those maps to see that history very  
18 clearly. So, where active plans to create open space  
19 for example were abandoned, grassroots organizers  
20 have brought those plans to life through local  
21 planning and advocacy. By being able to reference the  
22 specific policies that have led to the... these  
23 individual's experiences of neglect of their  
24 neighborhoods, organizers are able to work together  
25 to transform more than just vacant city owned land

1  
2 but the historical practices of top down development  
3 that have disenfranchised and disempowered the most  
4 impacted people from being able to participate in  
5 essential decisions affecting all levels of their  
6 livelihoods. So, we are able to connect organizers  
7 with accurate information about Urban Renewal area  
8 plans because of the research that Paula mentioned  
9 doing in 2014 which culminated in Urban Reviewer dot  
10 org and really in the work that organizers in our  
11 network do. Realizing that no such tool was made they  
12 had to go in and you heard a bit about how they made  
13 it. So, this website thinks... so, so the question is  
14 how will this database be used. So, for me as an  
15 advocate I reference it all the time, my colleagues  
16 do, hundreds of grassroots advocates making changes  
17 in their neighborhoods reference it and the site's up  
18 to date now but there's no mechanism in place to  
19 update it as new plans are adopted and old ones  
20 expire. This is because there's no centralized place  
21 for information to be regularly published and so  
22 we're really grateful for this bill because it will  
23 happily change that and fill a huge gap in public  
24 knowledge about key information but since this is a  
25 reference tool the bill must be amended so that the

1  
2 database is useful to those who are most impacted by  
3 Urban Renewal area planning, that is people who live  
4 in, in or near urban renewal areas present and past.  
5 With accurate information about those plans and a  
6 vision of what's possible these people are best  
7 poised to lead and sustain the development of their  
8 neighborhoods towards a more just and resilient city.  
9 To that end 596 Acres' recommends the following  
10 changes. First instead of simply announcing the plans  
11 expirations there should be this annual reporting and  
12 the rest of the specific recommendations you can read  
13 in my submitted written testimony.

14 CHAIRPERSON GREENFIELD: We got them, we  
15 will read them and we will certainly reach out to you  
16 to review those suggestions as well, thank you very  
17 much.

18 MARA KRAVITZ: Thank you... [cross-talk]

19 CHAIRPERSON GREENFIELD: ...Mara and Trevor  
20 I guess it's you. You are Trevor, right?

21 TREVOR HOLLAND: Yes, I am.

22 CHAIRPERSON GREENFIELD: Okay.

23 TREVOR HOLLAND: Good afternoon, I'd like  
24 to thank the committee for listening and for quite an  
25 entertaining afternoon, it's my first meeting and if

1  
2 they're all like this I'll be back although I don't  
3 think they are.

4 CHAIRPERSON GREENFIELD: They're not all  
5 like this... just for the record you're Trevor Holland,  
6 is that correct?

7 TREVOR HOLLAND: Correct.

8 CHAIRPERSON GREENFIELD: Okay, thank you...  
9 [cross-talk]

10 TREVOR HOLLAND: I'm going to read a  
11 statement prepared by CAAAV and GOLES but I am a  
12 resident of 82 Rutgers Slip out... if I walk out my  
13 door to the left I see an 80 story being built by  
14 Extell along with a separate poor affordable  
15 building, if I look forward there is a proposed 1,000  
16 foot tower atop a senior building and to my right  
17 there are three proposed towers two of them going  
18 right next to affordable buildings, one of them going  
19 to a building that is converting to market rate.

