### TESTIMONY OF THE NEW YORK CITY DEPARTMENT OF HOUSING PRESERVATION AND DEVELOPMENT TO THE CITY COUNCIL COMMITTEE ON LAND USE ON INTRODUCTION NO. 1533 THURSDAY, JUNE 15, 2017- 1PM

Good morning 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 ("HPD"). I'm joined by Jordan Press, the Executive Director for Development and Planning in HPD's Government Affairs unit.

Thank you for the opportunity to testify at this hearing on Intro. 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, including any approved or pending extensions of expiration dates.

Urban renewal began in the late 1940's as a centralized federally-assisted program and evolved over several decades into a decentralized amalgam of mostly locally-funded programs to preserve and redevelop existing communities. At one time, there were approximately 150 urban renewal areas in the City ranging in size from one block to several hundred blocks. Approximately 60 of those plans remain in effect today. Much of the property acquisition occurred in the late 1960's and early 1970's, when federal and state urban renewal funding was at its height. The City continues to work on the redevelopment of some of these properties and, on a much smaller scale, still acquires new properties for redevelopment.

The state Urban Renewal Law defines urban renewal as a program established, conducted, and planned by a municipality for the redevelopment of substandard and insanitary areas. The same law establishes approval processes for the designation of the urban renewal area, approval of the urban renewal plan, and the acquisition of property. In addition, the City Charter requires ULURP for approval of the Plan and the acquisitions made pursuant to the Plan. In practice, the approvals required pursuant to the Urban Renewal Law are virtually always granted simultaneously with the approvals under the ULURP process.

In New York City, the actions and approvals required by the Urban Renewal Law are performed or granted by HPD, the City Planning Commission, the City Council, and the Mayor. The Council plays a pivotal role in both the designation of urban renewal areas and the approval of urban renewal plans. Neither an urban renewal area nor a plan can be created or changed without Council approval.

An urban renewal project involves the following steps:

- 1. **Urban Renewal Area**. The municipality determines that an area contains substandard conditions that are appropriate for urban renewal and designates it for renewal. The properties designated for redevelopment constitute an urban renewal area ("Area").
- 2. **Urban Renewal Plan**. The municipality- in our case is HPD acting on behalf of the City-prepares the Plan for the redevelopment of the Area. It includes, among other things, a statement of proposed land uses, acquisition, demolition, methods of renewal; public or community facilities, and the time schedule for implementation.

- 3. Acquisition. The municipality acquires the sites that are designated for renewal.
- 4. **Site Preparation**. After acquisition, the municipality may relocate any residents and businesses that will be displaced by the renewal activities. It may also perform demolition on sites slated for new construction or open space.
- 5. **Disposition**. The municipality sells the site to a private sponsor.
- 6. Redevelopment. The sponsor redevelops the site in accordance with the Plan.

After holding a public hearing, the Council votes to designate the Area and finds that it is "appropriate for urban renewal." The Area is composed *entirely* of the sites specifically designated and targeted in the Plan for acquisition and redevelopment. There may be other properties within the boundary of the Area which have not been designated as renewal sites, but these properties are not part of the Area and are exempt from the controls of the Plan. Even if they are subsequently acquired by the City by other means, they do not become part of the Area and are not subject to the Plan. They are treated like any other City-owned property unless and until the Area designation and Plan are specifically amended to include them as urban renewal sites with the Council's approval.

The Plan establishes how every designated site will be redeveloped and used after acquisition, but has no effect on the property until and unless it is acquired by the City. Unlike the Zoning Resolution, a Plan cannot impose land use controls on privately owned property in the Area. The Urban Renewal Law simply authorizes the City to buy the property (by condemnation if necessary) and then resell it to redevelopers who voluntarily agree, as a condition of the sale, to comply with the Plan.

The property is bound by the version of the Plan in effect when the City sells the property to the developer. The Deed or Land Disposition Agreement will contain a covenant requiring the developer to develop and use the property in compliance with the version of the Plan then in effect, and will actually include that Plan as an exhibit. It is important to note that, once the property is sold, there is a contractual relationship between the City and the new property owner (and any successor owners). Neither the City nor the property owner may change the terms of the disposition without mutual consent.

