

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

LAND USE SUBCOMMITTEE ON ZONING AND FRANCHISES

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November 12, 2008
Start: 10:10 am
Recess: 04:10 pm

HELD AT: Council Chambers
City Hall

B E F O R E:
TONY AVELLA
Chairperson

COUNCIL MEMBERS:
Simcha Felder
Eric N. Gioia
Robert Jackson
Melinda R. Katz
Michael E. McMahon
Larry B. Seabrook
Helen Sears
Albert Vann
Rosie Mendez
Alan J. Gerson

A P P E A R A N C E S

Edith Hsu-Chen
Director of the Manhattan Office
NYC Department of City Planning

Arthur Huh
Community Board 3 Liaison
NYC Department of City Planning

Holly Leicht
Deputy Commissioner
Department of Housing Preservation and Development

Brian Kavanagh
Assemblyman
74th Assembly District

Daniel Squadron
State Senator-elect
25th Senate District

Andrew Berman
Executive Director
Greenwich Village Society for Historic Preservation

Jordan Miller
Resident
Lower East Side

Aaron Sosnick
Founder
East Village Community Coalition

Phyllis Banek
Resident
Bowery Alliance of Neighbors

Christabel Gough
Secretary
Society for the Architecture of the City

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

Wah Lee
Coalition to Protect Chinatown
and the Lower East Side

Lindsay Schubiner
Volunteer
Chinese Staff and Workers Association

Malcolm Lam
Coalition to Protect Chinatown
and the Lower East Side

Dominic Pisciotta
Chair
Manhattan Community Board 3

Lucille Carrasquero
Chair
Cooper Square Committee

Joyce Ravitz
Co-vice Chairperson
Cooper Square Committee

Jean Standish
Bowery Alliance of Neighbors

Christopher Kui
Executive Director
Asian Americans for Equality

Steve Herrick
Executive Director
Cooper Square Committee

B. Eileen Grigg
Resident
East Village

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

Thomas Yu
Director of Affordable Housing Development
Asian Americans for Equality

Roberto Ragone
Executive Director
Lower East Side Business Improvement District

Sion Misrahi
Owner
Misrahi Realty

Noelle Frieson
Testifying on behalf of
Bob Levy
Harris Levy Fine Linens

Rabbi Spiegeel
Rabbi
First Roumanian American Congregation

Quintin Maidwyn
Resident
East Village

Josephine Lee
Coalition to Protect Chinatown and
The Lower East Side

Mika Nagasaki
Resident
Lower East Side

Morris Simkin
Building owner
Lower East Side

David McWater
Chair of Economic Development
Community Board 3

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

Gloria Goldenberg
Member
Community Board 3

Susan Stetzer
District Manager
Community Board 3

Maizie Torres
Tenant Association President
355 East 10th Street

Joann Lum
Testifying on behalf of:
Trinh Duong
Resident
Lower East Side

Mabel Tso
Resident
Lower East Side

Steven Wong
Chairman
Chinese Restaurant Alliance

Tony Tsai
Resident
Chinatown

Damaris Reyes
Executive Director
GOLES

Kindu Jones
Resident
Lower East Side

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

Phil Medina
Volunteer
East Village Community Coalition

Juan Carlos Robinson
Resident
Lower East Side

Frank Scaduto
Testifying on behalf of:
Matt DeSilva
Owner
Guitar Man

Richard Bass
Senior Real Estate Analyst
Herrick, Feinstein LLP

Ziano Zan
Resident
Lower East Side

C. Tong Ng
Resident
Lower East Side

Valerio Orselli
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Cooper Square Mutual Housing Association

William Arroyo
Member
Cooper Square Mutual Housing Association

Jennifer Hong
Urban Planner
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A P P E A R A N C E S (CONTINUED)

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Member
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Jan Lee
Outreach Task Force Volunteer
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Elizabeth Adam
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David McReynolds
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Jasmine Garcia
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Philip Lam
Resident
Church of Grace to Fujianese

Mary Wang
Resident
Church of Grace to Fujianese

Adolfo Lopez
Resident
Lower East Side

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

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Resident
Lower East Side

Marci Reaven
Managing Director
City Lore

Danielle Linzer
Resident
Lower East Side Tenement Museum

Vaylateena Jones
Resident
Lower East Side

Michele Campo
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Bowery Alliance of Neighbors

David Tieu
Resident
Brooklyn

Wilfredo Torres
Resident
Phipps Houses

Ramon Soto
Resident
Lower East Side

Thomas Kihn
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Gilda Pervin
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A P P E A R A N C E S (CONTINUED)

Melissa Aasae
Director of Community Development
University Settlement

Carolyn Ali Khan
Resident
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Inis Quinones
Testifying on behalf of:
Nydia Velazquez
Congresswoman

Edward Ma
Vice Chair
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Denise Wong
Resident
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Mary Spink
Executive Director
Lower East Side People's Mutual
Housing Association

Luther Stubblefield
Vice President
Baruch Tenants Association

Lisa Burriss
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GOLES

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

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Rob Hollander
Resident
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Ariel Yotive
Intern
GOLES

Mitchell Grubler
Resident
Bowery Alliance of Neighbors

Pear Chin
Executive Director
Chinatown Manpower Project

2 CHAIRPERSON AVELLA: Good morning,
3 everyone. I'd like to call this meeting of the
4 Subcommittee on Zoning and Franchises to order.
5 Joining me are our committee members, Simcha
6 Felder, Bob Jackson, Al Vann, Eric Gioia and
7 Melinda Katz. We also have in the room Council
8 Member Rosie Mendez and Alan Gerson, whose
9 districts cover the application that's before us
10 today. The application we'll be discussing is
11 commonly referred to as the East Village Lower
12 Eastside rezoning. That is the only item on
13 today's agenda. We will ask City Planning to give
14 their presentation. I've asked them to limit
15 themselves to 20 minutes. Hopefully they can do
16 the presentation quicker. We will then have
17 opening statements from Council Member Mendez and
18 Gerson. We will then take questions from
19 committee members. I'm going to ask my committee
20 members to do one question only and then follow-up
21 questions after the public hearing. City Planning
22 will be staying. Then we will start the public
23 hearing. We have over 100 speakers signed up at
24 this point. So I'll ask City Planning to give
25 their presentation. While they're getting ready,

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2 let me remind everybody, if you want to speak, you
3 must see the sergeant-at-arms at the left, fill
4 out a speaker slip and you should absolutely
5 indicate whether you're in favor of the proposal
6 or against. Because when we do the public hearing
7 aspect, we will call up alternating panels of
8 those in favor and those against until we reach
9 the end.

10 EDITH HSU-CHEN: Good morning,
11 Council Members. My name is Edith Hsu-Chen. I am
12 the director of the Manhattan Office of the
13 Department of City Planning. I'm here with my
14 colleague Arthur Huh to present to you the East
15 Village Lower Eastside rezoning proposal. We are
16 also joined by our partners from the Department of
17 Housing Preservation and Development. As you may
18 know, this rezoning proposal originated several
19 years ago in the community at the grassroots
20 level. Many concerned residents were alarmed that
21 the existing zoning, which dates back nearly half
22 a century to 1961, was permitting the as of right
23 development of incredibly out of scale
24 developments that were being and continue to be
25 constructed in the neighborhood. This city agreed

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2 that this area was under threat. That these
3 towers, among tenements, detract from the strong
4 mid and low rise character of the East Village and
5 the Lower Eastside neighborhoods. So for nearly
6 four years now we at the Department of City
7 Planning have been engaged in a thoughtful and
8 collaborative process with Community Board 3,
9 civic groups, residents, business owners, local
10 elected officials and our counterparts at HPD to
11 develop a balanced rezoning proposal that supports
12 two very important goals. The first goal is to
13 preserve and enhance the built character found
14 throughout the East Village and Lower Eastside by
15 replacing the current zoning with contextual
16 zoning districts. Under this proposal, zoning
17 will impose for the first time ever in these
18 neighborhoods, building height limits and other
19 building bulk controls. The second goal is to
20 address the community and the city's ongoing need
21 for housing, and certainly affordable housing, by
22 identifying appropriate locations for moderate
23 growth. Under this proposal and also for the
24 first time in these neighborhoods, the
25 Inclusionary Housing Program will be made

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2 available to incentive the development of
3 affordable housing. The East Village and Lower
4 East Side rezoning proposal has benefited from
5 active community and public participation that
6 helped shape the proposal from its inception. The
7 proposal before you today in fact is not the same
8 proposal that as certified in May. In direct
9 response to requests made to us by Community Board
10 3 and Council Members Gerson and Mendez, the
11 department modified the application to include
12 increased Inclusionary Housing opportunities along
13 Chrystie Street and along wide avenues north of
14 Houston Street. We also removed a provision that
15 would have allowed the return of long absent
16 commercial storefronts in residential midblocks.
17 We are delighted to be here today to share with
18 you this important proposal. Arthur Huh will now
19 make a brief presentation, about 10 to 15 minutes
20 max, with more details about the rezoning. Thank
21 you.

22 CHAIRPERSON AVELLA: Just before
23 you do that I want to recognize the fact that
24 we've also been joined by Council Member Larry
25 Seabrook and Council Member Mike McMahon who is

now Congressman-elect Mike McMahon.

Congratulations.

COUNCIL MEMBER JACKSON: Mr. Chair, if you don't mind, I have to excuse myself. I'm chairing a committee next door. I'll be back.

AUTHOR HUH: Thank you and good morning, Council Members. Generally bounded to the north by 13th Street, Avenue D and Pitt Street to the east, Delancey Street and Grand Street to the south, Third Avenue and Fourth Avenue to the west, the rezoning area covers approximately 111 blocks in community district 3 and is mapped with two existing zoning districts. R-72 and C61. These are both non-contextual zoning districts, meaning that there is no maximum overall building height established by the zoning. New development is not required to maintain the street wall and there is a significant gap in the range of allowable densities depending on use. In both of these districts, the maximum residential FAR is 3.44 and 6.5 for community facility uses. And in the existing C-61 district, 6.0 for commercial uses. This type of zoning permits development as shown in recent trends and built as of right that

1 tends to concentrate bulk in tower-like forms
2 approaching and/or exceeding 20 stories in areas
3 where the predominant built fabric is consistently
4 between 4 and 7 stories and with a very strong
5 sense of street wall. So we find that the
6 existing zoning in addition to being nearly 50
7 years old and in conflict with the established
8 neighborhood character throughout the rezoning
9 area, these new buildings are a physical
10 expression of the existing zoning and raise
11 specific issues that our comprehensive rezoning
12 framework seeks to address. We propose a blend of
13 contextual zoning districts where existing
14 neighborhood character was consistent throughout
15 the existing R-72 and C-61 districts and in
16 selected wide streets with their greater street
17 widths, more expansive sky exposure, better access
18 to mass transit, greater variation in the built
19 character as compared with the other areas. These
20 higher density districts would be established in
21 conjunction with the Inclusionary Housing Program,
22 as a way to work toward our companion goal of
23 addressing the ongoing need for housing. This
24 proposal will, for the first time, establish
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2 maximum building heights of 75 feet or 80 feet
3 throughout the majority of the area with an
4 allowance for additional height along these
5 selected wider streets. In the proposed R7A
6 districts along the North/South avenues north of
7 Houston Street and an area below Houston Street,
8 east of Essex Street, where the streetscape and
9 height conditions reflect a low to mid rise
10 character, the rezoning would address the FAR gap
11 by raising the residential FAR maximum from 3.44
12 to 4 and lowering the community facility maximum
13 from 6.5 to 4. Again, where today there is
14 effectively no building height, the R7A would
15 establish a maximum overall building height of 80
16 feet, which could be achieved only after a setback
17 over a base of between 40 and 65 feet. And as I
18 will discuss later in the presentation, portions
19 of these R7A districts are affected by the
20 proposed zoning amendment as well. In the mid
21 blocks above Houston Street where streetscape and
22 height conditions again have a consistent mid rise
23 character and a very strong sense of street wall,
24 the proposed R8B districts would address the FAR
25 gap by raising the residential FAR maximum from

3.44 to 4 and again lowering the community facility maximum from 6.5 to 4. Again, today, where there is no building height, the R8B would establish a maximum overall height of 75 feet, which could be achieved only after a setback between 55 and 60 feet. In these areas, in the proposed R8B districts, these particular mid block areas where so many properties are on narrow lots and sited on narrow streets, there will be an added layer of protection in terms of contextual building heights, because of existing zoning rules applicable to so-called sliver buildings. Most of the sites in these blocks are on lots with frontages of less than 45 feet and all of them are sited on streets which have a street width of 60 feet. So effectively, and according to the sliver rule, a majority of these sites would in fact be limited to a maximum of 60 feet on the mid blocks. In response to community concerns and feedback about specific mid block areas we also took a look at whether and how it might be appropriate to consider other contextual districts throughout the area, which led us to propose a limited change to R7B districts. These would be in the three

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2 successive mid blocks immediately south of
3 Tompkins Square Park between Avenue A and Avenue
4 B. Like the R8B, the R7B establishes a maximum
5 overall building height, where today there is
6 none, of 75 feet, addresses the FAR gap at an
7 equalized FAR maximum of 3 as opposed to 4, just
8 in these three mid blocks. And again, the maximum
9 building height could be achieved only after a
10 setback of between 40 and 60 feet. The sliver
11 rule text that I just mentioned would not apply to
12 these three mid block areas. So new buildings
13 would be permitted to achieve the maximum
14 building. Switching now to the existing C61
15 districts, we essentially took the same approach
16 that we did in the residential areas in terms of
17 thinking about contextual districts successfully
18 and previously used in earlier rezonings. Because
19 conditions in these areas, again, establish a very
20 consistent sense of the neighborhood character in
21 terms of overall height and scale, we proposed a
22 C44A district. This is an area with a history of
23 commercial use with a capacity to retain it. A
24 C44A is equivalent to the R7A district. That
25 means in terms of the building envelope

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2 restrictions and overall building height as well
3 as the FAR controls. The FAR for residential
4 maximum would be raised from 3.44 to 4 and lowered
5 for both community facility and commercial uses to
6 4. As in the R7A districts and shown here, the
7 maximum building overall height would be 80 feet,
8 achievable only after a setback between 40 and 65
9 feet. In addition to the approach towards the map
10 changes that we took involving defining contextual
11 envelopes to closely match the neighborhood
12 character, we also thought about how we could
13 identify potential areas appropriate for the
14 encouragement of orderly growth and where we would
15 incentivize affordable housing development. The
16 proposal includes areas where moderate increases
17 in density and envelope restrictions are proposed
18 in conjunction with the Inclusionary Housing
19 Program. So in a number of the contextual
20 districts along the selected wide streets, which
21 I'll go over now, we propose a mix of R8A, C62A,
22 C63A with the Inclusionary Housing Program as
23 indicated on the map and on your handout with the
24 asterisks. From the start of this proposal it was
25 clear that housing and particularly affordable

1 housing was going to be an important part of this
2 proposal. So we propose map changes along the
3 selected streets in conjunction with zoning text
4 changes, which would introduce the Inclusionary
5 Housing Program for the first time. So from this
6 point on we're talking about actions that include
7 zoning map changes, as well as zoning text
8 changes. On Houston Street and Avenue D and
9 portions of Pitt Street where the existing zoning
10 is R72 and Delancey Street and portions of Houston
11 Street and Second Avenue where the existing zoning
12 is C61, we propose R8A and C62A. These are
13 equivalent with regard to the permitted density,
14 street wall and building heights. The main
15 difference here being that in the C62A commercial
16 uses would be permitted to a maximum FAR of 6,
17 which is the same as it is today. The proposal
18 would raise the residential maximum FAR from 3.44
19 to a base maximum of 5.4 through the Inclusionary
20 Housing Program with residential floor areas set
21 aside for permanently affordable housing, which
22 would be up to 20% of the residential floor area.
23 Developers would be permitted to quality for a 33%
24 increase in floor area, raising the incentivized
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2 maximum FAR to 7.2 of residential. With regard to
3 the street wall and building height restrictions
4 here, as is typical of all our Inclusionary
5 Housing Program areas regardless of if, how and to
6 what extent the bonus floor area is used, the
7 total resulting floor area must fit within the
8 contextual regulations as outlined by the
9 underlying contextual zoning, which in this case
10 set a 120 foot building height limit over a base
11 of between 60 and 85 feet. On the west side of
12 Chrystie Street, which is a wide street that also
13 faces a park for the length of its stretch in the
14 rezoning area, we propose an Inclusionary C63A
15 district. The permitted base residential FAR for
16 C63A is 6.5. Through the Inclusionary Housing
17 Program and setting aside permanently affordable
18 housing, developers could qualify for the
19 incentivized FAR maximum of 8.5. And as with the
20 case in all of our Inclusionary Housing areas, all
21 of the resulting floor area, whether or not the
22 bonus is used, must fit within the contextual
23 envelope requirements of the underlying zoning,
24 which in this case set a maximum overall building
25 height of 145 feet for wide street, which this is,

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2 over a base of between 60 and 102 feet. And as
3 Edith noted earlier there have been modifications
4 to the proposal as part of the process. One of
5 those changes involves bringing the Inclusionary
6 Housing Program to selected R7A districts. On the
7 wide streets above Houston Street, which include
8 Second Avenue, First Avenue, Avenue A and Avenue
9 C, we proposed establishing the Inclusionary
10 Housing Program which would increase the permitted
11 FAR maximum for residential use to a base of 3.45,
12 which through the program could be increased to
13 incentivized FAR of 4.6. Again, the resulting
14 floor area would have to fit within the previously
15 described R7A envelope of 80 foot maximum building
16 height over a base of between 40 and 65 feet.

