

CITY COUNCIL  
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

COMMITTEE ON PLANNING, DISPOSITION & CONCESSIONS

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December 2, 2008  
Start: 3:09pm  
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HELD AT: Council Chambers  
City Hall

B E F O R E: DANIEL R. GARODNICK  
Chairperson

COUNCIL MEMBERS:  
Inez E. Dickens  
Vincent Ignizio

## A P P E A R A N C E S

## COUNCIL MEMBERS:

    Maria del Carmen Arroyo

    Rosie Mendez

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

Carol Clark  
Assistant Commissioner  
New York City Department of Housing Preservation and  
Development

Ted Weinstein  
Director of Bronx Planning  
New York City Department of Housing Preservation and  
Development

Eliza Datta  
Vice President  
Phipps Houses

Jessica Katz  
Director of Housing Development, Special Needs Housing  
Program  
New York City Department of Housing Preservation and  
Development

Zulma Zayas  
Executive Director  
Lower East Side Coalition Housing Development

Andy Reicher  
Executive Director  
UHAB

2 CHAIRPERSON GARODNICK: Good

3 afternoon, everybody. Welcome to the Subcommittee  
4 of Planning, Dispositions & Concessions. It's a  
5 Subcommittee of Land Use in the New York City  
6 Council. Today's date is Tuesday, December 2<sup>nd</sup>.  
7 And, my name is Dan Garodnick. And, I have the  
8 privilege of Chairing this Subcommittee. I'm  
9 joined today by Council Members Inez Dickens and  
10 Vincent Ignizio, both members of the Subcommittee,  
11 as well as a guest, Council Member Maria del  
12 Carmen Arroyo and we're delighted to have her  
13 here.

14 We're going to move right into our  
15 agenda items for the day. And, we're going to  
16 start with-- I'm going to start with Land Use  
17 Numbers 898 to 903. They are the related items,  
18 Via Verde in the Bronx. And, I am starting with  
19 this one, Council Member, 'cause we want to make  
20 sure that you're here for this. Bronx Community  
21 Board 1, C080517ZMX. This is an application from  
22 HPD, pursuant to Section 197(c) and 201 of the  
23 City Charter for an amendment to the zoning map  
24 among other things.

25 And, I'm not going to steal your

2 thunder. Miss Clark, I'll let you go right ahead  
3 and tell us what you're up to. And, welcome.

4 CAROL CLARK: Mr. Chairman and  
5 Council Members, I am Carol Clark, Assistant  
6 Commissioner, HPD. And, we're here today to talk  
7 about Via Verde, the Green Way project. It's LUs  
8 898 through 902. I'm joined by Ted Weinstein, the  
9 Director of Bronx Planning, who's going to give  
10 the testimony on the item.

11 CHAIRPERSON GARODNICK: Before you  
12 go, let's just make sure that we have our numbers  
13 right, 'cause I have you up to Land Use Number  
14 903.

15 CAROL CLARK: That's correct.

16 CHAIRPERSON GARODNICK: Okay. Go  
17 right ahead.

18 TED WEINSTEIN: Thank you. This  
19 project is being proposed on a rather difficult  
20 site and because that's actually a very  
21 complicated project. The site itself is an urban  
22 renewal site. The project site consists of a  
23 City-owned vacant lot, a currently privately owned  
24 vacant lot mixed with the air rights over that lot  
25 and an easement.

1  
2 Because it's a long narrow strip,  
3 so there's a need for a number of different  
4 actions, zoning actions, to accommodate the  
5 project. What was interesting about this to begin  
6 with was that it was the result of a design  
7 competition where HPD, together with the New York  
8 Chapter of the American Institute of Architects  
9 and NYSERDA created the New Housing New York  
10 legacy design competition. The idea being to have  
11 teams of architects and developers come together  
12 and propose how to build affordable, sustainable  
13 mixed-income housing development on a difficult  
14 site.

15 There was literally an  
16 international response to that. Five out of 32  
17 teams, five finalists were selected and then,  
18 finally, a team made up of Phipps Houses, Jonathan  
19 Rose and two architectural firms, Dattner and  
20 Grimshaw. There is a representative of the  
21 development team here to speak a little about the  
22 physical characteristics of the project, as well.