For any urban renewal property that the City sells, both the covenant and the Plan pursuant to which the City sold the property can be found online using the City Register's ACRIS system. If the City subsequently amends the Plan, the changes in that amendment will not apply to any property that has already been sold <u>unless</u> both the owner and HPD enter into a new agreement specifically providing that amended Plan will apply to the property.

HPD appreciates the Council's interest in making more information about urban renewal plans easily accessible to the public. HPD shares the sponsor's goal of increasing the transparency of the urban renewal process.

Before addressing specific items in the legislation, HPD would like to reiterate that when a property is conveyed by the City to a private sponsor pursuant to an urban renewal plan, a covenant is placed on the property requiring it to adhere to the Plan in effect at the time it was conveyed. In this way, current urban renewal plans are useful in determining which restrictions

will be placed on applicable sites to be conveyed in the future, but would not affect properties that have already been conveyed.

Regarding the specific provisions of Intro.1533, HPD is supportive of notifying the affected Borough President, Council Member, and Community Board when a Plan is expiring. However, we suggest amending the window for notification to provide an earlier notice. It takes many months to complete work to amend or extend a Plan and it will be more useful for communities to learn about its expiration earlier.

As discussed, HPD shares the goal of increasing transparency of the urban renewal process. HPD is willing to provide an online database that catalogs the City's urban renewal plans, and specifies which are still active and their future expiration dates. We have some concerns with the way the bill is currently drafted and the data points it would require, and we look forward to discussing amendments to the bill with the sponsor. It is important that we balance the need for transparency with making sure the information is provided in the most useful way possible, and that the compiling and posting of data is not excessively resource-intensive.

Thank you for the opportunity to testify. We look forward to working on amendments to this bill with the sponsor. I am happy to answer any questions.

THE CITY OF NEW YORK

DEPARTMENT OF
HOUSING
PRESERVATION
AND
DEVELOPMENT

**URBAN RENEWAL UNIT** 





MANHATTAN, BRONX

## ATLAS OF URBAN RENEWAL PROJECT AREAS

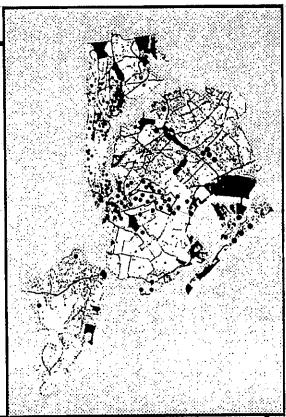
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THE CITY OF NEW YORK

DEPARTMENT OF
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**URBAN RENEWAL UNIT** 