17 Just noting that in these R7A Inclusionary areas,
18 as with the other R7A districts that we've
19 proposed where we are not proposing Inclusionary
20 Housing, these are just the wide streets, that
21 resulting total floor area, as with all of our
22 Inclusionary Housing Programs would have to fit
23 completely within the building envelope, 80 foot
24 height limit over a base of 40 to 65. Just to
25 wrap up with a summary of the unit counts that we

1 forecast as of the result of the proposal. With
2 this proposal, using the Inclusionary Housing
3 Program the unit counts are estimated to be
4 increased in the increment of approximately 1,500
5 total dwelling units, of which approximately 450
6 would be affordable. That's the proposal. Thank
7 you very much. We're here to answer any follow-up
8 questions you might have.
9

10 CHAIRPERSON AVELLA: Thank you.

11 First I'd like to call on Council Member Rosie
12 Mendez, to be followed by Council Member Gerson.

13 COUNCIL MEMBER MENDEZ: Thank you,
14 Chair Avella and thank you for your leadership in
15 this committee and in the City Council. I want to
16 thank my community for being here today and look
17 forward to hearing your testimony. I thought this
18 was the most important thing I would do during my
19 career, up until a few weeks ago when we dealt
20 with term limits. But it is certainly the most
21 important thing I will do for my district and for
22 my community while I'm in office. There is an
23 invisible line along Houston Street that separates
24 our communities and Alan Gerson and I share this
25 rezoned area, about 70% in my district. He and I

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2 have been working closely together. This is
3 something that I worked on prior to getting into
4 the City Council. There are many benefits. It
5 brings contextual zoning. We won't have out of
6 scale buildings in our community. But it also
7 incentivizes building of affordable housing. The
8 plan is not perfect. There are still
9 modifications I am looking for. I look forward to
10 continuing the dialogue with the administration in
11 terms of some of those things that are important
12 to me such as an anti-harassment provision and
13 getting more affordable housing, new units
14 constructed in our district, which is sorely
15 needed. Not just in the Lower East Side but in
16 all of New York City. Thank you and I will be
17 here all day today. Thank you.

18 CHAIRPERSON AVELLA: Thank you.

19 Council Member Gerson?

20 COUNCIL MEMBER GERSON: First of
21 all, I echo the sentiments of my colleague,
22 Council Member Mendez. All of the sentiments she
23 expressed, starting, Mr. Chair, with our
24 appreciation to you and to Chair Katz, our Land
25 Use chair, and to all of my colleagues on the

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2 committee for the time and the leadership you are
3 demonstrating with respect to this very important
4 project. As Council Member Mendez said, she and I
5 are working very closely together. There are many
6 positive aspects of this plan and we appreciate
7 the work of the Department of City Planning and
8 HPD, the Department of Housing Preservation and
9 Development. We look forward to continuing the
10 process over the next ten days or so to build upon
11 the positive aspects of this plan to keep them in
12 place and to add in the enhancements and
13 alterations needed to bring the best possible plan
14 that we collectively can come up with to serve the
15 range of needs of our community. We're all here
16 to listen from the community and we'll have ample
17 opportunity to follow-up this hearing with
18 conversation and with questions on details. We
19 know we have a lot of speakers. I just want to
20 start off with two basis questions and then I want
21 to get to the rest of the hearing. Then of course
22 we'll follow up. On the affordable housing and
23 the incentivized program to generate additional
24 affordable housing, we all know and it's the
25 presumption of this plan that developers will take

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2 advantage both of the zoning bonus and the other
3 housing, especially the 421A affordable housing
4 benefits, which this council and this
5 administration have enacted. We all know that
6 this will be applied on the Lower East Side in the
7 context of what has historically been a hotter
8 than average, if you will, real estate market.
9 Meaning that on the open market this is one of the
10 areas where developers are able to reap the
11 highest of rental rates for their units. So in
12 that context have you done the analysis as to
13 whether or not the percentage could be increased
14 from 20% to 25% or to 30%? This has been a
15 request of the community and of the community
16 board. We considered this in the hearings on the
17 421A program where I believe in response to a
18 question by my colleague Council Member Mendez,
19 Commissioner Donovan or perhaps one of his
20 representatives testified that certain markets in
21 this city, including the Lower East Side could in
22 fact accommodate more than 20% as a requirement to
23 reap all of these benefits we are giving
24 developers in a hot real estate market. So why
25 should we not impose here a 25% or 30% affordable

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2 housing requirement? If there's any question over
3 the economics, we could impose a flexibility
4 clause, if you will. So if experience proves our
5 belief wrong, the HPD could have the flexibility
6 to go back to no less than 20%. But why should we
7 not try in a historical low income where there's
8 this desperate need, why not 25% or 30% as the
9 affordable housing requirement?

10 CHAIRPERSON AVELLA: I didn't say
11 this before and I was hoping I wouldn't have to
12 say this, but during the public hearing there will
13 be no applause and there will be no booing. Your
14 opportunity to make comment is at the dais. You
15 sign up to speak. So please bear with us. Don't
16 do that because at a certain point I will ask the
17 sergeant-at-arms to ask you to leave. No
18 applause. No booing. If you have something to
19 say, sign up to speak. That's your opportunity to
20 have your input.

21 EDITH HSU-CHEN: Council Member
22 Gerson, thank you for your question. The
23 Inclusionary Housing Program, the ratio of 33%
24 bonus for 20% provision of affordable housing is a
25 finely calibrated formula. My colleagues from HPD

1
2 are here to elaborate on the details. But I can
3 tell you that this incentive must be a strong
4 incentive in order for it to work. When we
5 studied the Inclusionary Housing formula, we
6 looked at all sorts of ratios and this was the
7 right one that would actually work to make sure
8 that we could get development and get developers
9 to take advantage of the Inclusionary Housing
10 Program. If the incentive is not strong enough,
11 then no one will take advantage of the program and
12 we will get no affordable housing units. If
13 there's anything HPD would like to add?

14 COUNCIL MEMBER GERSON: When you
15 say finely calibrated, do you mean finely
16 calibrated on a citywide basis, is that not
17 correct?

18 EDITH HSU-CHEN: Actually it was
19 tested in Manhattan. Manhattan was the test area
20 for the calibration of the 20% and 33%.

21 COUNCIL MEMBER GERSON: For the
22 entire borough?

23 EDITH HSU-CHEN: For the areas in
24 which the Inclusionary Housing Program might
25 apply.

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2 COUNCIL MEMBER GERSON: Throughout
3 the borough?

4 EDITH HSU-CHEN: Including this
5 neighborhood.

6 COUNCIL MEMBER GERSON: This same
7 formula also has been used elsewhere in the city.
8 Is that not correct?

9 EDITH HSU-CHEN: That is true.
10 Yes.

11 COUNCIL MEMBER GERSON: We will
12 follow up in conversation. It's the feeling of
13 the representatives of the community that the
14 situation here is not the same as elsewhere, even
15 elsewhere in the borough, depending on where
16 you're talking about, and we should strive for a
17 greater percentage of affordable housing. I could
18 leave it at that and follow up because we do want
19 to get to the hearing.

20 HOLLY LEICHT: I'm Holly Leicht,
21 deputy commissioner for development at HPD. I
22 just wanted to quickly respond to a couple of
23 comments on this. Where we originally did the
24 analysis on this started in West Chelsea and
25 Hudson Yards. West Chelsea market comparables are

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2 fairly similar to the Lower East Side, actually in
3 some cases higher. That's when we established
4 this. We did go back and look at Lower East Side
5 as well when this rezoning came up to make sure
6 that it was in line with that. Those were the two
7 that we originally looked at and did the economic
8 analysis on the program. One other comment I just
9 wanted to say is that in 421A hearings I do not
10 believe that Commissioner Donovan said that the
11 Lower East Side could take more than 20%. He has
12 been supportive of this analysis and has been
13 briefed on this and I think it's unlikely that he
14 would have taken that position in the 421A
15 hearings.

16 COUNCIL MEMBER GERSON: I'll move
17 on. I appreciate the clarification. We can
18 certainly check the record. In any event, there's
19 no question that we've had significant testimony
20 by experts who have testified that this area can
21 sustain a percentage greater than 20%. And if
22 there's a difference of opinion it seems to me we
23 should strive for more rather than less, allowing
24 us flexibility. We will continue these
25 conversations. My last question on the zoning for

1
2 now is referring to the commercial zones. Could
3 you just explain to the committee what use group
4 differentials are proposed? In other words, what
5 use is currently allowed in the current C6 zoning
6 that will be disallowed in the proposed C4 zoning?

7 EDITH HSU-CHEN: The C44A that
8 we're proposing allows a very wide range of
9 commercial uses. It was very important that we
10 support and promote commercial growth in this
11 area. As you may have heard, there was some push
12 to have this area rezoned to a residential
13 district. The city did not believe that was the
14 right move. We see the Lower East Side as a very
15 vibrant commercial area that attracts a lot of
16 visitors, shoppers and tourists and we want to
17 promote that. The C44A allows, again, a very wide
18 range of commercial uses and the uses that are
19 there would be allowed to continue.

20 COUNCIL MEMBER GERSON: My question
21 is what does it not allow which is currently
22 allowed?

23 EDITH HSU-CHEN: I was about to get
24 to that. It doesn't allow a very narrow band
25 that's called use group 11, which is for a certain

1
2 manufacturing of certain clothing and jewelry
3 materials.

4 COUNCIL MEMBER GERSON: I'm going
5 to yield the microphone now. We will need to have
6 follow-up conversations. We just heard a very
7 important issue raised that is going to require
8 further discussion with the administration and
9 with this committee. So I wanted to get that on
10 the table. We are going to hear testimony on the
11 commercial use issue later in this hearing. So I
12 will yield at this point but I'll come back to
13 this very, very important issue for the future of
14 our community in the city. Again, thank you very
15 much. Thank you both DCP and HPD and I look
16 forward to continuing our work together.

17 CHAIRPERSON AVELLA: Thank you,
18 Council Member. I appreciate the fact that you've
19 limited your questions. We do have somewhere in
20 the neighborhood of 120 speakers at this point.
21 Council Member Sears has a question.

22 COUNCIL MEMBER MENDEZ: Sears
23 stepped away as well.

24 CHAIRPERSON AVELLA: Council Member
25 Mendez?

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2 COUNCIL MEMBER MENDEZ: Thank you,
3 Chair Avella. I want to clarify for the record
4 that Commissioner Shaun Donovan did not make the
5 remarks about 30%. It was actually a panel of
6 developers which included REBNY, Phipps Housing
7 and some small not for profit developers like Mr.
8 Dunn. I can't remember his first name. But also,
9 in our community we have done 30% affordable and
10 more. So I'm sort of interested in hearing how
11 these studies that were done only support that we
12 can do 20%.

13 HOLLY LEICHT: Thank you for the
14 clarification, Councilwoman. Where we have done
15 30% and more has been on city owned land where
16 we've been able to provide below market sales
17 acquisition prices of \$1 which enables us to do a
18 lot more. Obviously the Inclusionary Program is
19 on private land, and so when you're talking about
20 acquisition prices being higher in markets like
21 the Lower East Side, that then equates to how much
22 affordability you can do. Clearly on city owned
23 land we aim do as much as we can for affordable
24 housing. We would continue to do that on any
25 public sites that we can find as part of this.

COUNCIL MEMBER MENDEZ: Thank you.

I'm just going to ask one more question because there's so many people here. This is for the Department of City Planning. My community has requested and we've certainly seen a lot of changes on the Bowery where there's a lot of out of context building. We've been wanting to include the Bowery and the Fourth Avenue corridor as part of this rezoning. Can you please explain why it has not been added to date?

EDITH HSU-CHEN: The question was posed to us some time during our collaboration with the community by some in the neighborhood who asked for rezoning of the Bowery. We looked at this very carefully. We looked at the Bowery block by block, lot by lot, and the city's position, which we still hold, is that the Bowery is a very wide thoroughfare. It does not have a consistent character. There are some buildings that are one-story, two, four, five and some greater than 15 stories. It is very well served by transit. Again, as I said earlier, it was a wide street, at times over 125 feet. There are a wide variety of uses and the diversity of uses is

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2 something that we also want to support along the
3 Bowery. So we did not believe that including the
4 Bowery in this rezoning was appropriate. The
5 zoning for the Bowery today is appropriate and
6 will allow the Bowery continue to flourish as it
7 is today. Thank you.

8 COUNCIL MEMBER MENDEZ: There were
9 other parts of the C61 that were rezoned in this
10 rezoned area but the Bowery was not. There may be
11 inconsistent uses, but all we're going to have is
12 out of scale hotels along the Bowery if we don't
13 rezone that area. Why were other areas rezoned
14 that were commercial uses, but not this one?

15 EDITH HSU-CHEN: The other areas of
16 the C61 were more definitively associated with the
17 Lower East Side and the East Village
18 neighborhoods. The Bowery, again, is a very
19 distinct corridor in and of itself. People know
20 the Bowery as the Bowery and that it has a very
21 wide variety of uses. Everything from housing to
22 distribution to a new museum that's been
23 phenomenally successful. So, again, we do not
24 believe that rezoning the Bowery is appropriate.

25 COUNCIL MEMBER MENDEZ: Thank you,

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2 Mr. Chair. I have a lot more questions, but it's
3 a dialogue I could have with the administration
4 outside of this forum.

5 CHAIRPERSON AVELLA: I appreciate
6 that, Council Member. Thank you. Obviously you
7 guys are going to stay around.

8 EDITH HSU-CHEN: Yes.

9 CHAIRPERSON AVELLA: Professional
10 courtesy I'd like to call on two elected officials
11 that are here to testify and then we'll start the
12 public hearing. Assemblyman Brian Kavanagh and
13 State Senator-elect Daniel Squadron.

14 BRIAN KAVANAGH: Forgive me; I was
15 outside the room when I heard my name. My name is
16 Brian Kavanagh and I represent the 74th Assembly
17 District. That includes parts of the Lower East
18 Side, Union Square, Gramercy, Stuyvesant Town,
19 Peter Cooper Village, Waterside Plaza, Kips Bay,
20 Murray Hill and Tudor City. Some Tudor City folks
21 here are very interested. I'd like to thank
22 Chairperson Tony Avella and the members of the
23 committee and of course the council members who
24 are most affected by this and whose communities
25 this represents, Rosie Mendez and Alan Gerson,

1
2 both of whom have worked very hard and shown great
3 leadership on this issue. I'd also like to thank
4 the Department of City Planning and all the
5 members and staff of Community Board 3 for their
6 tireless work and all the groups and individuals
7 who have taken the time to be active in shaping
8 and reviewing and sometimes criticizing the many
9 iterations of this plan. I'm sure you'll hear
10 from many of them today. As you know, the plan
11 before you today proposes to rezone 111 blocks,
12 which makes this one of the largest rezoning plans
13 every considered in the City of New York. I
14 represent approximately 40 of those blocks, as
15 well as areas immediately to the north and east.
16 In many of the neighborhoods that would be
17 rezoned, the current zoning laws are inadequate to
18 protect the essential character of the community.
19 Most of the current zoning laws were drafted in
20 1961, a time when city planners could not have
21 envisioned the circumstances and pressures we face
22 in our communities today. They often allow for
23 the construction of buildings out of scale with
24 current usage. The rezoning proposal under
25 consideration seeks to address this problem by

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2 establishing contextual building height limits
3 while extending sliver law protections. The
4 proposed plan offers important safeguards against
5 the market pressures that are driving new
6 development throughout our city and threatening
7 this community in particular. Unfortunately, one
8 pernicious consequence of this market pressure
9 that the plan does not adequately protect against
10 is tenant harassment. The increase in allowable
11 density in parts of the rezoning area may
12 exacerbate the already serious problem of
13 harassment of rent regulated and low income
14 tenants and spur the demolition of sound buildings
15 as developers seek to maximize the number of
16 market rate apartments. Community Board 3 and
17 certainly Council Member Mendez and others have
18 proposed the inclusion of anti-demolition and
19 anti-harassment measures within the rezoning plan.
20 Such provisions have been successfully implemented
21 in the Clinton Special District, as you know, and
22 I support their inclusion here. And welcome
23 Senator-elect Squadron. As you know, the rezoning
24 plan also proposes to use inclusionary zoning to
25 encourage developers to build affordable housing.