23 The Land Use actions involved,  
24 there are six separate actions. There's the  
25 disposition and the UDAAP designation, which are

2 more typical. There's an amendment of the zoning  
3 resolution. There's a permit to allow for a  
4 general large-scale development. There are  
5 various waivers involving distances, for example,  
6 between windows and lot lines and distances  
7 between buildings. There's a zoning change. The  
8 site is currently an M zone. So, it's being  
9 changed to a C6-2 to allow the residential  
10 development. And so, that's why there are six  
11 separate actions. The LU 903 is the main  
12 disposition action that's involved here.

13 I'm happy to answer any questions.

14 CHAIRPERSON GARODNICK: Okay.

15 Thank you. Let me just follow up on a couple  
16 points here. So, you said this is an urban  
17 renewal site. You said its two vacant lots, one  
18 which is owned by the City and one which is  
19 privately owned.

20 TED WEINSTEIN: Right, plus the  
21 privately owned site is actually a former railroad  
22 right of way. The site itself was a former  
23 railyard. The City currently owns the air rights  
24 22 feet 6 inches above the privately owned site.  
25 That is also an urban renewal site in itself, the

2 air rights.

3 CHAIRPERSON GARODNICK: Okay. So,  
4 the goal is to put them all together and then, do  
5 this development that I see a rendering of over  
6 here. Is that right?

7 TED WEINSTEIN: Right.

8 CHAIRPERSON GARODNICK: You have--  
9 that was a yes?

10 TED WEINSTEIN: Yes.

11 CHAIRPERSON GARODNICK: So, do you  
12 have the participation presumably of the private  
13 owner whose property has the City--

14 TED WEINSTEIN: Yes.

15 CHAIRPERSON GARODNICK: -- rights  
16 right above it?

17 TED WEINSTEIN: Yes.

18 CHAIRPERSON GARODNICK: Okay. I  
19 interrupted you. What were you going to point out  
20 over here? Sorry.

21 TED WEINSTEIN: Well, just to point  
22 out that the basic configuration, as you see, it  
23 goes-- the buildings would go around the site,  
24 starting at the northern end, which is to the  
25 left, with a tower and then, stepping down to mid-

2 rise and then, eventually to townhouses with a  
3 courtyard in the center.

4 CHAIRPERSON GARODNICK: Okay. And,  
5 you said that there was a design competition.

6 TED WEINSTEIN: Correct.

7 CHAIRPERSON GARODNICK: And, that  
8 Phipps Houses was the winner of the design  
9 competition?

10 TED WEINSTEIN: It was a team of  
11 Phipps, Jonathan Rose Associates and two  
12 architectural firms. That was one of the  
13 requirements of this competition is that it be a  
14 team of developers and architects working  
15 together.

16 CHAIRPERSON GARODNICK: Was it just  
17 an aesthetic competition? Or, was the competition  
18 based on the number of units of housing that would  
19 be created or the affordability of the housing or  
20 anything like that?

21 TED WEINSTEIN: The five finalists  
22 had to submit an actual plan, design,  
23 sustainability, green features, their proposal for  
24 financing. So, there had to be a complete  
25 proposal from the five finalists.

2 CHAIRPERSON GARODNICK: And so,  
3 certain points were attributed to the various  
4 elements that you just described, whether it's  
5 design or sustainability or whatever?

6 TED WEINSTEIN: Yes.

7 CHAIRPERSON GARODNICK: Okay. And  
8 then, you selected Phipps--

9 TED WEINSTEIN: Right.

10 CHAIRPERSON GARODNICK: -- in  
11 conjunction with the others.

12 TED WEINSTEIN: Right. And, in  
13 fact, there was a sort of a blue ribbon jury  
14 involved in the selection here, including  
15 Commissioner Donovan, the Borough President of the  
16 Bronx and a number of noted architects.

17 CHAIRPERSON GARODNICK: Tell us  
18 about the housing.

19 TED WEINSTEIN: Okay. It'll be a  
20 combination of rentals and co-ops. Approximately  
21 two-thirds of the units-- it's 220 units all  
22 together, plus one superintendent. Approximately  
23 two-thirds of the units will be rentals and  
24 approximately one-third will be the co-op units.  
25 The rentals will be in the higher buildings coming

2 down. And, the ownership units will be in the  
3 lower townhouses, the mid-rise and the townhouses.