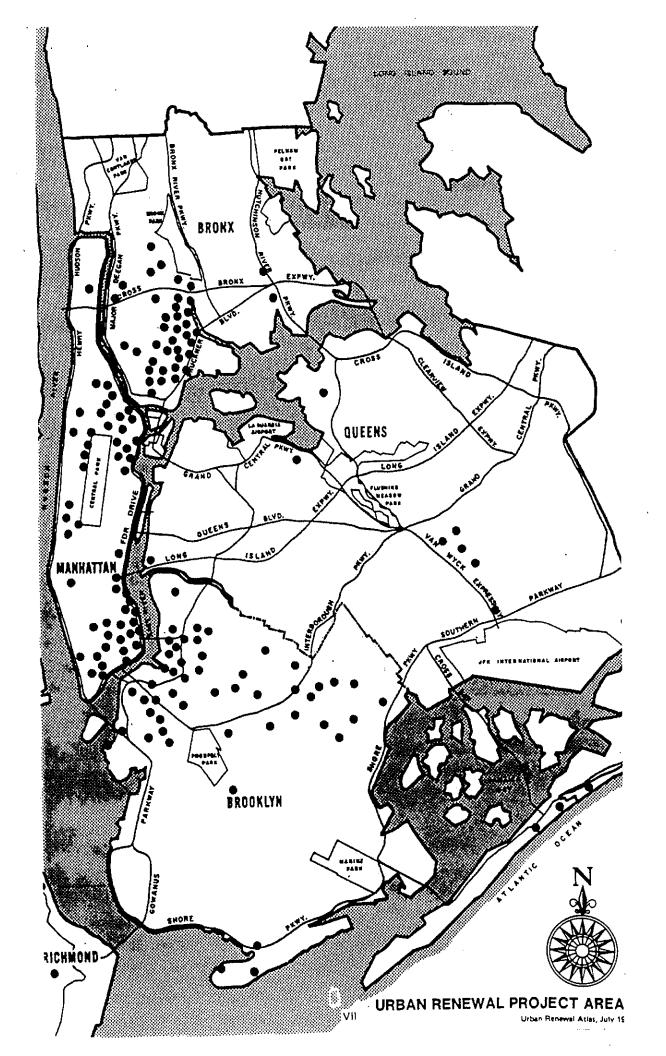
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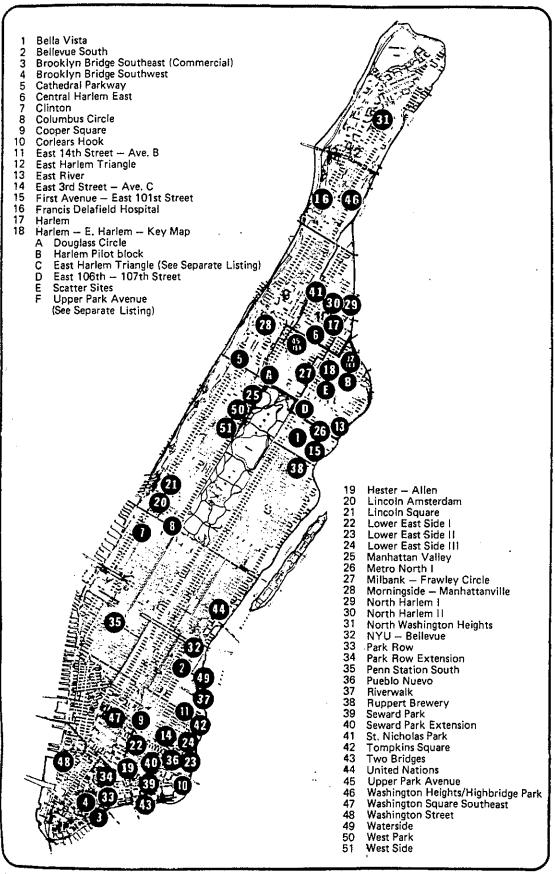
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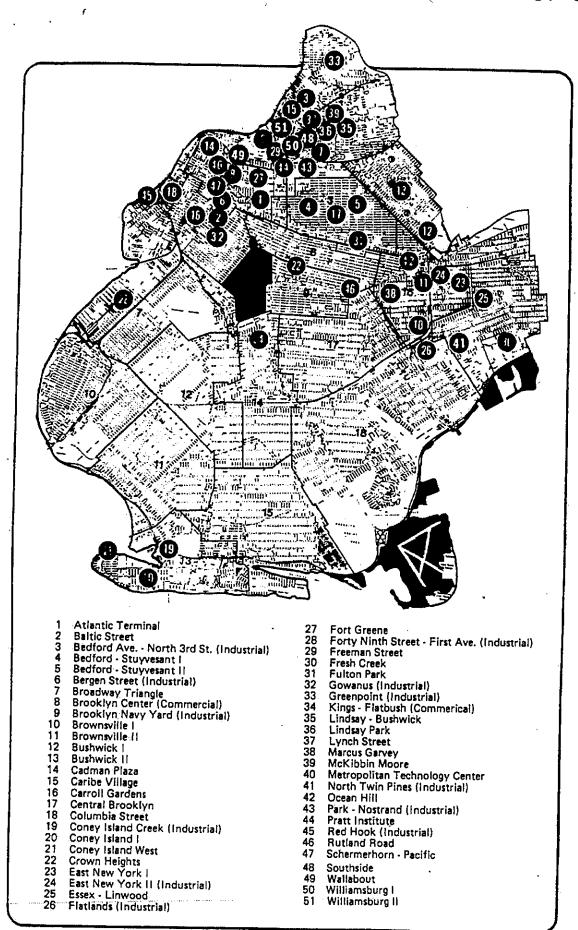
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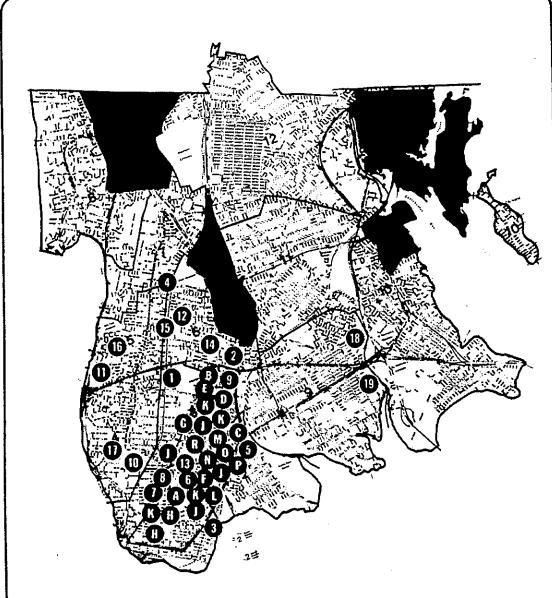
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- 6 Longwood 7 Melrose