1
2 It is important that any new housing created by
3 this plan reflect the diverse range of incomes
4 among current Lower East Side families. It is
5 encouraging that after reviewing feedback to its
6 original plan, City Planning expanded the areas
7 where developers could receive the bonus to
8 include Chrystie Street and all avenues north of
9 Houston except Avenue B. This is a step in the
10 right direction but much more needs to be done to
11 ensure that low and middle income families
12 continue to be able to afford to live in our
13 community. I strongly support Community Board 3's
14 call for 30% of all new housing to be committed as
15 permanent affordable housing. I also urge the
16 City Council and City Planning to examine the
17 definition of affordable used in the plan to
18 ensure that the housing created will be truly
19 affordable to New York's working families.
20 Finally, I would like to note that there are
21 community groups and individuals with serious
22 concerns about the boundaries of the proposed
23 rezoning and its potential effects on neighboring
24 communities. Although I cannot speak to their
25 specific issues, which for the most part affect

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2 areas well outside the district I represent, I
3 think it's important that their voices continue to
4 be heard as I know they will be today and where
5 possible their concerns addressed in the final
6 plan. There are, however, as we know, many
7 important issues that have been raised during this
8 process that will undoubtedly not be addressed in
9 this rezoning. I look forward to continuing to
10 work with my colleagues, community groups and
11 constituents to find solutions to these and many
12 other issues confronting our community. Thank you
13 all, again, for the opportunity to offer my
14 testimony today.

15 DANIEL SQUADRON: Thank you,
16 Assembly Member Kavanagh. Thank you to members to
17 members of the council, to the chair, Council
18 Member Mendez, Council Member Gerson, both of
19 whose areas I will share, assuming I make it to
20 the beginning of January. I'm Daniel Squadron.
21 I'm the Senator-elect for the 25th Senate
22 District, which covers the area of the proposed
23 rezoning. As a senator-elect, I am new to this
24 process. As a Brooklyn resident, I am relatively
25 new to this area. But this is an issue that I

1
2 have thought much about, talked much about and is
3 a critical one for the survival of the district,
4 of the neighborhood and of the city. It's a
5 process that started a number of years ago through
6 really a community based process. It did I
7 support that. I support the fact that Community
8 Board 3, David McWater, the chair at the time,
9 members of the community board, Susan Stetzer, the
10 district manager, really did drive this process
11 from the beginning. And that's what we need to
12 see more of. We need to see more rezonings that
13 begin at the community, at the community board
14 level or the community level, and make it as far
15 as a hearing in this chamber, as a vote in this
16 chamber, and make it into the force of law. For
17 that reason, this is a process; this is a rezoning
18 that I am here to speak in support of. I would
19 say, however, that while there are advantages to
20 this rezoning and while I absolutely applaud the
21 community board and the framers and frankly even
22 City Planning for pushing it forward with real
23 height restrictions, with the affordability
24 requirement on wide streets, this is not a perfect
25 process and it is not a perfect conclusion. The

1 process, as we know, is not perfect, because while
2 this was originally generated by the community, we
3 needed City Planning to come and frankly take it
4 over in many ways in order to push it through.

5 That's unfortunate and it's a weakness that I
6 think we see across rezonings, across the city and
7 one that shouldn't be the case. Communities

8 should be able to hold the reins of these all the
9 way until they get here. That didn't happen here

10 and I think that is unfortunate. Assembly Member

11 Kavanagh just referred to this that there are not

12 harassment provisions included to protect tenants,

13 I think it's a serious problem and one that needs

14 to be dealt with. And frankly the issues of

15 vacancy and luxury de-control for rent stabilized

16 and rent controlled units is an important one that

17 will help the harassment issue that I plan to

18 fight for and deal with on the state level. Anti-

19 harassment and tenant protections on the city and

20 the state level are critical whenever you have an

21 affordable housing component of a process. Twenty

22 percent is also frankly not sufficient. I know

23 that the Assembly Member and the council members

24 also support going to a 30% at least, perhaps even

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2 more in some context, is a critical improvement
3 that I would support and I would continue to push
4 for. And of course, the area that has been so
5 politically flammable which is what the borders of
6 this rezoning are is one that we need to deal
7 with. I have said from the beginning and I
8 continue to say it today and I ask my colleagues
9 in government to join me in committing today to
10 beginning a process for the areas that are left
11 out of this rezoning. The fact that this is not
12 perfect does not mean we should throw out the baby
13 with the bathwater. We must not. But we also
14 must be sure that the areas that are left out of
15 this rezoning which will, as the critics have
16 suggested, experience increased pressure,
17 partially because of this rezoning and partially
18 simply because of the way these neighborhoods are
19 changing, must have a formalized process to
20 protect the neighborhoods. Whether that's to the
21 west of the border or to the south of the border,
22 we must have a formal process for rezoning outside
23 of this current zoning and I would like to see a
24 commitment to that as part of the finalization of
25 this process. But I do believe that the community

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2 deserves a great deal of applause for having
3 started this, for having gotten it here today, for
4 having gotten the turnout that we see today. And
5 I believe that the council should and I hope they
6 will support this proposal with the caveats and
7 the improvements that I talked about. Thank you
8 very much.

9 CHAIRPERSON AVELLA: Council Member
10 Gerson has a question.

11 COUNCIL MEMBER GERSON: Thank you
12 both. Great to see you in City Hall. The
13 districts that we share and covered by this
14 rezoning, as you know, contain a significant
15 amount of presently affordable housing in jeopardy
16 due to the expiration of the programs. You both
17 have been outspoken in extending those programs
18 and preservation. As part of the process as we're
19 negotiating the maximum amount of affordable units
20 and in addition, and I want to stress, in addition
21 to the creation of the new units requested and
22 demanded by the community, the community board,
23 Council Member Mendez and myself, would you
24 support going to the administration, other
25 available resources in some cases, such as the

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2 Lower Manhattan Development Corporation to put in
3 place a preservation plan to assure that the
4 existing affordable units remain affordable so
5 that as we create new we don't suffer a net loss
6 at the same time.

7 BRIAN KAVANAGH: When you talk
8 about preservation, of course, it's loaded and
9 necessary in its entire context in this area. But
10 certainly the preservation of the affordable units
11 we have is critical. I would go farther and say
12 that a real enforcement mechanism on the 20% or
13 the 30% on the new housing is critical too. But
14 part of that's the state's responsibility frankly
15 on vacancy and luxury de-control. But having a
16 comprehensive sense and knowledge of the fact that
17 we're improving the situation, we're not either
18 staying neutral or losing ground I think is
19 absolutely a critical part of this.

20 DANIEL SQUADRON: I'll just answer
21 with yes.

22 COUNCIL MEMBER GERSON: Thank you
23 both and thank you, Mr. Chair.

24 CHAIRPERSON AVELLA: Thank you,
25 gentleman. Now we will begin the regular public

1
2 hearing. I'm going to be calling panels in favor
3 and opposition. Each speaker will have two
4 minutes and that does include a translation. I do
5 not normally cut people off if they go over. I
6 ask people to be considerate of their fellow New
7 Yorkers that are here to testify. Remember that
8 we have over 120 people to speak. We want to make
9 sure that everybody gets an opportunity to have
10 their say. Council Member Gerson has asked me to
11 remind everybody, if you want to speak, you must
12 fill out one of these slips. Go to the sergeant-
13 at-arms desk at my left. I think we're ready.
14 I'm calling people in the order that they came
15 into the room. So the people that were here first
16 are going to be able to speak first. Andrew
17 Berman, Jordan Miller, Aaron Sosnick and Georgina
18 Christ. So far I only see one person up and I
19 know who that is. Jordan Miller, is he here?
20 Aaron Sosnick? Georgina Christ? Oh, she left.
21 Her testimony will be submitted into the record.
22 Phyllis Banek, B-A-N-E-K? Phyllis? We'll call
23 him in the next panel.

24 ANDREW BERMAN: Good morning,
25 Council Members. My name is Andrew Berman. I'm

1
2 the executive director of the Greenwich Village
3 Society for Historic Preservation. GVSHP is the
4 largest membership organization in Greenwich
5 Village, the East Village and NoHo. I'm here this
6 morning to say that the East Village desperately
7 needs a rezoning. The current R72 and C61 zoning
8 allows up to 6.5 FAR for community facilities such
9 as dormitories with no height limits or limits on
10 heir rights transfers, thus allowing buildings of
11 even greater bulk and size. Two such out of scale
12 developments are the 16th story tower above the
13 Theater for the New City and the 13 story New York
14 Law School dorm, the figures of which are attached
15 in my testimony. As development parcels are being
16 collected in the neighborhood and as large
17 potential development sites, such as the Mary Help
18 of Christians Church become available, more and
19 larger such towers will become commonplace in the
20 neighborhood. Additionally, Second Avenue below
21 Seventh Street allows commercial development such
22 as hotels up to 6 FAR, which is completely
23 inappropriate. The proposed rezoning will address
24 many of these concerns. There will be height caps
25 for the first time ever throughout the East

1
2 Village which will not allow buildings to exceed
3 six to eight stories in most areas. The zoning
4 bonus for dorms and hotels will be eliminated and
5 in most cases the maximum allowable FAR will be
6 reduced. The environmental impact statement
7 includes a survey of historic resources in the
8 neighborhood which identifies a broad range of
9 potential landmarks and historic districts. These
10 are all necessary and important steps in the right
11 direction and we do not believe that they can move
12 forward a moment too soon. We do however believe
13 that there could be further improvements. The
14 plan only reduces the allowable FAR on side
15 streets to 3 FAR on three blocks. We believe that
16 many more side streets warrant this lower FAR. We
17 are concerned about the potential loss of smaller
18 two, three and four and even five story buildings
19 on some major avenues. While we're grateful that
20 the current commercially zoned district on Second
21 Avenue has been cut back from Seventh Street to
22 Third Street and given contextual height caps, we
23 believe that the higher density commercial
24 district should be eliminated entirely from lower
25 Second Avenue. Finally, we believe that the

1 allowable height of buildings on Avenue D and
2 Houston are too great and that a lower
3 intermediate contextual height, such as proposed
4 by Community Board 3, would be preferable. All
5 such revisions were included in Community Board
6 3's eleven-point plan in response to the rezoning
7 which GVSHP strongly supports. Finally, I would
8 be remiss not to mention our deep disappointment
9 that the rezoning does not include the Bowery and
10 Third and Fourth Avenue corridors. These streets
11 and their side streets were excluded from the
12 rezoning and are being decimated by a wholly
13 inappropriate scale of new development. GVSHP and
14 a variety of elected officials and community
15 groups have been working with Board 3 to craft a
16 reasonable proposal for rezoning this area which
17 would still allow development while preserving its
18 scale and character.

19
20 CHAIRPERSON AVELLA: Andrew, can
21 you sum up?

22 ANDREW BERMAN: I strongly urge
23 that the City Council do everything in its power
24 to pressure City Planning to agree to include this
25 area. Thank you.

2 AARON SOSNICK: Good morning, Chair
3 Avella, other council members. Thank you for this
4 opportunity to testify before your subcommittee.
5 My name is Aaron Sosnick. I'm a founder of the
6 East Village Community Coalition, a member of the
7 Community Board 3 task force on rezoning and a
8 member of LESCAZ, the Lower East Side Coalition
9 for Accountable Zoning. I wish to express my
10 strong support for the East Village Lower East
11 Side rezoning along with changes in city
12 commitments sought by LESCAZ, Community Board 3,
13 Council Member Mendez and other local elected
14 officials. This rezoning provides many important
15 protections for my community and cannot be enacted
16 soon enough. I wish to thank all the members of
17 LESCAZ, CB3, Council Member Mendez, Borough
18 President Stringer, other elected officials, the
19 Department of City Planning and all of those who
20 have worked so hard in support of this rezoning.
21 It is important to emphasize that while I support
22 rezoning other inappropriately zoned city blocks
23 and neighborhoods, there is no reason to wait on
24 this rezoning. It should be passed immediately
25 with all areas included. The zoning district

1 certified by City Planning must be adopted. The
2 areas both above and below Houston Street are
3 threatened. The Lower East Side was recently
4 listed as one of the 11 most endangered places by
5 the National Trust for Historic Preservation.
6 This rezoning can immediately protect many of
7 these blocks. I note that approval of the full
8 rezoning area with these zoning districts was
9 unanimously voted for by Community Board 3.
10 Please work to provide the additional anti-
11 harassment and affordable housing measures that
12 are so important to our community. Thank you.

14 JORDAN MILLER: Hello, my name is
15 Jordan Miller. I'm here as a resident of the
16 Lower East Side who has seen the neighborhood
17 change materially over the last six years that
18 I've been there. I've seen a lot of tenement
19 buildings torn down and people displaced. And not
20 just people but local small businesses that I
21 think are very important to the fabric of the
22 neighborhood. As imperfect as this plan may be, I
23 think right now it's the only solution to
24 preserving the character of the neighborhood. The
25 character both in terms of the character of the

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2 people who live there, the demographics of the
3 people who live there and the architectural urban
4 character of the city. It's a very simple
5 thought, but I just wanted to say it. Thank you.

6 PHYLLIS BANEK: Hi. Thanks for
7 having us. My name is Phyllis Banek. I'm a
8 member of the Bowery Alliance of Neighbors. I'm
9 70-years-old. Presently I live at 200 East Fifth
10 Street, which is the JASA Cooper Square Residence
11 for Seniors and Disabled. The one and only
12 entrance to my building faces the side entrance
13 and exit door of the Cooper Square Hotel. This
14 22-story luxury hotel has its main entrance on the
15 Third Avenue corridor. The hotel plans to have a
16 supper club and two interior bars. Also they
17 intend to install two outdoor drinking and dining
18 areas. Our block association fought for two years
19 with the owner of this hotel in order to limit use
20 of the side door as well as modify the use of the
21 outdoor areas. On January 8th, 2008, we presented
22 our final request to the SLA to grant the
23 stipulations in the above mentioned statement.
24 The Cooper Square Hotel will be opening shortly.
25 They've opened partially for events and we've

1
2 already had traffic jams. The owner of the
3 hotel's reply was that he thought they could
4 control it. This was our main object. Before I
5 came to 200 East Fifth Street, I lived a few
6 buildings down the block with my daughter for 30
7 years. I lived on the third floor and was always
8 awakened by revelers around 4 in the morning,
9 honking horns, screaming, et cetera, and
10 accompanying this mayhem was the continual
11 presence of smoke invading my space, even with the
12 windows closed. Now I live on the upper floor and
13 the situation is the same, perhaps even worse, as
14 a result of the rapid growth of bars in the
15 community. Many people in my residence need
16 access to ambulances, ambulances, meals on wheels
17 and other emergency services. I, along with my
18 fellow residents, must have this access 24/7. The
19 Cooper Square Hotel will not only have to
20 accommodate its guests, but also its many bars and
21 restaurant patrons, creating excessive congestion
22 with cars, taxis, car services, and limousines.
23 My building already has--

24 CHAIRPERSON AVELLA: [interposing]

25 Ma'am, can you sort of sum up?

2 PHYLLIS BANEK: Okay. The Bowery
3 and Third Avenue corridor is most often used as an
4 emergency route for the entire neighborhood.
5 Massive structures, such as the Cooper Square
6 Hotel, are already destroying the cultural
7 diversity, quality of life, et cetera, and
8 infringing on the needs of the community. I
9 implore you to add the east side of the Bowery to
10 the rezoning plan. The zoning on the east side of
11 the Bowery should reflect that of the west side.
12 If these measures are taken now, perhaps the
13 historical and architectural integrity of this
14 community will survive. My concern is for all
15 citizens. Please don't steal the visual history
16 from my grandchildren and their peers.

17 CHAIRPERSON AVELLA: You managed to
18 get it all in.

19 PHYLLIS BANEK: I'm sorry. I
20 thought it was three minutes.

21 CHAIRPERSON AVELLA: That's all
22 right. Given the fact that we have so many
23 people, I think it's just important that everybody
24 be as brief as possible.

25 PHYLLIS BANEK: I'm sorry.

2 CHAIRPERSON AVELLA: I appreciate
3 the two speakers who were under the two minutes.
4 Council Member Gerson has a question.

5 COUNCIL MEMBER GERSON: Mr. Miller,
6 you were the only one who brought up the issue of
7 tenements and the loss of tenements and tenement
8 housing, so I'm going to direct this to you. I
9 just want to clarify your remarks. We've had in
10 place a pilot program that upgrades conditions
11 within, but preserving the essential structure of
12 the tenement housing. As part of our visioning
13 and planning for the future, is that something
14 that you feel we should pursue and build upon?