4 CHAIRPERSON GARODNICK: Okay. And,  
5 the rentals would be accessible by people in what  
6 income bands?

7 TED WEINSTEIN: That'll be for low  
8 and moderate income.

9 CHAIRPERSON GARODNICK: Describe  
10 low and moderate income for us, so we have--

11 TED WEINSTEIN: Okay.

12 CHAIRPERSON GARODNICK: -- it very  
13 clearly.

14 TED WEINSTEIN: It's 60% up to  
15 about 90% of HUD income limits.

16 CHAIRPERSON GARODNICK: So, all of  
17 the rentals would be between 60 and 90% of AMI.

18 TED WEINSTEIN: Up to 60 and up to  
19 90.

20 CHAIRPERSON GARODNICK: Up to 60  
21 and up to 90.

22 TED WEINSTEIN: Right.

23 CHAIRPERSON GARODNICK: So, how  
24 many are up to 60 and how many are up to 90?

25 TED WEINSTEIN: Approximately

2 three-quarters will be up to 60 and about one-  
3 quarter up to the 90.

4 CHAIRPERSON GARODNICK: This is  
5 when you're going to start testing my math. All  
6 right. So, two-thirds of the total, three-  
7 quarters of those are up to 60 and a quarter of  
8 those are up to 90 of AMI. Is that right?

9 TED WEINSTEIN: Yes.

10 CHAIRPERSON GARODNICK: And then,  
11 of the co-ops--

12 TED WEINSTEIN: Um, hm.

13 CHAIRPERSON GARODNICK: -- tell us  
14 about the accessibility of those as a matter of  
15 affordability and income.

16 TED WEINSTEIN: Well, the plan was  
17 for the co-op units to be affordable at moderate  
18 income. They were, as of now, there was  
19 underwriting at a certain level. But, that is  
20 currently under discussion with Council Member  
21 Arroyo.

22 CHAIRPERSON GARODNICK: Okay. So,  
23 that is undetermined at this moment.

24 TED WEINSTEIN: It's not finalized,  
25 yes.

2 CHAIRPERSON GARODNICK: Okay.

3 Thank you. I'd like to note we've been joined by  
4 Council Member Rosie Mendez, a colleague of  
5 Manhattan in District 2. And, I am going to turn  
6 it over to Council Member Arroyo.

7 COUNCIL MEMBER ARROYO: Thank you,  
8 Mr. Chair, for allowing me to participate being  
9 that I'm not a member of the Committee. But, I  
10 appreciate your indulgence. I want to thank HPD  
11 and Phipps Houses. I know they're here somewhere.  
12 I saw them. Hi.

13 The concern I have with the  
14 project, I think, in theory, it's a beautiful  
15 project. It will take a very long-time vacant  
16 property and convert it into what will probably  
17 become a very small community in and of itself,  
18 given the plan. The concern is the co-op portion  
19 of the project. The AMI is at 110%. And, that is  
20 certainly extremely high for my district. But, I  
21 think, as we discussed yesterday with HPD, it's  
22 high for most people in the City. And, we need to  
23 bring that number down to provide opportunities  
24 not only for the people in the community, but the  
25 people that work in the community.

2 There's a high school right behind  
3 where this project is located. And, I was with  
4 two of the Principals for the three schools that  
5 are in that high school campus yesterday. And, I  
6 mentioned the project to them. And, they're very  
7 excited about it because they would like to see  
8 their teachers and their staff be those who could  
9 qualify for these co-op opportunities. But, at  
10 the income bands that is being planned, it is not  
11 possible for those teachers, in particular the  
12 young teachers in the system, to qualify. New  
13 police officers, even with the new contract, will  
14 not qualify. And, many of them are single-parent  
15 households that do not have the benefit of two  
16 incomes. We need to work on that number.

17 I've made a commitment to work with  
18 HPD and offer capital funding from the City  
19 Council in order to make that happen. And, I hope  
20 that, when we get to the point of voting this  
21 project out, that we will be at a place where we  
22 can ensure the affordability of the ownership  
23 opportunities with this project. So, I look  
24 forward to that positive outcome. I'm committed  
25 to working with you to do that and hope that we

2 don't end up in a disagreement about this. Thank  
3 you, Mr. Chair.

4 CAROL CLARK: Thank you, Council  
5 Member Arroyo. We are committed to continuing  
6 these discussions and, similarly, are hopeful that  
7 we can reach the conclusion you've described.