- 8 Melrose Commons 9 Mid—Bronx (Industrial)
- 10 Morrisania
- 11 Morris Heights I
- 12 Quarry Road 13 South Bronx Key Map A Bronxchester B Charlotte Street

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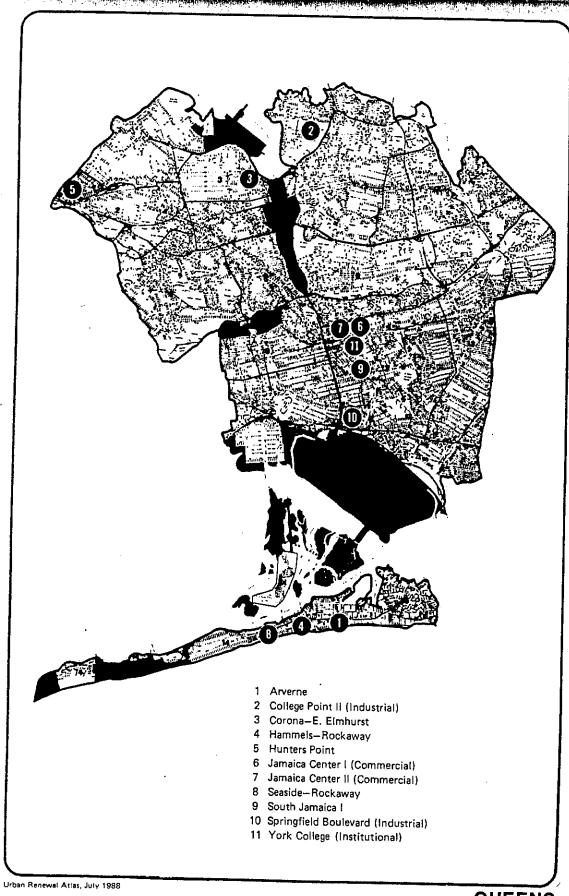
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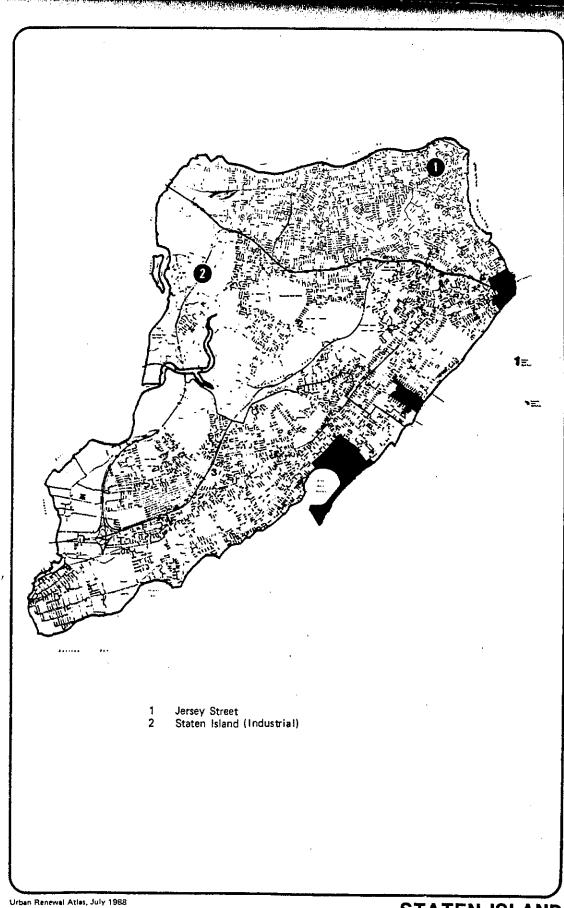
- 14 Twin Parks East
  15 Twin Parks West
  16 University Heights
  17 Yankee Stadium (Commercial)
  18 Zerega Avenue (Industrial)
  19 Zerega Park South (James J. Lyons) (Industrial)