20 Thank you to the Land Use Committee for taking the  
21 time to review Intro 1533, an important bill that the  
22 community in Chinatown and Lower East Side can speak  
23 to its significance. This statement is on the behalf  
24 of CAAAV organizing Asian communities in Good Old  
25 Lower East Side. CAAAV, GOLES and along with many

1  
2 other community organizations and residents have been  
3 working specifically in, in the expire to produce  
4 you're a neighborhood. We fought to preserve Pathmark  
5 on the corner of Pike Street and Cherry, one of the  
6 few affordable supermarkets in our neighborhoods.  
7 Private developer, Extell had purchased land and is  
8 in the process of building an 80-story luxury  
9 building in a neighborhood where it is mostly tenant  
10 buildings and contextual affordable buildings.  
11 Adjacent to the Extell site are three plots of land  
12 where private developers JDS, CIM, L... L and M are  
13 trying to quietly move three minor modifications  
14 through the city... Department of City Planning.  
15 Residents are concerned that the luxury developments  
16 will, will bring... residents are, are concerned that  
17 the luxury developments will bring distressing  
18 community construction impacts and secondary  
19 displacement. Additionally, the Lower East Side and  
20 Chinatown community was one of the hardest hit by  
21 hurricane Sandy in 2012 and residents are also  
22 concerned about the implications of high rises on  
23 flood protections and the sewage system. In addition,  
24 Chinatown and Lower, Lower East Side have spent years  
25 in developing a thorough and inclusive water... a, a

1  
2 thorough and inclusive community zone... rezoning plan  
3 with a Chinatown working group that included this  
4 waterfront. With developers moving aggressively  
5 forward before the community has, has... before the  
6 community has had time to have any discussions with  
7 Department of City Planning regarding our community  
8 plan. Any discussions with the Department of City  
9 Planning now leaves out any of the proposed zoning  
10 for the water front, all this could have been  
11 prevented if the community had been informed and was  
12 engaged before the expiration of the Two Bridges  
13 UARP. I'm going to use this last few seconds just to  
14 say that you know I, I, I've listened to City  
15 Planning up here and give... them give answers about  
16 what they could of... could of done and could not have  
17 done, I still think that something can be done with  
18 regards to zoning, I'm pretty active in my community  
19 and I'm on the community board so I've, I've seen  
20 plans and I've heard people give different solutions  
21 and, and you highlighted a good point that there is  
22 absolutely no requirement for any developers to build  
23 any affordable housing and if one of the goals of the  
24 city is to push affordable housing then we need to  
25 look at legislation or some, some type of way we can



1  
2 get affordable housing and get these buildings to be  
3 more contextual to, to the actual neighborhood that  
4 was built. All of the buildings that are in the Urban  
5 Renewal area are affordable, they were built to be  
6 affordable, low and moderate income for working class  
7 and people to... you know to, to live there basically  
8 as a permanent home resident and we'd like to keep it  
9 that way. So, we hope that you look at this bill but  
10 you... we... you look at other methods to see if we can  
11 do something about the current development. Thank  
12 you.

13 CHAIRPERSON GREENFIELD: Thank you Trevor  
14 I think you make an excellent point which is that  
15 the, the backbone of the Urban Renewal Plan has  
16 always has been affordable housing and the fact that  
17 we're now seeing thousands of units coming up that  
18 are not affordable certainly was not the intent of  
19 this or other... even as Paula likes to refer to the  
20 shiny new Urban Renewal Plans are also intended to  
21 focus on affordable housing. Council Member Chin?

22 COUNCIL MEMBER CHIN: I just want to  
23 thank this panel for coming and for actively  
24 organizing, it's not a done deal so we're going to  
25 continue to push ahead because what is being posed...

1  
2 proposed there is unacceptable, it's out of context,  
3 you know with the neighborhood and the spirit of what  
4 was the original Urban Renewal Plan so we got to work  
5 to, to stop it Chair and I thank you for taking the  
6 lead and, and really working with us and supporting  
7 us.

8 CHAIRPERSON GREENFIELD: Council Member  
9 Chin it's a privilege to work with you, you're an  
10 outstanding advocate for your constituents, I know  
11 that you're going to continue to fight the fight and  
12 I will support you along the way. I want to thank  
13 everybody who came out today especially those who  
14 took the time to testify, we are grateful for that,  
15 the Land Use Committee for Thursday, June 15<sup>th</sup> is  
16 hereby adjourned.

17 [gavel]

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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

July 9, 2017