15 JORDAN MILLER: I think tenement
16 housing can mean a lot of things. I meant
17 relatively low rise, you know five-story or six-
18 story, with commercial on the bottom and that
19 façade.

20 COUNCIL MEMBER GERSON: Precisely.

21 JORDAN MILLER: In my experience,
22 if you look at Batter Park and the big buildings
23 there with the kind of big retail spaces below, it
24 kills the street life and that's not the case in
25 the Lower East Side. So I feel like the structure

1
2 of the neighborhood gives to the life of the
3 neighborhood and that's what I meant.

4 COUNCIL MEMBER GERSON: And I
5 agree. Thank you very much.

6 CHAIRPERSON AVELLA: Thank you.
7 The first panel in opposition. Christabel? Wah
8 Lee? Lindsay, is it Schubiner, S-C-H-U-B-I-N-E-R?
9 She left. I'm sorry. You can submit her
10 statement for the record. But if you read her
11 statement then you cannot sign up to speak as
12 well. We need to know your name. Malcolm Lam?

13 CHRISTABEL GOUGH: Good morning.
14 I'm Christabel Gough from the Society for the
15 Architecture of the City. We are here just to
16 address the historic preservation aspects of this
17 plan, which is why I'm registered in opposition.
18 Although this rezoning has been hyped as an action
19 preserving neighborhood character, it does provide
20 a great deal of latitude, both for new
21 construction and for expansion of existing
22 buildings, even though it limits tower
23 construction and provides some protections for
24 street walls. The major planning error is the
25 decision to omit the Bowery from the rezoning

1
2 area. The Bowery is one of our oldest
3 thoroughfares. It appears on the Manatus Maps of
4 1639, but it dates back to prehistory as a Native
5 American trail, running crooked against the
6 Manhattan street grid. Even today, much of the
7 Bowery retains a special 19th Century character
8 and scale. The Lower East Side grew up around it
9 over the centuries. To map contextual zoning
10 adjacent to the Bowery while leaving the Bowery
11 corridor itself subject to the old outdated
12 standard C61 mapping clearly invites new buildings
13 to break the street wall and skyline with a tower
14 on a base construction of the maximum possible
15 height. Examples of such intrusions into the
16 neighborhood have already outraged New Yorkers
17 from the area. The intrusions have also
18 astonished many who use the Williamsburg Bridge
19 and can hardly believe the inappropriate new
20 buildings they are seeing. We thank the
21 Department of City Planning Environmental Review
22 Division for the full discussion of historic
23 preservation issues in the EIS. A chilling, 95-
24 page account of the numerous historic properties
25 in the rezoning area and the negative impacts this

1 rezoning will have on them. Of special concern
2 are the 61 buildings found eligible for local or
3 state protection, but not yet landmarked or
4 listed. They are in the path of destruction
5 because of the latitude for new construction and
6 expansion mentioned above. Administration policy
7 was perhaps reflected in the original EIS draft
8 scope, which omitted the Bowery from consideration
9 in clear violation of CEQR rules. We believe the
10 council should require follow-up corrective action
11 on the Bowery corridor zoning. Segregating the
12 Bowery from the rest of the Lower East Side makes
13 no sense historically or urbanistically. It is
14 not neighborhood preservation; it is a formula for
15 tearing a neighborhood away from its roots.

17 LINDSAY SCHUBINER: My name is
18 Lindsay Schubiner and I'm a volunteer with Chinese
19 Staff and Workers Association, part of the
20 Coalition to Preserve Chinatown and the Lower East
21 Side. I oppose this rezoning because it is racist
22 and it will displace the low income communities of
23 color living in Chinatown and the Lower East Side.
24 It implements upzoning on Delancey, Avenue D and
25 Chrystie, all avenues with more low income people

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2 and more people of color living on them than other
3 avenues in the neighborhood. It creates height
4 caps for only the East Village, the area of the
5 community district with the greater concentration
6 of white people and wealthy people. It excludes
7 Chinatown and the Lower East Side, which means
8 that development from the upzoned avenues will be
9 pushed into these neighborhoods since they don't
10 have any height caps. It threatens to divide the
11 community by creating separate plans rather than
12 uniting the community under one plan that protects
13 all current residents from displacement. Although
14 I did not grow up in this neighborhood, I've spent
15 a lot of time here and I care about it deeply. I
16 don't want this city's government and wealthy
17 developers to displace communities and small
18 businesses that have made it what it is today.
19 But this racist rezoning also has implications
20 beyond this neighborhood. It demonstrates a
21 corruption of the democratic process, of the right
22 of the people to determine what happens in their
23 own community. This is something that affects all
24 of us no matter where we are from. This plan was
25 created without the participation of most of the

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2 CB3 community and specifically excluded people of
3 color from the planning process. There has been
4 no real outreach to Chinese and Latino
5 communities. Over the past several months we have
6 collected over 11,000 signatures in support of our
7 petition opposing this racist plan. And almost no
8 one we spoke with had any prior knowledge of the
9 plan. In addition, as a rule there has been no
10 translation into Chinese or Spanish during this
11 entire rezoning process. This lack of translation
12 even at a City Council hearing today is just one
13 more example of the clear intent to exclude
14 community participation. I'm a recent graduate of
15 Barnard College and I saw firsthand how Columbia
16 weaseled its harmful expansion plan through the
17 city rezoning process, even despite the prolonged
18 organized resistance of local residents in West
19 Harlem who did not want to be pushed out of their
20 homes and their neighborhood. It became clear to
21 me that the rezoning process in New York City is
22 flawed from the top down.

23 CHAIRPERSON AVELLA: Hold your
24 testimony for a second. I'm very serious about
25 this. No applause. No booing. When you do that

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2 you interfere with the rights of everybody else in
3 this room. This is a public hearing to give you
4 the opportunity to speak. There's your
5 opportunity. And every time you do this I will
6 stop the meeting. It will just slow up the
7 process and at some point you will be asked to
8 leave. Because if I allow the applause, then I
9 have to allow the booing. Neither one is
10 appropriate. So I ask you to do the right thing
11 and respect your neighbors. Because when you
12 applaud or you boo, you're actually intimidating
13 other speakers or other people in this room.
14 Please do not do this. This is your opportunity
15 to speak, but that's where you speak.

16 LINDSAY SCHUBINER: Can I finish
17 the entire statement? Thanks. It became clear to
18 me that the rezoning process in New York City is
19 flawed from the top down and this East Village
20 rezoning is just one more example of that. But
21 some local community organizations also
22 participate in and support his undemocratic
23 process by compromising. They think that they
24 can't get what they really need for the community,
25 so they need to accept any crumbs the city will

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2 throw their way, such as height limits, even
3 though this plan is primarily in upzoning, or such
4 as promises of so-called affordable housing to be
5 created by Inclusionary zoning. Housing which
6 developers may choose not to provide and which
7 will likely be unaffordable to the majority of
8 current residents. I am happy to speak here in
9 support of the Coalition to Preserve Chinatown and
10 the Lower East Side because we have refused to
11 accept anything less than the protection of this
12 entire community. I urge you to stop this racist
13 rezoning plan and support the creation of a new
14 plan that offers protection from displacement to
15 all of Community District 3. Thank you.

16 WAH LEE: [Foreign language].

17 CHAIRPERSON AVELLA: Ma'am, I have
18 to ask you to sum up.

19 WAH LEE: I know. Yeah, very
20 quick. [Foreign language].

21 CHAIRPERSON AVELLA: Sir?

22 MALCOLM LAM: Thank you, ladies and
23 gentleman. My name is Malcolm Lam. I'm part of
24 the Coalition to Protect Chinatown and the Lower
25 East Side. It appears the MO of Bloomberg and

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2 that of other city officials is to ignore the
3 voice of New York City residents, whether it be on
4 the issue of term limits or the passing of
5 destructive rezoning and development plans across
6 this city. Although these officials are to
7 represent the people, they continue to further
8 their own personal agenda. Whether it be the
9 appeasement of special interest groups maneuvering
10 for political gain or the need to stroke one's
11 ego. The plan to rezone the Lower East Side is a
12 bad plan from its inception. The borders of the
13 plan promotes and encourages segregation that has
14 continued to plague this city for generations.
15 Instead of viewing district 3 in its entirety, it
16 segregates neighborhoods into three parts, putting
17 whites, Hispanics and Chinese against one another.
18 Support for the plan gains its strength by
19 dividing people through misinformation and lies.
20 It is a wholesale sellout of one community for
21 another. Now there are talks to create a separate
22 Chinatown plan. It's amusing to me that a
23 separate plan for Chinatown is being viewed as an
24 acceptable alternative and solution in quieting
25 public unrest. But I do recall the U.S. Supreme

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2 Court decision of Brown versus Board stating, and
3 I paraphrase, that separate was not equal. DCP
4 claims there are no racial motivations in the
5 drafting of this plan, yet the DEIS fails to
6 examine the ramifications rezoning will have on
7 people of color, or that of lower income. The
8 issue of race is never explored and so DCP's
9 claims are either fabricated or based on
10 conjecture. There are clear relationships between
11 low income, race and family size within District
12 3. The plan will have a definite influence on
13 these demographic shifts in the future. DCP talks
14 about affordable housing, but doesn't guarantee
15 any will be created. And should it be created,
16 the affordable housing would not be affordable for
17 most of the low income residents in CD3. The word
18 affordable is ambiguous and misleading. DCP
19 praises Inclusionary zoning, but it fails to
20 inform the public on the city's failure to create
21 many affordable units since its introduction.
22 Studies have shown that in order for IZ to be
23 effective, current affordable housing needs to be
24 preserved as well as new units must be mandatory.
25 The plan fails on both points. I will finish up

1 here. I can't say enough on how bad this plan is,
2 yet city officials continue to push it on to the
3 populous like a snake oil salesman trying to push
4 their poison. They claim the plan will preserve
5 neighborhoods and protect its people, but the fact
6 is, it is more likely to displace people of color
7 and those of low income. It will make the rich
8 richer and the poor poorer. It promotes
9 development under the guise of humanitarianism, an
10 illusion to blind the people. I implore you to
11 see the plan for what it is, poison. Please vote
12 it down. Thank you.

14 CHAIRPERSON AVELLA: Council Member
15 Mendez has a question.

16 COUNCIL MEMBER MENDEZ: To either
17 one of the two from the Coalition to Save
18 Chinatown and the Lower East Side. Your testimony
19 your said you wanted the entire Community Board 3
20 rezoned. Is that correct?

21 MALCOLM LAM: I want the entire
22 Community Board 3 looked at a whole. And so when
23 you're rezoning that you look at it as a whole.

24 COUNCIL MEMBER MENDEZ: Okay, I got
25 my answer.

LINDSAY SCHUBINER: I want to clarify also there's three members. Just because you weren't able to understand her, she's a part of the coalition as well.

COUNCIL MEMBER MENDEZ: That's it.

CHAIRPERSON AVELLA: Thank you.

Council Member Gerson has a question.

COUNCIL MEMBER GERSON: Actually just a brief statement and then a question. Just for the audience and I'll ask Ms. To [phonetic] to translate. Council Member Mendez and I, and I'm quite confident our Chair, all agree that we need to upgrade the City Council to allow for electronic translation and that is something we have called for and will continue to try to implement as soon as possible. In the interim I want to make it clear, if anyone here wishes to testify in any language and then have that translated, that is your right to do so within roughly the time allotted. If you require translation assistance and you don't have one with you, our Chief of Staff, Ms. Tough [phonetic] is here and will work to provide the translation assistance. So I'm going to ask Ms. Tough to

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repeat what I just said.

MS. TOUGH: [Foreign language].

COUNCIL MEMBER GERSON: Council Member Mendez?

COUNCIL MEMBER MENDEZ: I'm available for Spanish translation. [Foreign language].

COUNCIL MEMBER GERSON: I will ask Ms. Tough to repeat my question. I understand your broad point and we have both put on the immediate need for a planning process to cover the excluded areas in the vicinity of this rezoned area. But my question to you is, what is your greatest concern over a detrimental impact that might be felt in the area outside of the rezoned district? I mean in addition to the broad need for planning, which I understand and we hear you and with which I concur, can you identify any specific concern which you think we need to guard against if this rezoning were to go through in terms of any ripple effect, unintended consequence in the area just outside of the border.

MS. TOUGH: [Foreign language].

MALCOLM LAM: I think the issue is

1 that the way the plan is currently designed, it
2 increases property value on the outskirts. I mean
3 just by the upzoning of Avenue D as well as
4 Delancey. Real estate owners on Bowery are
5 already expecting their property rates to go up as
6 soon as this plan passes. So it's no illusion.
7 Real estate people know that if you're outside,
8 the value of your property is going to go up. So
9 the pressure is going to be automatically applied.
10 Now we talk about the East Village being in need
11 of over development, but Chinatown has the same
12 need. The only problem is that with this plan it
13 actually heightens the development and increases.
14 So it's basically just pushing the pressures away
15 from this area into the outskirts. And then
16 there's a lot of things even with NYCHA. The DCP
17 doesn't talk about NYCHA because it says it can't
18 be touched. But we all know that there's already
19 talks about selling out air spaces and privatizing
20 and possible warehousing. So that's something
21 that DCP and the DEIS don't even cover. In regard
22 to translation, I think that people want a
23 professional translator from the mere fact that
24 40% of people living in DC3 are not proficient in
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2 English. So that's no small minority that do not
3 speak English. They either speak Spanish
4 primarily or Chinese. So I think that's why there
5 are a lot of people who are disappointed that
6 there's no professional translation. No offense
7 to the people up there.

8 WAH LEE: [Foreign language].

9 COUNCIL MEMBER GERSON: Thank you
10 very much.

11 CHAIRPERSON AVELLA: Thank you.
12 The next panel is a panel in favor. Dominic
13 Pisciotta, the chair of the Community Board 3,
14 Lucille Carrasquero, Joyce Ravitz, and Gene
15 Standish.

16 DOMINIC PISCIOTTA: Hello, my name
17 is Dominic Pisciotta. I'm the chair of Manhattan
18 Community Board 3. I'm going to give basically a
19 cliff note version of the testimony that I'm going
20 to submit to try to stay under the two minutes.
21 Before I begin, I would like to take this
22 opportunity to thank the Department of City
23 Planning, my predecessor David McWater and our
24 district council members for all the hard work
25 they and the their representatives have done on

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2 this zoning proposal to get it to this stage of
3 the ULURP process and for listening to and working
4 with the community since we asked for rezoning in
5 July of 2005. CB3 followed a democratic community
6 planning process over several years in concert
7 with our council members, community members,
8 leaders and organizations. Any last minute
9 demands or tangential proposals, as well as
10 attempts to derail the ULURP at this late hour
11 does not respect the work of the community. I ask
12 that the City Council only consider adding items
13 that have been agreed to as a result of previous
14 public hearings and the conditions of the ULURP
15 unanimously approved by Community Board 3 and
16 carefully weigh those that could potentially
17 enhance this zoning plan. Dismantling the
18 rezoning at this point would be devastating to a
19 community that has been at the center of the real
20 estate development boom that exploded over the
21 last decade. As this occurred it became apparent
22 to even the most casual observer that a zoning
23 change is one of the few ways of saving a life,
24 saving a community in CB3. When CB3 convened its
25 197 Task Force in July of 2005, it set about

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2 working to solve the problems of multiplying high
3 rises, displacement of households and the
4 destruction of mom and pop businesses. We decided
5 to work with the city on a rezoning instead of
6 going it alone and we decided two other things.
7 That we would include as many major community
8 stakeholders as possible on the committee. Many
9 of those groups will give testimony here today and
10 I'm proud to say that this blue panel group, along
11 with 10 Community Board 3 members, managed to vote
12 unanimously on every single proposal they had over
13 a two-year period. We selected guiding principles
14 that all stakeholders determined as having common
15 ground. Over the next year our task force worked
16 diligently, meeting with DCP, reading studies,
17 listening to and hiring experts to help us. I
18 echo the previous panels request for including
19 other items that weren't or aren't in the zoning
20 as part of our original 11 points, as Community
21 Board 3 had requested. We'd also like to see 700
22 affordable units for families at 80% of median
23 income or below. We also want to thank DCP and
24 the State of New York for working so diligently
25 with us on this, especially the great speed with

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2 which the zoning proposal has been developed. As
3 we are literally inundated with new and out of
4 context luxury development every day, speed is
5 perhaps our greatest ally.