Urban Renewal Atlas, July 1988

**BRONX KEY MAP** 



QUEENS KEY MAP



STATEN ISLAND KEY MAP





Thank you to the Land Use Committee for taking the time to review Intro 1533, an important bill that the community in Chinatown and the Lower East Side can speak to its significance. This statement is on behalf of CAAAV Organizing Asian Communities and Good Old Lower East Side.

CAAAV, GOLES and along with many other community organizations and residents have been working specifically in the expired Two Bridges URA neighborhood. We fought to preserve. Pathmark on the corner of Pike St and Cherry St, one of the few affordable supermarkets in our neighborhoods. Private developer, Extell, had purchased the land and is in the process of building a 70+ story luxury building in a neighborhood where it is mostly tenement buildings and 17 story NYCHA buildings. Adjacent to the Extell site are three plots of land where private developers, JDS, CIM, L+M, and Starett were trying to quietly move three minor modifications through the Dept. of City Planning. Residents are concerned the luxury developments with bring about distressing construction impacts and secondary displacement. Additionally, the LES and Chinatown community was one of the hardest hit by Hurricane Sandy in 2012 and residents are also concerned about the implications of high rises on flood protections and the sewage system. In addition, Chinatown and the LES have spent eight years in developing a thorough and inclusive community rezoning plan with the Chinatown Working Group that included this waterfront. With the developers moving aggressively forward before the community has been able to have any discussion with DCP regarding our community plan, any discussions with DCP now leaves out any of the proposed zoning for the waterfront. All of this could have been prevented if the community was informed and engaged before the expiration of the Two Bridges URAP.

If the community had received the information about the expiration of the urban renewal plan in advance of expiring, it would have prevented the threats of overdevelopment of luxury high rises on our waterfront. Additionally, Mitchell Lama coops, like Lands End I would not have been able to be flipped to market rate units, resulting in the loss of much needed affordable and middle-income housing. The community would have been able to give input into the zoning policies that protect our communities from floods, displacement, and overcrowded streets.

This proposed bill is a step in the right direction and we think it could be strengthened. The bill should require annual reporting on all active urban renewal plans with expiration dates. The reports would be helpful for communities to best respond and provide input if the reports were produced by borough, council district, and community district and sent to the appropriate elected offices and city agencies including the Community Board, Council Members, and Borough Presidents.

#### The reports should include:

- 1. Specific planned uses of all properties
- Current uses of all properties in active Urban Renewal Areas (URAs)
- 3. All planned acquisitions by the City or any other public authority
- 4. All completed acquisitions

- 5. All planned dispositions, including the name of entity to which each lot would be disposed, the price proposed to be paid, and any restrictive covenants, deed restrictions or other terms set at the time of disposition, and what public review of the disposition is required (e.g. through ULURP or the accelerated Urban Development Action Area Program, which allows the City to avoid full public review for dispositions of public land in URAs)
- Completed dispositions, including the name of entity to which each lot was
  disposed, the price paid, and any restrictive covenants, deed restrictions or other
  terms set at the time of disposition, and what public review of the disposition was
  completed
- 7. Status of any planned, in process or completed relocation of tenants from properties in the plan area.

We recommend that the City Council consult with the Community Development Project at the Urban Justice Center on additional provisions that would help strengthen the bill.



Mara Dawn Kravitz Director of Partnerships 540 President Street #2E Brooklyn, NY 11215 (718) 316-6092 Ext. 3 mara@596acres.org

June 15, 2017

Good afternoon. My name is Mara Kravitz and I am the director of partnerships at 596 Acres, New York City's Community Land Access Advocacy Organization. 596 Acres champions resident stewardship of land to build more just and equitable cities.

Thank you so much to the Committee for holding this hearing today and to Council Members Reynoso and Chin for introducing this bill to ensure that the most impacted New Yorkers have access to information about how Urban Renewal Area Plans are currently affecting their neighborhoods, and how these plans will continue to shape communities going forward.