8 CHAIRPERSON GARODNICK: Thank you.  
9 And, in order to allow those discussions to  
10 continue, we are going to lay over this item  
11 today, 'til our next scheduled meeting on  
12 December 15<sup>th</sup> at one o'clock. So, I just wanted to  
13 note that right now. We do have, let's see, I  
14 guess Ms. Datta, do you want to add something  
15 here? Okay. Come on up and join us. Welcome.  
16 Did I pronounce your name right?

17 ELIZA DATTA: Yes, thank you.

18 CHAIRPERSON GARODNICK: Okay.

19 Good.

20 ELIZA DATTA: Good afternoon,  
21 everyone. My name is Eliza Datta. I'm a Vice  
22 President with Phipps Houses, which is one of the  
23 co-developers for the Via Verde project, along  
24 with Jonathan Rose Companies. And, I just wanted  
25 to take a few minutes of your time to talk about

2 the design features of this project, since, as  
3 Mr. Weinstein described, it was the result of a  
4 design competition.

5 The building, you see a rendering  
6 there, was designed to respond to the goals of the  
7 New Housing New York legacy competition. And, we  
8 were foremost trying to design a beautiful  
9 building that would set a new design standard for  
10 affordable housing, not only in the Bronx, but  
11 throughout New York City; but, also to achieve the  
12 goals of sustainable development for affordable  
13 housing and also healthy living.

14 So, we approached the somewhat  
15 awkwardly shaped and very narrow site with the  
16 goal of balancing density with open space and  
17 arrived at a design that is basically a courtyard  
18 building, with a building that steps up from the  
19 south to the north. So, at the southern end of  
20 the site where we're adjacent to open fields, we  
21 have three and four-story townhouses. And then,  
22 along the Brook Avenue side of the site, and if  
23 you don't mind, I'll just get up and point this  
24 out for you. [Pause] As I was saying, low rise  
25 townhouses to the south, adjacent to the high

2 school ball fields. And then, along Brook Avenue,  
3 mid-rise, ranging between six and ten stories,  
4 leading up to a 20-story tower at the north end of  
5 the site. And, what this design allows us to  
6 achieve is that it allows the sun to come into the  
7 courtyard and really maximize the southern  
8 exposure.

9 And, we end up with three building  
10 types, as I just mentioned, townhouses and mid-  
11 rise and a tower with a variety of unit types  
12 within those buildings. We have typical flats.  
13 We have duplex units and townhomes.

14 The stepping design, the way it  
15 rises up from south to north, also allows us to do  
16 a series of green roofs across the building that  
17 tie in with the central courtyard. And, that was  
18 really the basis of our name for the project, Via  
19 Verde, the Green Way. It's a series of stepping  
20 green roofs that start at the courtyard and lead  
21 up to the tower. Some of those roofs will be  
22 accessible to residents. And, there will be a  
23 variety of experiences and activities; gardening  
24 and orchards that you can get a glimpse of in this  
25 rendering here.

2 The green roofs, in addition to  
3 being an open space feature, also offer the  
4 benefit of added insulation to the building roof.  
5 And, they act to collect storm water, as well,  
6 which is part of the sustainability goal of the  
7 project.

8 With regards to sustainability and  
9 healthy living, there are quite a few features  
10 that we've built in. On the so-called green side,  
11 we really, we made an effort to incorporate low-  
12 tech proven technologies that could be  
13 incorporated in other affordable housing projects  
14 throughout the City. And, some of these include  
15 the green roofs I just mentioned, a highly  
16 insulated building envelope, high efficiency  
17 boilers. And, also we've added a feature of  
18 photovoltaic panels, which you can get a glimpse  
19 of, kind of facing the southern exposure of the  
20 building. Those will collect energy from the sun  
21 and convert them to electricity that will power  
22 the common elements of the building.

23 And then, to achieve this goal of  
24 healthy living, we've made some additional efforts  
25 to bring fresh air into the building. All of the

2 apartments have two exposures, which will allow  
3 air to flow through. We are using all healthy  
4 materials on the flooring and paints, so there  
5 will be no out-gassing. And then, there are  
6 amenities such as a fitness center and all the  
7 open space, both at the courtyard level and on the  
8 roofs that I described.