6 LUCILLE CARRASQUERO: Good morning.
7 My name is Lucille Carrasquero and I'm the
8 chairperson of the Cooper Square Committee. We
9 are a membership organization with over 600
10 members, the vast majority of whom are low income
11 families and households. Our organization is also
12 a member of the Lower East Side Coalition for
13 Accountable Zoning, LESCAZ. We urge the City
14 Council to support this ULURP to rezone 111 blocks
15 on the Lower East Side. Our current zoning does
16 not provide adequate protections against out of
17 scale development in hundreds of locations around
18 our neighborhood. According to the Department of
19 Buildings Records, in just the past nine months
20 there have been 14 new buildings that received new
21 permits or renewals of permits. Of these 14
22 buildings, 8 of them are way more than 80 feet in
23 height. In other words, nearly 60% of the
24 buildings under construction in the proposed
25 rezoning area are out of scale with the existing

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2 character of our community. Also, several new
3 hotels that are going up south of Houston Street,
4 such as the 11-story hotel at 136 Ludlow Street,
5 the 18-story hotel at 180 Ludlow Street and the
6 10-story hotel at 163 Orchard Street. Also, the
7 new luxury residential buildings such as a 26-
8 story building at 180 Orchard Street and a 23-
9 story building at 188 Ludlow Street. We strongly
10 support inclusionary zoning which will provide
11 incentives for private owners to develop
12 affordable housing along the wide avenues on the
13 Lower East Side. In adopting inclusionary zoning,
14 DCP must also create language in the zoning text
15 that prohibits demolition of structurally sound
16 buildings and provides stronger anti-harassment
17 protections for tenants. Again, I want to urge
18 that the City Council vote in favor of this ULURP
19 which will benefit more than 100,000 residents in
20 the area that will be rezoned. Sixty percent of
21 these residents are people of color. Their median
22 income is just over \$33,000 per year. They are
23 facing displacement pressures under the current
24 zoning. Thank you for listening.

25 JOYCE RAVITZ: Good morning. My

1 name is Joyce Ravitz. I live on the Lower East
2 Side on Grand Street. My grandparents immigrated
3 here and they lived on the Lower East Side. My
4 parents lived on the Lower East Side. My children
5 can't afford to live here. I'm one of the CB3
6 members who voted for this rezoning plan because I
7 love the Lower East Side and it pains me to see
8 the current wave of large hotels drowning the
9 diverse community that I love. I'm the co-vice
10 chairperson of the Cooper Square Committee. Our
11 organization has worked to sponsor this
12 preservation and development of over 600 units of
13 low income housing during the past 25 years. We,
14 like other low income housing preservation
15 organizations, are finding few opportunities to
16 develop new low and moderate income housing on the
17 Lower East Side. As you know, relatively few city
18 owned sites remain. The privately owned housing
19 stock has become prohibitive, expensive and
20 thousands of affordable rent stabilized apartments
21 have been deregulated in the past decade, leaving
22 our community with less and less affordable
23 housing. In this environment, government must use
24 every tool at its disposal to promote the
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2 preservation and development of affordable
3 housing. Zoning is one such tool. I urge you to
4 vote in favor of the ULURP application for this
5 rezoning plan developed in the partnership between
6 the Department of City Planning and CB3. Not just
7 because it will apply the much needed height
8 limits, but because it will apply inclusionary
9 zoning to the wide avenues in our community from
10 Second Avenue to Avenue D north of Houston Street,
11 as well as Houston, Delancey and Chrystie Streets.
12 DCP projects that nearly 500 low income housing
13 units will be developed in these inclusionary
14 zones over the next decade because of the zoning
15 bonuses they will provide to developers who build
16 mixed income housing. Without inclusionary zoning
17 there will be few opportunities to create low
18 income housing in our community in the coming
19 years. I also want to urge the City Council to
20 help our economically diverse community to develop
21 more affordable housing than just the 500 low
22 income units in the inclusionary zones by
23 identifying city owned sites, not Seward park,
24 where at least 700 additional units of low,
25 moderate and middle income housing can be

developed.

CHAIRPERSON AVELLA: Can you sum up?

JOYCE RAVITZ: Yes. In addition, I urge you to adopt a stronger anti-demolition plan and anti-harassment provisions as part of the rezoning plan. We need concrete protections and they must be enforced. If a property owner is found to have engaged in harassment, they must be required to set aside 28% of FAR for permanent affordable housing in the building where the harassment finding was made. They must also be ineligible for government subsidies, including 421A to any new construction on any sites they own. Finally, I want to urge the City Council to continue to work with the Bowery and the Third and Fourth Avenue corridors within the next couple of years. We need the resources to conduct an environmental impact statement in these areas which are not included in the current plan. With regard to Chinatown, I'm happy to support and in good faith to rezone Chinatown if that's what the Chinese communities wants and we urge the city to provide the necessary planning resources to

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2 facilitate such a process. Thank you.

3 JEAN STANDISH: My name is Jean
4 Standish and I'm a member of the Bowery Alliance
5 of Neighbors. One of the major problems with the
6 rezoning of the East Village and Lower East Side
7 is the Department of City Planning's exclusion of
8 the Third Avenue Bowery corridor from the plan.
9 According to City Planning the rezoning does not
10 include the Bowery because its existing built
11 character is not consistent with the low to medium
12 density form of the majority of the East Village
13 and Lower East Side and that this corridor is a
14 wider avenue that is well served by mass transit.
15 This rationale, however, is not accurate. The
16 Bowery is a low rise community with buildings
17 averaging four to ten stories in height, excluding
18 of course the recently constructed high rise
19 hotels and luxury buildings. Concerning the width
20 of the avenue, Delancey and Houston Streets are
21 equally as wide as the Bowery and they are also
22 served by mass transit. Debunking the argument
23 that this district is markedly different from the
24 rezoned area. In fact, the Bowery is an extension
25 of the build character of the Lower East Side.

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2 Because the Bowery is a commercial district it is
3 rapidly evolving into a massive wall of towers.

4 As a consequence of this rampant out of scale
5 development this district is losing its diversity
6 and distinct low rise historic character, giving
7 way to gentrification and secondary displacement.

8 Excluding the Bowery from the rezoning plan will
9 also negatively impact the East Village and Lower
10 East Side regardless of the proposed contextual
11 zoning with a wall of out of scale luxury
12 development on the periphery of these communities.

13 The city has recognized the historic significance
14 of the Bowery by protecting the west side of the
15 Bowery in the Little Italy Special District and
16 the NoHo Historic District. The East

17 Village/Lower East Side rezoning will protect the
18 area just east of the Bowery. However, the east
19 side of the Bowery itself has been left out of
20 these rezonings. The east side of the Bowery

21 should be rezoned to ensure that it is in context
22 with the rest of the community, the Little Italy
23 Special District, the NoHo Historic District and
24 the East Village/Lower East Side rezoning plan.

25 We respectfully request that a further immediate

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2 study be done of the Bowery and protection be
3 implemented to preserve this district. Possibly a
4 follow-up corrective action could be drafted by
5 City Council requesting the City Planning
6 Commission initiate an immediate rezoning of this
7 area or an extension of the Little Italy Special
8 District from the west side of the Bowery to the
9 east side of the Bowery. The Bowery is an
10 important part of the history of New York City.
11 But without immediate protection much of it will
12 be obliterated.

13 CHAIRPERSON AVELLA: Thank you.

14 You mentioned about a follow-up corrective action.
15 I think it's important for everybody to know that
16 a follow-up corrective action only happens when we
17 have an agreement with City Planning to do it.
18 City Council can make a recommendation but without
19 a commitment it's just a recommendation. So a
20 follow-up corrective action usually means that
21 we've actually gotten a commitment that they will
22 do it as part of our recommendation.

23 JEAN STANDISH: These are just
24 suggestions.

25 CHAIRPERSON AVELLA: Right. I just

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want to let you know.

JEAN STANDISH: Exactly. And these are just suggestions because it's only this chunk, it's just the east side of the Bowery. I mean we're not asking for the entire lower of Manhattan. And to lose the oldest avenue in New York to this decimation of massive hotels is criminal. It is criminal what is happening to our community.

CHAIRPERSON AVELLA: We got you. We understand. The next panel. I'm sorry. Council Member Mendez.

COUNCIL MEMBER MENDEZ: Thank you, Chair Avella. We're really trying to minimize our questions so that everyone can testify. This is for the chair of CB3, Dominic Pisciotta. Can you tell us the boundaries of Community Board 3 and can you tell us approximately how many blocks are in CB3?

DOMINIC PISCIOTTA: The border is the Bowery on the east. The northern part is 14th Street. Anything under that all the way to the Brooklyn Bridge. And then it includes a segment of Chinatown up to the Bowery. I don't know the

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2 answer to how many blocks. I just know that the
3 rezoning is 111 block.

4 COUNCIL MEMBER MENDEZ: Thank you.

5 CHAIRPERSON AVELLA: Thank you.

6 The next panel is a panel in favor. Chris from
7 AAFE. I know he's here. Chris Kui, Steve
8 Herrick, B. Eileen Grigg and Thomas Yu. I
9 apologize. I just goofed. I just did two panels
10 in favor. To compensate, I'll do two panels in
11 opposition next.

12 CHRISTOPHER KUI: Hello,
13 Councilman. My name is Christopher Kui. I'm the
14 executive director of Asian Americans for
15 Equality. AAFE supports the overwhelming majority
16 of affordable housing advocates and organizations
17 in the Lower East Side that the East Village/Lower
18 East Side rezoning proposal is a major step in
19 stemming the rampant gentrification and out of
20 context luxury development in our mixed income
21 neighborhood. The rezoning process was conducted
22 in a fair and open manner and was developed
23 through a democratic process, substantiated by
24 over three years of numerous town hall meetings
25 and other public hearings and meetings. AAFE

1 supports the Lower East Side rezoning plan with a
2 caveat that the city and the Planning Commission
3 immediately undertake a dedicated Chinatown
4 rezoning study to see how we can all craft a plan
5 that is likewise best for Chinatown. There is no
6 doubt from our work in the community that
7 Chinatown is in trouble. The loss of
8 manufacturing jobs, the loss of affordable
9 housing, aging and dilapidated housing stocks,
10 lack of green space and overloaded transportation
11 infrastructure. The city must pledge to provide
12 much needed funds and reinvestment into one of the
13 country's oldest immigrant communities to ensure
14 that we tackle these problems. Time is of the
15 essence. We all understand that no rezoning plan
16 is perfect, but we support identifying areas
17 within the current rezoning plan that could be
18 modified. We're proposing the following: to
19 ensure that the inclusionary zoning mandate at
20 least 30% affordable housing; increase tenant
21 rights advocacy and education; implementation of a
22 stronger anti-eviction, anti-landlord harassment
23 provision; to exclude Chrystie Street portion
24 south of Delancey Street from the current rezoning
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2 to be considered at a future rezoning process; and
3 then lastly to conduce further investigation to
4 quickly determine the propose C4-4A zoning area
5 which excluded User Groups 7 and 11 be replaced
6 with potentially C6-1A or C6-2A to preserve
7 important local businesses. I know my time is up.
8 I think it's really important that we work
9 together. I know in recent months there has been
10 a lot of criticism and accusation of racism by
11 opponents of the plan. But these accusations I
12 think oversimplifies and I think basically throw a
13 smokescreen over the real is of neighborhood
14 preservation. The loosely substantiated claim of
15 racism amount we believe dangerous race baiting
16 and remain an impediment to the common goals of
17 affordable housing preservation for our low income
18 residents in Chinatown and Lower East Side. I'm
19 going to conclude that we cannot afford to be
20 divided. The longer we dwell on this type of
21 polarization the longer consensus is thwarted and
22 the longer we'll all remain vulnerable to the
23 onslaught of gentrification. Stopping the Lower
24 East Side rezoning plan only hands the
25 unscrupulous developers a green light to continue

their dislocation of low income residents.

CHAIRPERSON AVELLA: Chris?

CHRISTOPHER KUI: So thank you.

STEVE HERRICK: Good morning, council members. I'm Steve Herrick, executive director of Cooper Square Committee. We're a membership organization with over 600 low and moderate income members. Our organization is also member of LESCAZ, coalition of affordable housing and preservation groups. We strongly support the contextual rezoning of 111 blocks as proposed in this ULURP action. This plan is the result of a collaborative partnership between Community Board 3 and the Department of City Planning. Dozens of public meetings were held over the last three years to arrive at this plan. The area contains over 100,000 residents, 60% of whom are people of color. The median income of the census tracts included in this plan is about \$33,000, which is less than 60% of the city's median income. This plan contains many positive elements such as: 80-foot height limits on most of the avenues north and south of Houston Street, which will limit new buildings to seven to eight stories with setbacks

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2 at 40 to 65 feet; 75-foot height limits on mid
3 blocks north of Houston Street; reduced commercial
4 and community FAR south of Houston Street that
5 will reduce incentives for hotels and dorms,
6 thereby preserving the residential character of
7 our community; inclusionary zoning to promote low
8 income housing on Delancey Street, Houston Street,
9 Avenue D and Chrystie Street with height limits of
10 120 feet; inclusionary zoning on the avenues from
11 Second Avenue to Avenue C. Together these
12 inclusionary zones will create incentives through
13 FAR bonuses that will result in an estimated 500
14 new low income housing units over the next decade.
15 While these are important gains for our community,
16 we're losing hundreds of rent regulated units
17 every year due to displacement and gentrification
18 under our current zoning. We need the City
19 Council to put forth a follow-up corrective action
20 plan to this rezoning that will address the urgent
21 need for at least 700 new low income housing units
22 in the rezoning area outside the IZs. There are a
23 number of city owned sites that can and should be
24 developed as low and moderate income housing. We
25 urge the city to make this happen. The other

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2 critical issue we need to address is the potential
3 increase in harassment that may occur in the
4 inclusionary zones. We all recognize harassment
5 is already a huge issue in our community under our
6 current zoning. However, in the IZs, the increase
7 on as of right FAR may create incentives for
8 developers to harass out tenants. For this reason
9 we want anti-harassment provisions to be applied
10 in the IZs. Finally, I want to urge that the city
11 continue to work with our community to rezone the
12 Bowery and the Third and Fourth Avenue corridors
13 as soon as possible. Our community will be
14 getting more affordable housing and strict
15 building height limits as a result of this
16 rezoning, which is desperately needed. I urge the
17 City Council to vote in support of this plan.
18 Thank you.

19 B. EILEEN GRIGG: Hi. My name is
20 Eileen Grigg. I've been a resident of this
21 community for over 35 years. I want to thank the
22 members of the committee and express my
23 appreciation and concern for the extremely
24 important job that you do, not only for our
25 neighborhood, but for neighborhoods all over the

1
2 city in preserving the quality. Zoning is vital
3 to preserving the quality and livability of New
4 York City for all of its citizens. Anyone who has
5 lived in New York City for any period of time
6 knows that it's not one big city, it's a huge
7 succession of neighborhoods all kind of jammed
8 together. I'm sure that each of you are on the
9 council because you wanted to represent you
10 specific neighborhood or community because you
11 liked it and you wanted to put roots down there
12 and there were special qualities that your
13 particular neighborhood had. After coming here as
14 a young person, that's why I decided to stay in
15 the East Village. I know that the neighborhood
16 has gone through changes, some of the good, and
17 some of them I'm not so pleased about. Every
18 neighborhood needs to change, but the change on
19 the Lower East Side has been just astonishing in
20 the past few years. I think there are a lot of
21 important reasons why including low to moderate
22 income housing and making it important and a
23 condition in terms of rezoning is something that's
24 not often mentioned. While the mayor thinks that
25 Wall Street is the economic driver of this city,

1
2 it's not often noticed that something like one out
3 of every seven people who are taxpayers and
4 residents of New York City work for not for profit
5 organizations. We all know that not for profit
6 organizations don't necessarily pay a lot of
7 money. We're not just talking about people who
8 work in youth programs and whatever, we're also
9 talking about people who work in museums, people
10 who work in dance companies and people who work in
11 small theater groups. Whereas Wall Street tax
12 dollars may be the economic engine of this city--

13 CHAIRPERSON AVELLA: [interposing]
14 Ma'am, can you sum up?

15 B. EILEEN GRIGG: Yes. While they
16 may be the economic engine, I would argue that it
17 may be lower and moderate income people that are
18 the heart and soul of the city and that make it
19 such a unique and vibrant place for anyone to
20 live. Even poor people on the Lower East Side
21 have made a contribution. If any of you walk
22 around our neighborhood you'll see the pocket
23 parts that people dug out down on their hands and
24 knees to create some beauty and something special.
25 I hope that you won't allow this neighborhood to

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2 turn into high rises that only high income people
3 can live in. Because my own experience in my
4 building is there is continuing harassment of rent
5 stabilized tenants and apartments are
6 theoretically improved and more high priced people
7 move in. These people are just passing through.
8 They don't put roots in the community. They don't
9 contribute. They leave after a year or so.