596 Acres works with grassroots organizers who create campaigns in their neighborhoods to transform abandoned lots -- mostly city-owned -- into community resources like gardens, parks, farms, community centers, sustainability hubs, and more. This has led to the creation of more than 40 community-managed public spaces citywide where vacant lots used to be.

Urban Renewal Area planning has left acres of abandoned city-owned lots in NYC's neighborhoods, areas that had already suffered decades of disinvestment as a result of legally-instituted racism, mapped out on the Homeowner's Loan Corporation's infamous redline maps. Many local campaigns we have supported are therefore in direct conversation with Urban Renewal Area history. Where active plans to create Open Space, for example, were abandoned, grassroots organizers have brought them to life through local planning and advocacy. By being able to reference the specific policies that have led to their experiences of neglect of their neighborhoods, organizers are able to work together to transform more than just vacant city-owned land, but deleterious historical practices of top-down development that have disenfranchised and disempowered the most impacted people from being able to participate in essential decisions affecting all levels of their livelihoods.

We are able to connect organizers with accurate information about Urban Renewal Area plans because of research 596 Acres did in 2014, culminating in UrbanReviewer.org. Realizing no such reference tool for Urban Renewal Area plans existed, and knowing how valuable it would be for our organizers in our citywide network to have information about what promises the city made for so many of today's vacant city-owned lots, we engaged Housing Preservation and Development (HPD) via the Freedom of Information Law (FOIL) to get access to all the plans, sent a small army of researchers to their offices to read each and every one, and put information about sites gleaned from them online -- for the first time ever -- at urbanreviewer.org.

This website, which has information about each lot in the plan and what promises the city made for it when it was condemned and cleared, supports my work as an advocate, along with those of my colleagues and the hundreds of grassroots advocates making change in their neighborhoods citywide. Our site is up to date now, but there is no mechanism in place to update it as new plansare adopted and old ones expire. This is because there is no centralized place where information is regularly published and updated. This bill, once it becomes law, will happily change that and fill a huge gap in public knowledge about key information about the future of the City!

To make it an effective reference tool, this bill must be amended so that the database is useful to those most impacted by Urban Renewal Area planning (that is, people living in or near Urban Renewal Areas, present and past). With accurate information and a vision of what's possible, these people are best poised to lead and sustain the development of their neighborhoods towards a more just and resilient NYC. To that end, 596 Acres recommends the following changes be made to the bill.

First, instead of simply announcing imminent plan expirations as the current draft of the bill requires, the legislation should be revised to require **annual reporting** on all active urban renewal plans that includes their expiration dates as well as other key details for properties included in each plan, which I will outline shortly. Legislation should require reports to be produced by borough, council district and community district and delivered to Borough Presidents (BPs), Council Members (CMs), and Community Boards (CBs) for their jurisdictions by a specific date each year.

In addition to producing these annual status updates, the HPD, New York City's Urban Renewal Agency, should be directed to **publish every adopted plan**, as adopted, and every revision adopted in its full form on a NYC website accessible to the public. Ideally, these digitized documents would be linked to a user-friendly map interface so that New Yorkers can access plans for their neighborhoods by searching for their address or ZIP code. I encourage you to visit urbanreviewer.org as a pilot version of such a mapping tool.

Annual urban renewal status reports encompassing all properties in active Urban Renewal Areas should be done by Borough Block and Lot number and include the following:

- 1. Specific planned uses of all properties
- 2. Current uses of all properties in active Urban Renewal Areas (URAs)
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7. Status of any planned, in process or completed relocation of tenants from properties in the plan area

Thank you so much for accepting my testimony today. I look forward to working together in the decades to come for a more just and participatory city.

- June 15, 201**%** 

Good afternoon. My name is Paula Segal. I am speaking today as an Attorney in the Equitable Neighborhoods Unit of the Community Development Project (CDP) at the Urban Justice Center. CDP works with grassroots groups, neighborhood organizations and community coalitions to help make sure that people of color, immigrants, and other low-income residents who have built our city are not pushed out in the name of "progress." We work together with our partners and clients to ensure that residents in historically under-resourced areas have stable housing they can afford, places where they can connect and organize, jobs to make a good living, and other opportunities that allow people to thrive.

Thank you to the Committee for holding this hearing today and to Council

Members Reynoso and Chin for introducing this bill which will ensure that New Yorkers have access to information about how Urban Renewal Area Plans are currently impacting their neighborhoods and what impacts are planned.