9 And, combined, we think these  
10 features will allow us to achieve a LEED Gold  
11 standard for the project. And, we hope that this  
12 will set a new standard for the Bronx and beyond.

13 CHAIRPERSON GARODNICK: Thank you.  
14 The solar panels you said are going to power the  
15 common areas. Are they creating any additional  
16 power beyond that that could be fed back into the  
17 grid or to other apartments? No.

18 ELIZA DATTA: No. We don't believe  
19 that...

20 CHAIRPERSON GARODNICK: Okay. And,  
21 you said that some of the roofs are accessible to  
22 residents. Others are not?

23 ELIZA DATTA: Right. We are  
24 limiting it to the lower roofs.

25 CHAIRPERSON GARODNICK: The thought

2 being?

3 ELIZA DATTA: The thought being the  
4 upper roofs are going with the more traditional  
5 green roofs, which aren't really meant to be  
6 walked on. They're going serve more of the  
7 insulation purpose and the storm water management.  
8 But, the lower roofs will have more kind of active  
9 uses.

10 CHAIRPERSON GARODNICK: Council  
11 Member Dickens.

12 COUNCIL MEMBER DICKENS: Thank you  
13 so much, Mr. Chair. So, this is going to be what,  
14 like a semi-green building?

15 ELIZA DATTA: Yes, our goal is to  
16 get a LEED Gold rating, which is given by the U.S.  
17 Green Building--

18 COUNCIL MEMBER DICKENS: Um, hm.

19 ELIZA DATTA: -- Council. And,  
20 we're in the process of applying for that.

21 COUNCIL MEMBER DICKENS: I think  
22 it's great. But, I do want to know about the co-  
23 ops. I'd like to know the finalization on the  
24 numbers on the co-ops, as to what's going to be  
25 affordable. I commend you for making this green

2 building, by the way. I think it's wonderful.

3 ELIZA DATTA: Thank you.

4 COUNCIL MEMBER DICKENS: But, it's  
5 very important to know that people in the area can  
6 afford to reside there.

7 CAROL CLARK: Thank you, Council  
8 Member Dickens. Your point's well taken.

9 COUNCIL MEMBER DICKENS: All right.  
10 Thank you, Commissioner.

11 CHAIRPERSON GARODNICK: Thank you  
12 very much. And, we appreciate your testimony.  
13 And, welcome.

14 ELIZA DATTA: Great, thank you.

15 CHAIRPERSON GARODNICK: We are  
16 going to close the hearing on Land Use Numbers 898  
17 to 903, the related items Via Verde, C080517ZMX.  
18 And, we are going to open the hearing on Land Use  
19 Number 889, which is the Donya, Petra, Santiago  
20 [phonetic] Apartments in the District of Council  
21 Member Mendez, who, as I noted before, has joined  
22 us. We're delighted to have here Manhattan  
23 Community Board 3, C080504HAM. Miss Clark, if you  
24 could go right ahead and introduce this item.

25 CAROL CLARK: I'd be happy to. I'm

2 joined by Jessica Katz, who's the Director of  
3 Housing Development at the Special Needs Housing  
4 Program at HPD. LU 889 is known as Donna, Petra,  
5 Santiago Apartments and it consists of the  
6 proposed disposition of three vacant City-owned  
7 lots, located, as you noted, at 717, 719 and 723  
8 East Ninth Street, for development under the  
9 Department of Housing and Urban Development's  
10 Section 202 program. The proposed sponsor, Lower  
11 East Side Coalition Housing Development, Inc.,  
12 whose principal, Zulma Zayas, is here in the  
13 audience today. We'll construct one eight-story  
14 building, which will provide 56 low-income rental  
15 units for the elderly, plus one superintendent's  
16 unit.

17 Council Member Mendez has reviewed  
18 the project and indicated her support.

19 CHAIRPERSON GARODNICK: Thank you.  
20 We'll give Council Member Mendez, in a second, a  
21 moment to comment for herself. Let me just ask  
22 you. You said this is being done by the Lower  
23 East Side Housing Development, Inc. Is that what  
24 you said?