10 CHAIRPERSON AVELLA: Ma'am, I'm
11 going to have to actually cut you off.

12 B. EILEEN GRIGG: Okay. Thank you.

13 CHAIRPERSON AVELLA: Sir?

14 THOMAS YU: My name is Thomas Yu.
15 I am a member of Community Board 3. I'm also a
16 lifelong resident of the Lower East Side. I grew
17 up in NYCHA public housing most of my life, as
18 well as tenement housing in Chinatown. I'm
19 currently the director of affordable housing
20 development in Asian Americans for Equality, as
21 well as leading the State Chartered Preservation
22 Corporation, downtown Manhattan CDC. I'm here in
23 support of this rezoning as a community board
24 member as well as someone who worked and lived in
25 the community all my life. I'm not going to go

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2 into detail, but I basically agree with what has
3 been said by our board chair, Dominic Pisciotta
4 and what Chris has said in terms of why we are in
5 support. I'm going to talk more about why it's
6 not such a great idea to extend what is a good
7 plan for East Village and Lower East Side which
8 conceivably can be a bad plan for Chinatown. Not
9 because it's essentially bad, but because it
10 hasn't been thought out. It hasn't been fleshed
11 out. It hasn't gone through a public process.
12 For instance, the Lower East Side plan does not
13 talk about what you do with manufacturing zones
14 for example. Because simply there isn't a
15 manufacturing area in the existing 100 or so
16 blocks in the current plan. Chinatown does have a
17 manufacturing zone. We also have a lot of
18 commercial, mixed use and older tenement stock.
19 These are the kind of characteristics that require
20 further study. This conflict of pitting against
21 each other really does injustice to achieving a
22 quick consensus that we need to come together and
23 really launch this much needed Chinatown plan as
24 soon as possible. I'll end on time.

25 CHAIRPERSON AVELLA: I thoroughly

1
2 appreciate that. Council Member Gerson has a
3 question.

4 COUNCIL MEMBER GERSON: Or two.

5 CHAIRPERSON AVELLA: No, has a
6 question.

7 COUNCIL MEMBER GERSON: One
8 question to each of the last two witnesses. Mr.
9 Yu, should we though not put in place a plan with
10 a commitment to review the issues you have raised,
11 such as manufacturing and the other issues of
12 concern to the Chinatown community outside of the
13 rezoned area? Would it be a good idea as part of
14 this to put in place and to assure the community
15 that a planning process for the areas not covered
16 will take place and will take place expeditiously
17 with all of the resources the community needs to
18 have an expeditious but thorough process? Is that
19 something we should achieve as a result of this
20 process we're in now?

21 THOMAS YU: Absolutely. People who
22 are opposing the plan, I do not discount and I
23 highly respect their frustrations about what is
24 happening in Chinatown. There's a real problem
25 and it is just as dire as the Lower East Side. I

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2 really respect that even though we're on opposing
3 sides of this rezoning plan. However, I think
4 that Chinatown really needs a dedicated plan that
5 is going to reflect all the nuances of the
6 differences between the two neighborhoods. Just
7 extending a blanket plan doesn't do that justice
8 for Chinatown. We have to do that right away.
9 We're losing time as we fight each other when we
10 could be working together.

11 COUNCIL MEMBER GERSON: To the
12 previous witness you talked about your experience
13 with harassment. Both Council Member Mendez and I
14 have raised this issue. We have been told in
15 response by some folks within the administration
16 that we don't need anti-harassment protection
17 within this area because we already have a law on
18 the books and the law works and we should just
19 apply the law. So we don't need any Lower East
20 Side/East Village anti-harassment protection.
21 From your experience does the current law work?

22 B. EILEEN GRIGG: Complete nonsense
23 that we don't need anti-harassment protection for
24 tenants in neighborhoods that are rapidly
25 gentrifying. We've seen 90,000 rent stabilized

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2 units disappear in this city in the past year.
3 That's not because people got richer.

4 CHAIRPERSON AVELLA: Thank you.
5 I'm going to call up the next panel on opposition.
6 There'll be two panels in a row. Roberto Ragone,
7 Sion Misrahi, Noelle Frieson, and Rabbi Spiegeel.
8 I would remind my colleague that we have 120
9 speakers still left to go. Even at two minutes,
10 we're here for another three hours. The thing I
11 want to make clear is people are leaving because
12 this is taking longer than some people can stay.
13 I think it's more important that people have a
14 right to be heard and that they don't have to
15 leave. So I would ask for my colleague's
16 cooperation.

17 COUNCIL MEMBER GERSON: This is the
18 Lower East Side, we're used to these meetings.

19 CHAIRPERSON AVELLA: I would just
20 say, council member, that 15 people have already
21 left and had to submit their testimony into the
22 record. Again, I think it's more important that
23 everybody have an opportunity to publicly state
24 what their position is. It is more important to
25 hear from people, in my opinion.

ROBERTO RAGONE: Before I start, I just want to make sure everybody the three documents. There is my testimony, a one-page summary of my proposal, and photographs of Group Use 11 folks who are in the area. Good morning. My name is Roberto Ragone. Thank you for the opportunity to testify today. I am the executive director of the Lower East Side Business Improvement District. We're a nonprofit organization of over 600 members, property owners and merchants beautifying and marketing the neighborhood to improve the quality of life and promote small businesses. As we have said in the past, we commend and agree with many aspects of the Department of City Planning's rezoning proposal, but we've got a few very minor but specific and essential revisions that are within scope for the area south of Houston, north of Grand, west of Essex, east of Chrystie inclusive. I have statements from other BID members in support of our position. The BID is concerned about the future impact of C4-4A on the very soul of the historically commercial character of the Lower East Side. C4-4A will prohibit Group Use

11, which would eliminate light manufacturing, the artisan work, the craftsman, the jewelry makers, the customized clothing makers and the book binders that help define what the neighborhood is know for, as a destination for creativity. I urge you to look at the photographs of the Group Use 11 businesses in the area. The second thing that C4-4A would do is reduce the commercial FAR from 6 to 4, which is a 33% reduction in property value, which on top of the current financial crisis would make it difficult to obtain financing. It would equalize the residential FAR and commercial, which would encourage residential investment and reduce the potential Empire Zone. The BID is requesting C4-4A be amended to C6-1A which would preserve the current commercial density of 6.0 to preserve the commercial viability of the area, reduce the competition for residential development by incentivizing commercial development by keeping the commercial FAR at 6.0, preserve Use Group 11 and thus sustain the artisan community business destination of homegrown activities that reinforce each other and create that destination. And finally, maintain a street wall consistent with

1
2 the existing built environment, consistent with
3 the spirit of contextual zoning, but with a
4 slightly higher height cap for narrow streets
5 south of Houston and north of Houston. I just
6 have a concluding remark if you don't mind. We
7 had a BID to help develop the area in 1992 and
8 then we got an Empire Zone after 9/11 to restore
9 the Lower East Side as a daytime destination. So
10 we're at a juncture where the right zoning can
11 continue to foster needed economic activity. We
12 need to reclaim the Lower East Side as a daytime
13 destination, not jeopardize it. We have an
14 opportunity. Please don't let it slip away. We
15 need C6-1A in order to avoid the de-
16 commercialization of the Lower East Side. The
17 very heart of its identity is at stake. So please
18 support the amendment and the summary of the
19 amendment is submitted to you. Thank you for that
20 little extra time. Thank you.

21 SION MISRAHI: Hello, my name is
22 Sion Misrahi. I am the owner of several
23 properties in the Lower East Side and Misrahi
24 Realty, which is a full service second generation
25 real estate firm that employs 30 persons. My

1 family has a long history on the Lower East Side
2 making the area their home in the 1950s and
3 running retail clothing stores. I was president
4 of the Merchants Association which preceded the
5 formation of the Lower East Side Business
6 Improvement District. Then a founder and eventual
7 president of the Lower East Side BID. If the
8 zoning resolution is passed in its present form,
9 you will have destroyed a vital commercial area
10 with the stroke of a pen. In 25 to 40 years the
11 Business Improvement District will no longer be an
12 entity. And a designated Empire Zone which now
13 exists will be a joke. You will have turned an
14 historically commercial area into a residential
15 one. Many jobs that now exist will no longer be
16 there. All growth will cease to exist and walking
17 to work or shopping will disappear. This will be
18 accomplished by the fact that it is economically
19 advantageous to build residential above the second
20 floor. This will eliminate all commercial
21 activity that now exists above the second floor in
22 our area. You must listen to the 600 plus
23 building owners and businesses that the Lower East
24 Side Business Improvement District represents.
25

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2 This vibrant community needs to be nurtured and
3 preserved, not buried. Under this proposal you
4 will be turning this vibrant commercial area into
5 a bedroom community with the closest shopping
6 above 14th Street. I believe that there are some
7 key changes that need to be made to the rezoning
8 proposal in order to preserve and strengthen the
9 Lower East Side distinctive mixed use character.
10 The city needs to allow, in the BID area,
11 appropriate commercial density to encourage mixed
12 use residential office development. This should
13 be done by keeping the existing commercial density
14 of 6.0 FAR or floor area ratio, while replacing
15 the C61 proposed zoning with a C61-A. This will
16 encourage residential development, but it will
17 also encourage commercial development as well. It
18 will also place a height cap on the area which we
19 all agree on. By preserving the commercial
20 buildings, we will have an indispensable daytime
21 worker population of small boutique firms such as
22 engineers, architects, theater workshops, public
23 relations, marketing firms, graphic designers, et
24 cetera. The daytime workforce will increase
25 daytime foot traffic, supporting existing new

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2 businesses, especially our retailers and
3 restaurants. This will ensure that people can
4 walk to work and walk to a shopping destination.
5 Moreover, this will preserve the small residential
6 upzoning for residential that has been studied and
7 approved by the entire community. Also the city
8 needs to preserve the zoning use category 11 which
9 underscores the creative image of the Lower East
10 Side with a broad array of commercial activities.
11 This includes artisans and light manufacturers who
12 could in turn support local businesses. That's
13 okay. Thank you very much for your courtesy.

14 RABBI SPIEGEEL: Good afternoon, my
15 name is Rabbi Spiegeel. I'm a rabbi in the local
16 Lower East Side on Rivington Street. The Lower
17 East Side is a beautiful community. It's like a
18 melting pot of New York City. Every race, every
19 nationality is there. If this down zoning goes
20 through, which I think is a very important down
21 zoning, there will be a lack of more community
22 facility space for the organizations in the local
23 neighborhood. Due to the lack of a bonus to the
24 community facility, no developer will develop any
25 community facility space. I understand the

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2 concern about high dormitory facilities, but with
3 a height cap implemented in this down zoning, that
4 will limit the interest of these dormitories.

5 However, an up zoning for community facilities can
6 be implemented and amended into this new down
7 zoning which would give the community local
8 facilities that opportunity at a lower rent due to
9 the fact that that's why the developers are
10 building their facility to go and get these
11 opportunities for these spaces. So my request is
12 just to up the community facility space on this
13 down zoning. Thank you.

14 NOELLE FRIESON: Hi, my name is
15 Noelle Frieson and I've been asked to read this on
16 behalf of Bob Levy. My name is Bob Levy and I'm
17 the owner of Harris Levy, a retail establishment,
18 established in 1894 by my great grandparents. We
19 call the Lower East Side of Manhattan our home
20 despite he neighborhood's growing pains over the
21 last century. While many have moved uptown or
22 even out of the city, even after the most
23 devastating post-9/11 era, we have stayed in the
24 neighborhood that we love, despite very heavy
25 financial losses. To make ends meet, I work a

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2 second job as a paramedic for Saint Vincent's
3 Catholic Medical Center. While I am optimistic, I
4 know our business cannot continue this way much
5 longer. I am concerned that the proposed rezoning
6 caps commercial development in the Lower East
7 Side. We need to maintain and expand the Lower
8 East Side's daytime reputation as a shopping
9 destination. While I am grateful to our
10 longstanding customers, we need daytime business
11 from people who work in the area. A significant
12 part of our lost business is due to the loss of
13 World Trade Center and Wall Street staff walking
14 here on their lunch hour. A key way to reclaim
15 this business is to foster and encourage the
16 establishment of daytime walk-in businesses, local
17 offices, both private and municipal, as well as
18 anchor stores. This is why I agree with the Lower
19 East Side Business Improvement District's position
20 that we must preserve as much of the currently
21 allowable commercial development in the area as
22 possible. The area needs local employees aside
23 from the current retail workers who will explore
24 the neighborhood and patronize the stores. If we
25 do not use foresight now, my store and many others

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2 will be relegated only to the internet or close
3 complexly, as so many others in the neighborhood
4 have. The short list of recent losses include:
5 Fine and Klein, Salwin, Ratner's, Gertels,
6 Fishkin, Bunnies, Klein's of Monticello. Almost
7 done. Gone are these icons, gone are their
8 customers, gone are there employees, gone are
9 their revenues and gone are their tax dollars.
10 The Lower East Side BID's position makes sense to
11 allow my business and others here to get back on
12 their feet. I ask you to apply the BID's
13 perspective and views to your plan. Thank you.

14 CHAIRPERSON AVELLA: Council Member
15 Gerson and then Council Member Mendez.

16 COUNCIL MEMBER GERSON: Thank you,
17 Mr. Chair. Just first I need to make a statement
18 on the record. Rabbi Spiegeel has served as a
19 special advisor, not on the city payroll, with our
20 office, though he has recused himself from any
21 involvement within our office with respect to this
22 rezoning issue. You never ignore. I'll ask the
23 director of the BID and anyone else can chime in.
24 Can your objectives of maintaining the commercial
25 viability, including the Use Group 11, be achieved

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2 within the framework of achieving the objectives
3 of contextual height limitations in the
4 surrounding area? And related to that, what some
5 folks within City Planning have told us is that
6 the change in the commercial zone just equalizes
7 and does not discriminate against the commercial
8 activity. In other words, it equalizes options
9 for residential and commercial development. Is
10 that not the case?

11 ROBERTO RAGONE: Richard Bass, who
12 is one of the witnesses here today, will speak to
13 the more technical questions. But I could tell
14 you that the C4-4A eliminates Group Use 11 without
15 a doubt. Our BID was looking for a way of
16 reconciling the need for a commercial FAR of 6.0
17 and the need to preserve Use Group 11 and we felt
18 that C6-1A is the best solution to that problem.
19 It's a very specific compromise. It's within
20 scope. Again, it caps heights below Houston
21 Street, but makes them slightly higher. You
22 achieve a slightly greater height below Houston,
23 but still within the spirit of contextual zoning.
24 Again, that 6.0 is important, as Sion Misrahi
25 said, because if you know the Lower East Side

1 south of Houston, this was an area that was a
2 destination as the only bargain district. Then it
3 was the only place that was open on Sunday. It's
4 not that anymore. Everybody is open on Sunday.
5 You can get bargains anywhere. People are so busy
6 that they shop where they work. The area has been
7 reclaimed as a nighttime destination, but not as a
8 daytime destination. We feel that the future of
9 the area requires a consistent critical mass of
10 daytime foot traffic that can be achieved by the
11 young professionals. The next hub of the creative
12 sector is coming to the Lower East Side, such as
13 young professionals, architects, engineers,
14 graphic designers, fashion designers, PR, and
15 market folks who want to live, work and shop in
16 the Lower East Side. If we make that possible by
17 preserving that 6.0 and synergize that with the
18 artisan retailers that are also a part of the
19 identity of the area, it's a wonderful specific
20 compromise that achieves that goal. It can be
21 rolled in part of an overall plan that the BID has
22 found highly commendable.

24 SION MISRAHI: I'd like to answer
25 that just a little bit more. C4-4A will mean that

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2 we can only have an FAR for either residential or
3 commercial. Since residential is more profitable
4 today, everyone will build residential,
5 eliminating all the commercial in our commercial
6 district. In time we will no longer have a
7 commercial sector because it will just
8 economically be not feasible to maintain it. So
9 that's why we need to have the BID's position
10 looked at and adopted. It's a small sector of
11 this 120 blocks that are being rezoned. It will
12 preserve the historic nature of Orchard Street,
13 Grand Street and all the other surrounding small
14 streets that are there. Thank you very much.

15 ROBERT RAGONE: Of the 144 blocks,
16 we're talking about 20 to 25 blocks. I forgot to
17 answer that aspect of your question. We feel that
18 the equalizing of the FAR will only, as Sion said,
19 encourage residential and only maybe preserve some
20 ground floor retail. But as I said before, the
21 solution to the survival and the sustainability of
22 the retailers is the non-retail, such as the
23 artisans and the young professionals who are in
24 the creative economy.

25 COUNCIL MEMBER MENDEZ: Thank you,

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2 Chair Avella. Mr. Ragone, you're advocating for a
3 C61A instead of a C4-4A.

4 ROBERTO RAGONE: Right.

5 COUNCIL MEMBER MENDEZ: You're also
6 advocating for Use Group 11 and for height caps,
7 is that correct?

8 ROBERTO RAGONE: Right.

9 COUNCIL MEMBER MENDEZ: Well, C61A
10 does not include Use Group 11 and it does not
11 include height caps and it also doesn't stop the
12 hotels that our communities have been trying to
13 fight that are coming up in that area. Are you
14 aware of that?