Urban Renewal Area Plans have been adopted for New York City neighborhoods since 1949, giving the City the power to condemn private properties for the public good of eliminating "blight" and making room for new development. The federal government created the program to aid cities in replacing neighborhoods deemed substandard after World War II with superblocks and towers in the park that were to be the hallmarks of

the "modern" American City. Designating an area as an Urban Renewal Area takes a simple finding of substandard conditions, with no standard definition driving them. Once an area is so designated, eminent domain can be used to transfer properties within the district to the City without any further question of whether such transfer serves a public purpose. Urban Renewal Area Plans were used in the latter part of the twentieth century to make way for cooperative private housing created through the Mitchell Lama program and public housing built by NYCHA, the City and the State.

Urban Renewal was called "Negro Removal" by James Baldwin, reflecting the stark reality that in New York City alone, between 1949 and 1974, it led to the displacement of 100,000 African American residents from their neighborhoods, and displaced very few other people. Before 1974, the federal government provided funding for government acquisition and demolition of buildings in urban renewal areas. In 1974, admitting that urban renewal led to segregation and devastation in American cities, the federal government stopped funding it.

But New York City continued to use Urban Renewal Plans without federal support. Of the 64 active urban renewal plan areas with us today, 55 were adopted after federal funding was cut off. A new Urban Renewal Plan Area is currently going through the ULURP process right now, designed to designation Downtown Far Rockaway an Urban Renewal Area to facilitate the government taking of a privately-owned strip mall and other properties to facilitate their transfer to developers of apartment buildings. Aldo in Rockaway, the Edgemere Urban Renewal Area Plan is scheduled to be revised in 2019.

Urban Renewal Plans often include planned uses for properties in the plans, and many of these uses are oriented towards true public purposes: parks, open space, schools, community centers, and of course, affordable housing. Community input into planning for the Edgemere revision led to HPD's commitment to include the creation of a community land trust to keep housing affordable in the revised plan and the creation of waterfront access along the entire edge of the peninsula facing the bay.

The plans themselves frequently serve as time-keepers for public-serving land use instruments impacting properties in the Plan Areas. For example, deed restrictions obligating Mitchell Lama cooperatives to follow affordability restrictions in reselling shares were written to expire at the expiration of the Urban Renewal Plans that facilitated their site acquisitions. Urban Renewal Plans typically last 40 years; the drafters of such restrictions may have thought it was a very long time. But as we have seen with South Bridge Towers and other restricted cooperative developments that have elected to sell to the unregulated market, it actually sneaks up quite fast.

Even faster if there is no mechanism for the public and our elected advocates to keep track of promises made and plan expiration dates.

Before my current role, I was the founding director of 596 Acres, NYC's community land access advocacy organization. Recognizing that many of today's vacant publicly owned lots are in our public trust because they are the products of incomplete urban renewal plans, we sought information about those plans and what promises they made for today's vacant lots in 2014. Realizing that there was simply

<sup>&</sup>lt;sup>1</sup> I would also encourage HPD to post status updates directly on the fences of vacant properties included in Urban Renewal Plans.

nowhere to find this information, we engaged Housing Preservation and Development (HPD) via the Freedom of Information Law to get access to the plans, sent a small army of researchers to their offices to read each one and put information about sites included in them online for the first time ever at urbanreviewer.org. That website is a resource to me in my work now and to hundreds of organizers and advocates, some in City Hall, who routinely provide feedback about its utility to their work. The site is up to date now, but there is no mechanism to update it as new plans are adopted and old ones expire because there is no place where information is regularly published. This bill, once it becomes law, will happily change that and fill a huge gap in public knowledge about key information about the future of the City.

To do so effectively, the bill must be amended to reflect the realities of community organizing, the structure of the plans and their execution and best practices in information delivery to New Yorkers.

Instead of simply announcing imminent plan expirations as the current draft of the bill requires, the legislation should be revised to require annual reporting on all active urban renewal plans that includes their expiration dates as well as other key details for properties included in each plan, which I will outline shortly. Legislation should require reports to be produced by borough, council district and community district and delivered to BPs, CMs and CBs for their jurisdictions by a specific date each year.