25 JESSICA KATZ: Yes.

2 CHAIRPERSON GARODNICK: Okay. Why  
3 don't you identify yourself, again, just so--

4 JESSICA KATZ: Sorry, I'm Jessica  
5 Katz. I'm the Director of Housing Development for  
6 Special Needs at HPD.

7 CHAIRPERSON GARODNICK: Right.  
8 Thank you. And, how were they selected in this  
9 process?

10 JESSICA KATZ: The HUD 202 program  
11 is an annual RFP. So, we provide site control  
12 letters for whoever's looking to apply. And then,  
13 HUD makes the decision through an annual  
14 competitive process.

15 CHAIRPERSON GARODNICK: Okay. And,  
16 did you mention where exactly it is? Oh, here it  
17 is. I see. It's on East Ninth Street, 723, 719  
18 and 717 East Ninth Street.

19 JESSICA KATZ: Yes.

20 CHAIRPERSON GARODNICK: Okay.  
21 Terrific. Council Member Mendez.

22 COUNCIL MEMBER MENDEZ: Yes, it's a  
23 pleasure to support this project. And, it's been  
24 a long time coming. I don't even know how long.  
25 I guess Miss Zayas can say a few words and tell us

2 how many years it's actually been. But, it's a  
3 great achievement to the Coalition's good and hard  
4 work to make sure that this finally comes to  
5 fruition. Thank you.

6 CHAIRPERSON GARODNICK: Thank you  
7 for that. And, with that, we will close the  
8 hearing on Land Use-- I'm sorry. With that, we're  
9 going to give somebody an opportunity to testify  
10 here. It is Zulma Zayas. And, I apologize if I  
11 did damage to your name. But, you can go right  
12 ahead and correct me.

13 ZULMA ZAYAS: You got the Donya.

14 CHAIRPERSON GARODNICK: I got Donya  
15 right. I got Donya right. Miss Clark, it's  
16 Donya, just so you know, not Dona, Donya. All  
17 right. Go right ahead.

18 ZULMA ZAYAS: Thank you. [Off-mic]  
19 I'm the Executive Director of the Lower East Side  
20 Coalition Housing. This project is the oldest  
21 allocation of HUD monies in the nation. We got  
22 the location in 1999. So, finally, with the  
23 support of the Councilperson and the prior  
24 Councilperson Margarita Lopez, finally we are  
25 seeing this project through. It's going to

2 provide 57 units of housing for senior citizens.  
3 And, it's going to be a beautiful project. All of  
4 you are invited to visit us when the project is  
5 done. Thank you.

6 CHAIRPERSON GARODNICK: Thank you  
7 very much. And, congratulations. And, we will  
8 surely be there with you to celebrate. Council  
9 Member Mendez.

10 COUNCIL MEMBER MENDEZ: Mr. Chair,  
11 I'd like to note that it's going to be not too far  
12 from one of your favorite gardens, right on Avenue  
13 C. So, you have to come--

14 CHAIRPERSON GARODNICK: You are  
15 absolutely right.

16 COUNCIL MEMBER MENDEZ: --for the  
17 ribbon-cutting when we have it.

18 CHAIRPERSON GARODNICK: Council  
19 Member Mendez knows that I have an affection for a  
20 Community Garden right there. So, I will be by.  
21 I'll look forward to it.

22 ZULMA ZAYAS: Thank you.

23 CHAIRPERSON GARODNICK: Thank you  
24 for that. And, with that, we will close the  
25 hearing on Land Use Number 889, Donya, Petra,

2 Santiago Apartments, C080504HAM. And, we will  
3 open the hearing on-- I'm going to go to Land Use  
4 Number 928. So, I'm doing them slightly out of  
5 order, 'cause we have Council Member Mendez here.  
6 Land Use 928 UHAB Manhattan Community Board 3,  
7 20095174HAM. Miss Clark.

8 CAROL CLARK: I'm joined on this  
9 item by Andy Reicher, who's the Executive Director  
10 of UHAB. LU 928 consists of the proposed amended  
11 project located at 292 East Third Street, 719 East  
12 Sixth Street, 209 East Seventh Street, 274 East  
13 Seventh Street, 278 East Seventh Street, 733 East  
14 Ninth Street, 377 East Tenth Street, 544 East 13<sup>th</sup>  
15 Street and 21 and 155 Avenue C in Manhattan.

16 The project that was originally  
17 approved by the Council on June 26<sup>th</sup>, 2002,  
18 restricted rentals and sales to households with  
19 annual incomes of up to 80% of the AMI. Under the  
20 proposed agreement, the sponsor, UHAB, may rent or  
21 sell to households with annual incomes of 120 to  
22 165% of AMI in order to reduce the City's subsidy.