15 ROBERTO RAGONE: No, C61A has a
16 limit of eighty feet. Again, Richard Bass, will
17 be coming up as well so speak to this. The C61A
18 has a limit of about 80 feet and you could only go
19 as far to 120 feet, only if you purchase someone
20 else's air rights. So even when you purchase air
21 rights you don't have the carte blanche that you
22 currently have to build higher by buying up other
23 people's air rights.

24 COUNCIL MEMBER MENDEZ: But it
25 doesn't address your Use Group 11 issue, because

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it's excluded from this.

ROBERTO RAGONE: Then there would be a footnote amending this on the bottom of this zoning resolution which would include Use Group 11 and keep the zoning for residential to a 4 FAR, which is what has been studied.

COUNCIL MEMBER MENDEZ: That is not my understanding. And I'll defer to the chair. We've had this conversation with City Planning. But I'll just leave my questions at this right now.

ROBERTO RAGONE: I mean I'll just say, it's a technical question that I'd like Richard Bass to answer. But my understanding is that, as Sion was saying, that if it's within scope, if it's something that's been studied, then it's something that can be done.

COUNCIL MEMBER MENDEZ: Thank you. We'll have this discussion with our chair and with Department of City Planning.

ROBERTO RAGONE: Thank you very much.

CHAIRPERSON AVELLA: I certainly concur with Council Member Mendez's comments.

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2 That's an issue. We understand what you're
3 suggesting. It may not be doable though in terms
4 of the Use Group 11. So we should have some
5 follow-up conversations. We're not going to
6 resolve this right now. Thank you. The next
7 panel is Quintin, Josephine Lee, Mika Nagasaki and
8 Morris Simkin.

9 JOSEPHINE LEE: My name is
10 Josephine Lee and I am here to speak on behalf of
11 the Coalition to Protect Chinatown and the Lower
12 East Side. It is a shame that we have a mayor who
13 uses the city as a playground for his rich
14 friends, and who repeatedly flouts the democratic
15 process while other city officials pat his back
16 for it. It is a shame that more than 100 working
17 people from our community came here this morning
18 to attend the public hearing in order to speak and
19 put out their voice, but then city officials made
20 it apparently clear that they have no intention of
21 listening to people by not ensuring that there was
22 translation beforehand and then also by wasting
23 our time in the morning and not letting people
24 speak. It is a shame that for three years the
25 city kept our communities in the dark about a plan

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2 that would devastate our homes, workplaces and
3 businesses in the Chinese and Latino community in
4 exchange for protecting the narrow interest of a
5 few white rich people in the East Village. It is
6 a shame that when we found out about this racist
7 plan they city did everything they could to lie to
8 the public. To this day they continue to lie
9 saying that the plan is not racist. But the city
10 failed to inform the public that they chose to
11 sacrifice areas in the Chinese and Latino
12 community by upzoning streets in our community in
13 exchange for down zoning areas in the white
14 community, and what this will mean to our
15 community when developers even admit that large
16 scale high rises and hotels are already moving
17 into our neighborhood because of the anticipated
18 rise in property value this plan is causing. The
19 city still says that NYCHA will not be affected,
20 even after they announced plans to start selling
21 off their development rights. What will the
22 upzoning of Avenue D do the NYCHA building across
23 the avenue but make it even more attractive to be
24 privatized. The city lies to the public that
25 there will be affordable housing under this plan,

1 but fails to inform that whether or not they
2 provide 20% or 30% only 25% of the community
3 district will actually be able to afford it.
4 That's not even guaranteed, especially not in this
5 economic crisis. The city fails to inform the
6 public how many small businesses will be displaced
7 by this plan and will not be able to move back,
8 even though they have counted 211 protected
9 development sites. It is a shame that proponents
10 of this plan are pushing eviction prevention
11 because they know that they are going to need it
12 even more after this plan destroys the community.
13 It is an even greater shame that they feel like
14 they have to publicly show that they're selling
15 out the community. We will not tolerate racism by
16 our government or within our communities. We
17 demand that this racist plan be stopped and we
18 will not demand another racist and separatist
19 Chinatown plan that will displace the Latinos on
20 the Lower East Side. I am speaking on behalf of
21 more than 11,000 people whose petitions I have
22 brought here today and on behalf of the Coalition
23 to Protect Chinatown and the Lower East Side. And
24 at a time when people are expecting more
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2 accountability from their representatives, it
3 would be a shame if you fall in the footsteps of
4 Bloomberg in destroying our community. I say vote
5 this plan down and stop it immediately.

6 QUINTIN MAIDWYN: Hi, I'm Quintin
7 Maidwyn [phonetic]. I live in the East Village.
8 The rezoning of Community Board 3
9 disproportionately affects the Chinese, Latino and
10 African American populations of the Lower East
11 Side and Chinatown. This plan will push the
12 luxury development that is happening in the East
13 Village to the predominantly working class
14 neighborhoods of Chinatown and the Lower East
15 Side. Contrary to what has been claimed by
16 proponents of the plan, the rezoning does not
17 destroy luxury development, it displaces said
18 development to the surrounding minority and poorer
19 neighborhoods. You compound the racism of this
20 plan and of this government by creating a separate
21 plan for Chinatown that pits the Chinese against
22 the Latinos and African Americans, and whites for
23 that matter, further dividing up the community.
24 This working group is basing their plan off the
25 rebuilding Chinatown initiative. A plan that will

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2 turn Chinatown into a Disney Land version of
3 itself. For example, the plan calls for street
4 lamps to be redesigned with an oriental influence.
5 This will turn the district into a tourist ghetto.
6 New York is built on hard work and initiative. It
7 is built on people who came to this city believing
8 that they could create a better life. It is built
9 on diversity and the creativity that comes with
10 diversity. The rezoning of Community Board 3 will
11 destroy that diversity and make Manhattan more
12 homogenized than ever before. That's a city I do
13 not want to live in. In these perilous and
14 uncertain economic circumstances, this is no time
15 to sap the vigorous entrepreneurial spirit that
16 has characterized these neighborhoods for hundreds
17 of years. Wall Street is having problems, to put
18 it politely. This is no time to further threaten
19 New York City's and the nation's economic
20 security. This is not change that we can believe
21 in. It's change that developers can profit from.
22 It's time to stop this plan. Thank you.

23 MIKA NAGASAKI: My name is Mika
24 Nagasaki and I am here on behalf of the 11,000
25 people who came out and spoke out in some way or

1
2 form against what Mayor Bloomberg is doing and
3 this racist rezoning plan, which is a part of his
4 agenda to recreate the city by kicking out people
5 of color and working class communities throughout
6 Manhattan and the other boroughs. One hundred
7 people came here today to speak out against this
8 plan, but already dozens of them have had to leave
9 to go to work. It's absolutely ludicrous that
10 there is no translation. It's very clear that you
11 guys in City Council, you are already thinking
12 about passing this plan. I want to call that out
13 right now and say shame on you. You cannot deny
14 that this plan is racist. You all know that this
15 plan is racist. In fact, Alan Gerson, you came
16 out at a press conference that we had on August
17 13th saying that you would stop this plan because
18 of the flaws. In fact, not only did you say that,
19 but all of these community groups and so-called
20 community representatives who say that they are
21 advocating for tenant rights and resident rights,
22 even they say that this plan is deeply flawed.
23 They claim to speak for all Asians in the
24 community and for all people of color in the
25 community and that is absolutely ludicrous and it

1
2 is racist to believe that. That's like saying
3 that all Asians are the same and that we are all
4 saying the same thing. In fact, you even have
5 interpreters who can only speak certain dialects
6 of Chinese, off the fly, right here today. You
7 don't have any professional translators. This is
8 absolutely ridiculous in a district where 40% of
9 the people do not speak English fluently and do
10 not have English proficiency. If they can
11 understand a few words of English here and there,
12 they cannot express themselves fully and therefore
13 their opinions are basically shut out from this
14 whole process. I say shame on you. You all know
15 that this plan is racist. I don't need to read
16 what I have prepared today explaining how this is
17 racist. You've already seen it. You know it.
18 What you need to do right now is stop this plan
19 and say no to Mayor Bloomberg's agenda.

20 MORRIS SIMKIN: I seem to be one of
21 the few people here that believe that the present
22 zoning is fine. My family has a building on the
23 Lower East Side. It was a taxpayer, which is a
24 one-floor building. When it came time for me to
25 redo it and to try to make a living from it and

1
2 build apartments, the current zoning allowed me to
3 put on nine apartments.

4 COUNCIL MEMBER GERSON: Excuse me,
5 Mr. Chair. Could the witness identify himself and
6 his affiliation for the record?

7 MORRIS SIMKIN: Excuse me, my name
8 is Morris Simkin. We a building on the Lower East
9 Side, 152 Orchard Street, which has nine
10 apartments. I would have loved to put up a hotel
11 there but it wasn't feasible according the current
12 zoning. My parents, my uncle and my mother are
13 survivors of the Holocaust. They came here in the
14 50s and they opened stores here with partnerships.
15 They scrimped and saved. My uncle and his partner
16 managed to buy a building on the corner of Orchard
17 and Rivington Street. One of the tenants and one
18 of the partners in the building was a pickle man.
19 When his wife became sick and he was no longer
20 able to continue the business, my uncle in the
21 late 60s gave that parcel of the building to a
22 Korean. His name is Mr. Kim. Mr. Kim was the
23 first Korean on Orchard Street. My uncle gave him
24 the chance because he recognized that if somebody
25 wants to be creative and wants to work in this

1
2 country, it doesn't matter what color you are. If
3 you go up on Orchard Street now and walk up and
4 down, which I do almost every day, you see that
5 the store owners there, the creative people are of
6 all colors and nobody looks at anybody's color.
7 Nobody is a racist as far as people who want to be
8 creative and make a living there. Right now
9 there's something new happening. There's a
10 younger creative person coming there. An
11 acquaintance bought a wedding gown on Orchard
12 Street yesterday. It was \$1,000 wedding gown.
13 There's new things happening and the Lower East
14 Side has to maintain its commercial face to it.
15 It's a unique place. This whole United States is
16 filled with malls.

17 CHAIRPERSON AVELLA: Sir, can you
18 sum up?

19 MORRIS SIMKIN: I just feel that
20 the commercial integrity of the Lower East Side
21 must be maintained. I agree with the position of
22 the BID.

23 CHAIRPERSON AVELLA: Thank you.
24 Council Member Gerson and then I'm going to have a
25 comment.

COUNCIL MEMBER GERSON: Thank you very much, Mr. Chair. In the interest of time and my community knows me well enough that I don't need respond to outlandish statements, but I do want to clarify the record in two important regards. With respect to translation, to repeat what I said at the beginning, we have called and there does need to be an institutional upgrading of translational opportunities here on both sides of City Hall. Council Member Mendez and I and others have long called for that. The record clearly reflects that and one thing words cannot do is change facts. The facts show that Council Member Mendez, myself and this council have fought with great success for expanded translation in hospitals, in courts, in police precincts and throughout government. It's an ongoing process, which I agree needs to be expedited. In every community meeting I have hosted where there's been a need for translation, there has been translation in all of the dialects needed. We stand by the record and we need to improve that. With respect to my statements at the press conference, I stand by those statements. I don't go to hearings with

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2 preconceived notions unless I state a position at
3 the outset. What I did state at the outset is
4 this is an ongoing process with ongoing
5 conversations and negotiations between Council
6 Member Mendez, myself, this council and the
7 administration. I have not signed off on anything
8 yet. And I will not, as I stated, until the flaws
9 which I have identified repeatedly are dealt with.
10 That is where we stand in this process and that is
11 where we are going. This is just a statement of
12 the record. We have identified throughout the
13 process the need for affordable housing, the need
14 for anti-harassment protection, both within and
15 without the district, the need for a process that
16 includes the entire area, the need for protection
17 for light manufacturing and commercial enterprises
18 and community facilities within the desired goals
19 of limiting heights and excessive obscene high
20 rise and hotel development. We are proceeding in
21 that way and we are not there yet. This is a
22 process that is ongoing. Thank you, Mr. Chair.

23 JOSEPHINE LEE: Just to respond so
24 that it can also be on the record. We did send a
25 letter demanding translation and it was never

1
2 responded to.

3 CHAIRPERSON AVELLA: I was going to
4 get to that too.

5 COUNCIL MEMBER MENDEZ: Mr. Chair?
6 I would want to respond to this but I'm going to
7 save my comments for the end of the hearing when
8 everybody speaks. In the interest of having
9 everyone have their opportunity now.

10 CHAIRPERSON AVELLA: Thank you.
11 Council Member Simcha Felder has a question. But
12 before he does, I want to make a quick comment.
13 Josephine, since you mention that, you sent a
14 letter to who?

15 JOSEPHINE LEE: We sent a letter to
16 all City Council members, but we sent an open
17 letter to the Speaker Christine Quinn, but sent it
18 to all the City Council members.

19 CHAIRPERSON AVELLA: You and I had
20 a conversation about the issue of having a
21 translation service and I advised that even with
22 the good intentions of both council members and
23 myself, that decision is not made by us. So I
24 appreciate the fact that you sent the letter to
25 the appropriate person in the City Council and

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2 that's the Speaker. I think we all do recognize
3 the need that we should have translation services
4 available for these type of hearings. So we
5 agree. That's something that needs to be changed.
6 In terms of the person that said that it's all a
7 preconceived notion that we're all voting for
8 this, I haven't made up my mind. I have not made
9 up my mind. I'm very concerned about a number of
10 issues. I'm concerned about Chinatown not being
11 included and the fact that Bowery is excluded from
12 this. The question for me is while there are very
13 good things in the rezoning, do you vote it down
14 because not everything was included. That's a
15 dilemma that I have. I agree with some of the
16 comments that the reason we're in this situation
17 is because of the Bloomberg administration. But
18 you shouldn't take it out on this council because
19 it's the administration that put us in this
20 situation. So I just want to correct the record.
21 It is not the council, it is the administration
22 that put us in this situation. Now, Josephine, I
23 have a question for you. We also spoke when we
24 met about this issue about the petitions which you
25 just submitted. You said there were 11,000

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2 signatures. Some of the issues that have been
3 brought up are the issues for immediately outside
4 the rezoning area. But it was also brought to my
5 attention that there are people within the
6 rezoning area that are opposed to the project.
7 What I asked you to do was highlight those
8 signatures on the petitions for people who
9 actually lived in the neighborhood. I mean,
10 obviously, the issues you're bringing up do have
11 merit, but also we look very heavily towards the
12 people in the rezoning area. Were you able to do
13 that?

14 JOSEPHINE LEE: No. There's a
15 number of people who live within the rezoning area
16 on Avenue D, on Chrystie Street and on Delancey.
17 We believe that if you want to take this seriously
18 that you will look through the petitions and look
19 at who is affected by this plan. But also not
20 that this plan is going to cause development
21 pressures not only within the rezoning area, but
22 also outside of its borders and it's going to
23 displace people.

24 CHAIRPERSON AVELLA: Josephine, I
25 recognize that. We talked about that. But that's

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2 not the question I asked. I asked if you had the
3 opportunity, as I requested, to highlight on the
4 petitions which ones were inside the district in
5 the rezoning area and which ones weren't. It's a
6 simple yes or no.

7 JOSEPHINE LEE: No. We feel like
8 if you really want to take it seriously that you
9 will look through those petitions.

10 CHAIRPERSON AVELLA: Simcha Felder
11 just told me that that was his question as well.
12 We just got the answer. They didn't do that.
13 Thank you. The next panel is a panel in favor.
14 David McWater, chair of zoning for Community Board
15 3, Gloria Goldenberg, Susan Stetzer and Maizie
16 Torres. Since Maizie does not appear to be here,
17 Damaris Reyes. She's here.