In addition to producing these annual status updates, the HPD, New York City's Urban Renewal Agency, should be directed to **publish every adopted plan**, **as adopted**, **and every revision adopted** in its full form on a NYC website accessible to

the public. Ideally these digitized documents would be linked to a map interface so that New Yorkers can access plans for their neighborhoods by searching for their address or zip code. I encourage you to look at urbanreviewer.org as a pilot version of such a mapping tool.

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- 7. Status of any planned, in process or completed relocation of tenants from properties in the plan area

Thank you so much for accepting my testimony today. I look forward to working together in the coming months to improve the bill and in the decades to come for a more just and participatory city.

My name is George Janes, I'm an urban planner and I've often been surprised by an urban renewal plan.

I say surprised, because we live in a data rich environment in New York City: Most everything we for planning purposes is easily available, and it has not always been thus. NYC has embraced data openness especially over the past 10 years, and it's been wonderful.

Urban renewal plans, however, are definitely 20<sup>th</sup> century: they are hard to find, unclear where they are located, and hard to understand. More than once I have been surprised by the existence of an active urban renewal plan in the middle of a planning study. Any change that would allow more transparency with urban renewal plans is to be supported, so these proposed changes are welcome.

I have two comments, however: First, the proposed amendments are really only a half-step forward. **The City should put every urban renewal plan on-line and maintain them, updating them when they are amended. They** are important and powerful documents. Make them accessible in their entirety.

Second, I encourage Council to consider amending every active urban renewal plan so that they all expire in one year. Urban renewal plans have reshaped New York City and in today's city they have the potential to vastly more harm than good. Thankfully, the City of New York that needed urban renewal plans no longer exists. Let the remaining urban renewal plans become part of New York's history, not its future.

Thank you.

George Janes
<a href="mailto:george@georgejanes.com">george@georgejanes.com</a>
917-612-7478

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| Name To Address (PLEASE PRINT)  |  |  |  |  |  |
| Name: Address: OO GOO Street  |  |  |  |  |  |
| 300 DX C 00   |  |  |  |  |  |
| 1 represent: 540 Dros do f & Richan   |  |  |  |  |  |
| Address: J70 frestaln f St - Stant  |  |  |  |  |  |
| Please complete this card and return to the Sergeant-at-Arms  |  |  |  |  |  |

#### THE COUNCIL THE CITY OF NEW YORK

|  | Appearance Card        |  |  |  |  |
|--|------------------------|--|--|--|--|
| I intend to appear and speak on Int. No. 1533 Res. No.   |                        |  |  |  |  |
| in favor in opposition   |                        |  |  |  |  |
| (PLEASE PRINT)   |                        |  |  |  |  |
| Name: Daula Segal, ESq.  |                        |  |  |  |  |
| Address:   | J                      |  | 10 - (   |  |  |
| I represent: Community Development Project   |                        |  |  |  |  |
| Address: 123 William QUTC  |                        |  |  |  |  |
|  | THE COUNCIL            |  | a distribution of the second s |  |  |
| THE CITY OF NEW YORK   |                        |  |  |  |  |
|  | Appearance Card        |  | -  |  |  |
| I intend to appear and   | speak on Int. No. 1453 | Res.   | No   |  |  |
| I intend to appear and speak on Int. No. Res. No in favor in opposition  |                        |  |  |  |  |
| Date: (PLEASE PRINT)   |                        |  |  |  |  |
| Name: TOF NGE  | TOLIST PRINT)          |  |  |  |  |
| Address: 100 G GO G STORET   |                        |  |  |  |  |
| I represent:   |                        |  |  |  |  |
| Address:   |                        | Mary Land Sar  |  |  |  |
| Plane of the property of the second of the s | THE COUNCIL            | A CONTRACTOR OF THE PROPERTY O | med forther calculate selfer   |  |  |
| THE  | CITY OF NEW            | YORK   |  |  |  |
|  | Appearance Card        |  |  |  |  |
| I intend to appear and   | speak on Int. No. 153  | 3 Res.   | No.  |  |  |
|  | in favor in opposit    |  |  |  |  |
| Date:(PLEASE PRINT)  |                        |  |  |  |  |
| Name: Jordan Press   |                        |  |  |  |  |
| Address: LOO GOLD Street   |                        |  |  |  |  |
| I represent: TPD   |                        |  |  |  |  |
| Address:   |                        |  |  |  |  |

Please complete this card and return to the Sergeant-at-Arms