23 Council Members Mendez and Gerson  
24 have been briefed and each have indicated their  
25 support of the project.

2 CHAIRPERSON GARODNICK: Thank you.  
3 Just give me those numbers one more time. That it  
4 previously was up to what percentage of AMI and  
5 the proposed change is what, again? Just give  
6 those to me one more.

7 CAROL CLARK: Sure. Under the  
8 proposed amendment, previously it was rentals or  
9 sales to households with incomes of up to 80% of  
10 AMI.

11 CHAIRPERSON GARODNICK: Okay.

12 CAROL CLARK: And, under the  
13 proposed amendment, UHAB may rent or sell to  
14 households with annual incomes of up to 120 to  
15 165% of the area median income.

16 CHAIRPERSON GARODNICK: Okay.  
17 Thank you. Council Member Mendez.

18 COUNCIL MEMBER MENDEZ: Thank you.  
19 This is the easy part of my job. I get to  
20 continue the good work that started way before me.  
21 And, this also has been a long time coming. These  
22 buildings had a lot of problems. It's incredible  
23 that we're finally here seeing this to its end.  
24 And then, the problems that came along the way,  
25 these were formerly known as the squatter

2 buildings. And, my predecessor Margarita, under  
3 the Giuliani Administration, was able to secure  
4 them going into this program. Happy to finally  
5 get to vote on this and see all the good work that  
6 so many people, the squatters, UHAB and the  
7 community did in preserving these buildings for  
8 all those years. Thank you.

9 CHAIRPERSON GARODNICK: Thank you  
10 for that. Okay. Seeing nobody else wishing to  
11 testify on this item, Land Use 928, the UHAB  
12 project in Manhattan Community Board 3,  
13 20095174HAM, we'll close the hearing on that item.  
14 And, open the hearing on our last item for the  
15 day, Land Use Number 918, 320 Sterling Street in  
16 Brooklyn Community Board 9, 20095160HAK in the  
17 district of Dr. Mathieu Eugene. Miss Clark.

18 CAROL CLARK: Yeah. The 320  
19 Sterling Street property is a 113-unit apartment  
20 building in Crown Heights. And, it's had a long  
21 and unusual history. But, now, the reason that  
22 HPD is here today is that we're seeking an  
23 approval of an Article 11 tax exemption for 320  
24 Sterling Street. And, this multiple dwelling is  
25 being conveyed to UHAB Sterling Street HDFC, which

2 is the sponsor of the project.

3 The item was previously approved by  
4 the Council in December of 2006. But, that prior  
5 UDAAP approval did not include provisions for the  
6 tax exemption. The proposed Article 11 tax  
7 exemption will extend the affordable rents for a  
8 period of 40 years. The building is occupied  
9 solely by low-income persons. And, thus, this is  
10 very important in this instance. The building is  
11 currently undergoing rehab. When that's  
12 completed, it'll provide 105 low-income  
13 cooperative units, plus one unit for the  
14 superintendent.

15 And, Council Member Eugene has  
16 reviewed the project and indicated his support.

17 CHAIRPERSON GARODNICK: Thank you.  
18 So, just to be clear, this is a project that we  
19 have previously approved.

20 CAROL CLARK: Yes. The Council has  
21 voted the UDAAP approval for this project, not for  
22 the Article 11, however.

23 CHAIRPERSON GARODNICK: And, the  
24 action that you're seeking today is the approval  
25 of the tax exemption under Article 11?

2 CAROL CLARK: That is correct.

3 CHAIRPERSON GARODNICK: Okay. And,  
4 you indicated that Dr. Eugene is supportive of  
5 this.

6 CAROL CLARK: Entirely, yes.

7 CHAIRPERSON GARODNICK: And, tell  
8 us the affordability component for us, one more  
9 time. We know that we have it from the last time  
10 we did it. But, let's do it one more time here.

11 CAROL CLARK: The affordability  
12 component, the sales price is \$250 per dwelling  
13 unit for the people who occupy the building. And,  
14 most of the tenants there are Section 8 tenants.  
15 They will pay no more than 30% of their income  
16 towards rent. A one-bedroom unit has monthly  
17 maintenance charges of \$600. A two-bedroom unit's  
18 \$800. And, a three-bedroom unit is \$1,100.

19 CHAIRPERSON GARODNICK: Thank you.  
20 And, after the 41<sup>st</sup> year, 42<sup>nd</sup> year, what happens to  
21 these units?

22 CAROL CLARK: I'm going to defer to  
23 Andy for an answer on that one.

24 ANDY REICHER: That's an  
25 interesting question. And, it would be great if

2 the Council would continue to extend the tax  
3 abatements so that--

4 CHAIRPERSON GARODNICK: But, let's  
5 say that we don't. I just want to understand what  
6 is the natural course if the Council doesn't touch  
7 this again--

8 ANDY REICHER: Right.

9 CHAIRPERSON GARODNICK: -- after 40  
10 years, what happens?

11 ANDY REICHER: It is our belief,  
12 and there are others who would believe  
13 differently, that these buildings remain Housing  
14 Development Fund Corporation's, HDFCs, and  
15 therefore, they continue to have an obligation to  
16 provide housing for persons of low income. It's  
17 not defined as to what that means. But, and  
18 that's something that--

19 CHAIRPERSON GARODNICK: I think  
20 Stuyvesant Town was incorporated under a-- as an  
21 Article 11 HDFC. So, I'm not overly optimistic  
22 about what happens after that 40-year period.  
23 But, we take your point that you're hopeful. But,  
24 I think it probably would require additional  
25 Council action.

2 ANDY REICHER: We would be very  
3 pleased with that and happy to work with you on  
4 it.

5 CAROL CLARK: As would HPD.

6 CHAIRPERSON GARODNICK: Thank you.  
7 And, with that, we will close the hearing on Land  
8 Use 918, 320 Sterling Street, Brooklyn Community  
9 Board 9, 20095160HAK. And, we are coupling  
10 together everything for the purpose of voting,  
11 with the exception of Land Use Numbers 898 to 903.  
12 As noted before, that's the Via Verde project.  
13 And, the items that we heard today, with the  
14 exception of that one, will be coupled together  
15 for voting, with the Chair recommending an aye  
16 vote. And, I will ask the counsel to call the  
17 role.

18 CAROL SHINE: Chair Garodnick.

19 CHAIRPERSON GARODNICK: I vote aye.

20 CAROL SHINE: Council Member  
21 Dickens.

22 COUNCIL MEMBER DICKENS: I vote aye  
23 with a congratulations to my colleague, Council  
24 Member Mendez. I am extremely jealous of that  
25 202. I want to know how it's done.

2 COUNCIL MEMBER MENDEZ: You got to  
3 wait ten years.

4 COUNCIL MEMBER DICKENS: Oh. Thank  
5 you.

6 CAROL SHINE: Council Member  
7 Ignizio.

8 COUNCIL MEMBER IGNIZIO: I, too,  
9 want to offer my congratulations to the Council  
10 Member; vote aye on all. And, say I just hope  
11 that I am around in 41 years when the building  
12 comes back for its abatement. With the good grace  
13 of God, so we all.

14 CHAIRPERSON GARODNICK: Thank you.  
15 And, we might need to extend term limits a little  
16 further for that to happen. But, we--

17 COUNCIL MEMBER IGNIZIO: [Off-mic]

18 CHAIRPERSON GARODNICK: All right.  
19 Fair enough. Thank you. And, with that--

20 CAROL SHINE: Let me announce the  
21 vote.

22 CHAIRPERSON GARODNICK: We're going  
23 to hear the total of the votes today.

24 CAROL SHINE: Okay. Carol Shine,  
25 counsel to the Committee. The vote is three in

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2

the affirmative, none in the negative and no

3

abstentions. The aforementioned items are

4

approved and referred to the full Committee.

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CHAIRPERSON GARODNICK: Thank you.

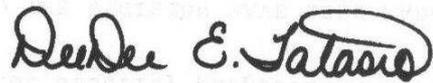
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And, with that, we are adjourned.

C E R T I F I C A T E

I, DeeDee E. Tataseo certify that the foregoing transcript is a true and accurate record of the proceedings. I further certify that I am not related to any of the parties to this action by blood or marriage, and that I am in no way interested in the outcome of this matter.

Signature

A handwritten signature in cursive script that reads "DeeDee E. Tataseo". The signature is written in black ink and is positioned above a horizontal line.Date December 18, 2008