18 DAVID MCWATER: Hello, my name is
19 David McWater. I'm currently the chair of the
20 Economic Development Zoning and Planning Committee
21 of Manhattan Community Board 3. I was both a
22 chair of the board and the 197 Task Force when CB3
23 began working with the Department of City Planning
24 three years ago on this. I want to thank the
25 council for letting us speak, Chair Avella. I

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2 want to thank Council Members Mendez and Gerson
3 for their yeoman work on this. I want to thank
4 former Council Member Lopez. Without her
5 originally getting the full council to cede us on
6 this, we may not have been here. I've turned in
7 my written testimony but I am going to leave it
8 for a minute to make comments. I just want to say
9 that when the board began this process they
10 brought in many, many outside groups to be public
11 members of this process. To date, every single
12 vote Manhattan Community Board 3 has taken on this
13 zoning, be it in committee with the many public
14 members, or at the full board, has been unanimous
15 in support. We have had town halls. We have had
16 newspaper stories, radio shows, TV, everything in
17 the world about this and yet over and over and
18 over we have build consensus as Community Board 3.
19 We have in this zoning the lowest compliant height
20 cap possible for most of the area, except for the
21 IZ areas, which is just remarkable. It's
22 progressive. It's historic. There's no doubt it
23 will have a positive life changing effect on the
24 neighborhood. I hope the body will honor the
25 process that CB3 has been through and the historic

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2 consensus that they have achieved and not allow
3 for last minute changes that were never approved
4 of or vetted before the Community Board, or in
5 fact, some rejected by the Community Board.
6 Certainly there's things I would like to see
7 added. I'd like to see more affordable housing.
8 I'd like to see anti-harassment. I would have
9 loved to have seen the Bowery included. Hopefully
10 something can still be done on those. I chaired
11 these meetings for the last three years and I've
12 carried the burden of knowing we'd only get this
13 one shot at it. I have fretted and worried and
14 listened and learned and strived to find a path
15 that would allow us to do the very best possible
16 job we could within the constraints and
17 regulations of the greater municipality. I
18 believe in my intellect and my heart that this is
19 it. I just want to say also that the BID people
20 are very fine people, but their plan is
21 essentially an end run to undo the zoning in the
22 area that is the core area that the board started
23 working on ten years ago. I know they have this
24 vision of artisans and office stores above the
25 retail, but they've had that opportunity for the

1
2 last 15 years to build like that and nobody has.
3 If you go to Orchard Street and Ludlow Street and
4 Essex Street you see hotel, hotel, hotel, hotel,
5 luxury building, and luxury building. Nobody
6 built an office building. In fact, people came to
7 us for variances threatening us with how big of an
8 office building they could be if we didn't give
9 them a luxury tower. The board had rejected this
10 argument. I would ask the council too also. I
11 would just say that the other opponents, in some
12 way I'm honored by their opposition because what
13 they want is the zoning for their own area. I'm
14 proud that that means it's good zoning and I wish
15 it could be extended to every area. But I don't
16 think the threshold for a Community Board plan
17 should be an entire Community Board. Thank you
18 very much.

19 GLORIA GOLDENBERG: Hi, my name is
20 Gloria Goldenberg. I'm a resident of the Lower
21 East Side and I'm a member of Community Board 3.
22 I'm here to speak in favor of the rezoning plan.
23 In my opinion there are already too many large out
24 of scale buildings on the Lower East Side and they
25 are very new buildings in the last few years.

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2 It's very important to me as a member of Community
3 Board 3 to protect the homes of long-term
4 residents of the Lower East Side. It's also very
5 important that we maintain the businesses that
6 have been long term that serve these long-term
7 tenants. There are many issues with traffic on
8 the Lower East Side now. By allowing continual
9 big buildings on the Lower East Side we're only
10 going to exacerbate the problems with traffic. I
11 ask the council to pass this rezoning. Thank you.

12 SUSAN STETZER: Good morning. My
13 name is Susan Stetzer. I have been district
14 manager of Community Board 3 since July 2004 and a
15 board member previous to this. I am also a long
16 time resident of the Lower East Side. I want to
17 thank the city agencies and our council members
18 for their work and collaboration with the
19 Community Board in responding to the community to
20 preserve the character of our neighborhood. When
21 I became district manager, the office was flooded
22 with calls on two issues. One was the out of scale
23 development of the neighborhood. Long time
24 residents and those who had recently moved here
25 because of their attraction to the character of

1
2 the community were shocked and extremely upset
3 about the sudden over development of the
4 neighborhood. People had assumed the new
5 buildings could not exceed the height of
6 surrounding buildings. Suddenly they were
7 piercing our skyline. They were being built
8 totally out of character with the historic nature
9 of our tenement community. Lower East Siders are
10 terribly proud of our history and the buildings
11 and the businesses that still reflect our
12 character. I mention in my testimony that there
13 are several buildings that have went up that
14 people have been trying to fight against.
15 Churches and small landlords have sold their air
16 rights and moved their religious institutions and
17 businesses. Small businesses on Ludlow are afraid
18 their businesses will not survive the change. It
19 has also become necessary for the board office to
20 spend a great deal of time investigating phony
21 community facility claims. When the community
22 board formed the zoning task force I finally had
23 an answer for all the residents calling for help
24 from the board. I told them if they wanted to
25 stop this out of character over development, they

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2 should attend task force meetings and give their
3 input. It made a huge difference. People finally
4 felt they had a productive way to fight back to
5 save their community. Every time I walk down the
6 street or stand in line at the grocery, people ask
7 me about the rezoning and express the urgency of
8 this plan to be implemented. I am also in the
9 often difficult position of having low and
10 moderate income constituents come to the office
11 begging for help to find or stay in affordable
12 housing. Preserving and creating more permanently
13 affordable units is a very necessary priority for
14 our community. I personally would not be able to
15 live on the Lower East Side if I were not in a
16 rent controlled apartment. We ask you help in
17 securing more affordable housing and tenant
18 protections. This plan came from our community.
19 It went through the ULURP process.

20 CHAIRPERSON AVELLA: I need you to
21 sum up.

22 SUSAN STETZER: Okay. I have one
23 important thing. It went through the ULURP
24 process which guaranteed transparency, public
25 input and a public vote. Community Board 3 voted

1
2 unanimously to support this plan. Please protect
3 our community plan by ensuring there are not last
4 minute conditions added that will change this plan
5 without community input or community review.

6 MAIZIE TORRES: Good afternoon. My
7 name is Maizie Torres and I'm the Tenant
8 Association President of 355 East 10th Street,
9 which is located within the proposed rezoning
10 area. I'm also a lifelong resident of the Lower
11 East Side and a member of GOLES. I would like to
12 thank the City Council for the opportunity to
13 testify and I'm delighted that our community board
14 has worked with the city to rezone the East
15 Village/Lower East Side and would also like to
16 thank all of the residents and community
17 organizations, such as LESCAZ, who have worked
18 tirelessly on this plan. As such, I am here today
19 to urge the City Council to support the rezoning
20 of the entire 111 blocks as proposed in this ULURP
21 action and make this plan even stronger by
22 incorporating the following: anti-harassment
23 provisions for the entire 111 blocks of the
24 rezoning, but especially on the wide avenues that
25 contain inclusionary zoning provisions. While

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2 inclusionary zoning is an important gain for our
3 community, we are losing hundreds of rent
4 regulated units every year due to displacement and
5 gentrification. Therefore, we need a commitment
6 from the city to create an additional 700 units of
7 new affordable housing for families at 80% of
8 median or below. We want 30% of all the new units
9 developed with inclusionary zoning to be
10 affordable, just as was done with the Cooper
11 Square project. We believe that 20% is not
12 enough. Finally, we want the creation of legal
13 services funds to protect low income tenants at
14 risk of landlord harassment. As I mentioned
15 earlier, this rezoning plan has been worked on for
16 several years by a diverse group of residents and
17 organizations representing low and moderate income
18 families of color. There were many public
19 meetings, hearings and information sessions. As a
20 result Community Board 3 was able to develop these
21 modifications and reach consensus around a plan
22 which includes the community's input and concerns.
23 I understand that this rezoning cannot stop all of
24 the problems we are facing with gentrification and
25 displacement on the Lower East Side, however, I

1
2 believe that it will help us to preserve the
3 diversity of our community, protect the character
4 of our neighborhood, slow down the out of control
5 development of hotels and luxury housing and
6 create opportunities for the development of more
7 affordable housing. So again, I urge the City
8 Council to support this rezoning with Community
9 Board 3's modifications. Thank you. And I just
10 want to say one thing. I dispute the petitions
11 because in my community, as they're going out and
12 getting these petitions, they're letting tenants
13 know that they're going to be displaced out of
14 their homes. I think that that's unfair that
15 they're misleading tenants to sign petitions on
16 that alone. So I just wanted to put that out
17 there. Thank you.

18 CHAIRPERSON AVELLA: The next panel
19 is a panel in opposition. Trinh Duong, Ming Ho,
20 Mable Tso, and Steven Wong.

21 JOANN LUM: Trinh Duong had to
22 leave for work. She asked me to read this
23 statement for her. My name is Trinh Duong. I
24 live at 530 Grand Street, New York, NY 10002. I'm
25 a resident of the Lower East Side and my two

1
2 little boys, ages 9 and 5, attend PS 184M on
3 Cherry and Montgomery Streets. I have been taking
4 my children to school at PS 18M since my oldest
5 child started kindergarten. Early in the spring
6 of this year, I believe it was in the month of
7 May, I was walking home from work when I passed PS
8 20. I learned that the Community Board was having
9 a public hearing inside the building. I also saw
10 a number of other residents and working people
11 from nearby Chinatown trying to get into the
12 public hearing. Concerned about the new hotels
13 that I had been seeing built in Chinatown and the
14 rapidly changing neighborhood that I was living
15 in, I decided to go into the hearing to learn
16 about the rezoning plan. Two police officers
17 stopped me from entering the hearing, threatening
18 to arrest me if I tried to go inside the building.
19 I told them that I understood this hearing was
20 open to the public and that I lived in the
21 neighborhood covered by Community Board 3. The
22 police officers kept repeating that they would
23 arrest me for trying to go into the public
24 hearing. There were approximately 30 people
25 behind me and one person in front of me. Finally,

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2 the community liaison came to the door to say that
3 it was illegal for us to go inside because of Fire
4 Code limits. I told the community liaison that my
5 son had attended summer school in this very
6 building the previous summer and that empty seats
7 in the auditorium, which were visible from the
8 open doorway, meant that the Fire Code limits had
9 not been reached. After approximately 30 minutes
10 of being locked out and threatened with arrest,
11 the community liaison finally realized that the
12 person in front of me was a journalist and allowed
13 her to go inside. After she came back outside
14 with a camera crew to film us being locked out of
15 the hearing, the police officers said that if
16 people leave then we could go in. When I pointed
17 out that two people were just leaving, he reached
18 behind me to try to allow two white people to
19 enter. I had to assert that I was the next person
20 in line and had a right to attend the meeting. I
21 insisted that racial profiling was wrong. Inside
22 the auditorium I heard a number of Chinese and
23 Latino residents asking for translations
24 repeatedly. At one point, one of the CB members,
25 David McWater responded to an audience member

1 asking for translation by grabbing the microphone
2 and yelling that that man wants to take your
3 money, among other unflattering characterizations.
4 It was distressing to see a representative of the
5 Community Board verbally attack an audience member
6 in such a baseless way. It was offensive,
7 intimidating and racist. I have lived and worked
8 in Lower Manhattan and the East Village for many
9 years.
10

11 CHAIRPERSON AVELLA: Can you sum
12 up?

13 JOANN LUM: I'm going to end here.
14 My children have been going to a district school
15 for five years. I moved into my current apartment
16 nearly two years ago. In this period of time I
17 have never heard of the rezoning plan until that
18 evening. Thank you for listening. I hope that my
19 experience helps. I am against this plan.

20 CHAIRPERSON AVELLA: Thank you.
21 First of all, we need to have your name for the
22 record.

23 JOANN LUM: Joann Lum.

24 COUNCIL MEMBER MENDEZ: Tony? I
25 only got page 2 of this testimony and not page 1.

But you did submit both pages for the record?

Okay, thank you.

CHAIRPERSON AVELLA: I want to remind everybody that when you read somebody else's testimony you are in fact testifying. So you cannot read somebody else's testimony and then testify yourself. If somebody isn't here, their testimony can be submitted into the record. But I don't want a situation later on where somebody read's somebody else's testimony and then wants to testify themselves. That is not how it's done. Next speaker?

MABEL TSO: Hi, my name is Mabel Tso. I'm here to speak as a resident. I was born and raised on Elizabeth and Prince. I'm a daughter of a garment worker from Chinatown. Again, I want to say it's a shame that so many non-English speakers are here to voice their concerns about the impacts of this rezoning plan, but they aren't heard or understood. It further highlights the unfairness of this process and the City Council process is supposed to be the most accessible democratic government process in the city. I've seen the immense changes that have

1
2 been taking place in my neighborhood that are
3 driven by market forces. This rezoning plan
4 further promotes these trends of market forces
5 because it doesn't take into account race or local
6 area income. Instead everybody sits around and
7 talks about footprints of buildings and envelopes,
8 but you don't take into account family size or
9 race or income of the local area. Instead, you
10 take the average income of the entire Manhattan
11 Borough. Affordable housing in this current plan
12 isn't affordable to me. I work at nonprofit.
13 It's not affordable to people like my mother, who
14 is here today. Having a separate but equal plan
15 doesn't protect the needs of low income families
16 and workers in the community. Thank you.

17 TONY TSAI: My name is Tony Tsai.
18 I am a resident and worker in the Chinatown
19 community. I am very disappointed about today's
20 public hearing because of the translation
21 problems. We have so many other residents that
22 came out today. They were very disappointed.
23 They left because of the time. They came out
24 early in the morning just to attend this meeting.
25 But they have no idea what we're talking about or

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2 what the City Council is talking about or what
3 this plan is all about. But they know that this
4 plan is racist. I don't know how people could
5 mistake that. The whole Community Board 3 only
6 protected the rich white people. They left out
7 the Chinese and Latino communities. That's the
8 question we've been raising since the hearing in
9 Community Board 3 until now. That's why we assume
10 that this plan will pass automatically. This is
11 just for show. If not, please show us that this
12 is not a show. That you guys are really doing
13 stuff for the people. Do something to protect
14 those that vote for you. Do something for them
15 instead of protecting these rich people. Who will
16 benefit from these plan? It's the organization or
17 the developer that support this plan because they
18 are getting something out of it. All the normal
19 residents and workers like us are the ones who
20 have been impacted the most. I just want to say
21 something about what the Community Board 3 members
22 have been saying. They say they had reached out
23 to the community, which is totally untrue. For
24 three years they've been secretly doing it. They
25 say they talked to our community. Who did they

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2 talk to? The talked to Chris Hu, which is only
3 one organization, or two organizations that are
4 so-called representing Chinatown. Come on, that's
5 ridiculous. We've come out here to oppose this
6 plan, but who is listening to us? Nobody is
7 listening to us. So we come here today to urge
8 the council members to take serious consideration
9 and vote down this plan. Stop this plan. Thank
10 you.

11 STEVEN WONG: My name is Steven
12 Wong. I'm the chairman of the Chinese Restaurant
13 Alliance, representing most of the Chinese
14 restaurant operators in Chinatown and Manhattan
15 and the United States. I would say 80% of the
16 Chinese restaurant workers in the Chinese
17 community and nationwide. I'm not here to get
18 into any details because both sides are talking
19 about it. I'm just showing you an example that I
20 learned in World History about the Roman Empire.
21 People were building palace after palace, temple
22 and temple and forget about the benefits and the
23 interests of the working people they serve.
24 Nowadays history seems to be repeating. We are
25 building luxury hotels and condos in Chinatown and

1
2 all over Manhattan. People can give out any
3 reason about why the garment factory collapsed and
4 the reason why is this so-called rezoning.

5 Instead of putting into low income housing, I see
6 another luxury hotel and another luxury condo.

7 Affordable housing has been raised repeatedly. I
8 learned many years ago that the politicians have a
9 tendency to lie to people by using vocabulary and

10 playing games. The sanitation engineer is a
11 garbage man. It's the same thing. Using it you

12 lie to the people. Affordable housing is

13 something that maybe only a few in our community
14 can afford. Nobody have the courage to come up

15 and tell the whole world how much annual income

16 you have to earn in order to qualify to file the
17 application for affordable housing. So I'm here

18 to tell everybody that we're not going to allow

19 America to go backwards until we see the collapse
20 of all the Roman Empire. I'm going to show you

21 guys right now on record who is going to represent
22 our committee and the Latino communities, instead

23 of just one or a few rich and influential or

24 powerful. Whether they're going to use gangster

25 tactic on me because they threatened to take the

1
2 statue away which I put in Chinatown for the
3 reason of saying no to drugs. So I'm talking
4 about quality of life and I'm going to do the
5 voter's registration starting tomorrow and show
6 everybody who is controlling the power.

7 CHAIRPERSON AVELLA: I have to ask
8 you. You're over your time.

9 STEVEN WONG: Thank you.

10 CHAIRPERSON AVELLA: You're
11 preaching to the choir when you talk about
12 affordable housing because I've said it publicly.
13 We're not doing affordable housing. That's a
14 joke. It's not based on the local median income.
15 It's based on the metropolitan area income. We're
16 just pushing people out from their own
17 neighborhoods. So I've actually been working on
18 legislation in that respect for some time.
19 Unfortunately I'm having difficulty getting the
20 bill written within the City Council. But I think
21 we all recognize the fact that more needs to be
22 done. The housing we're building isn't affordable
23 to the people who really need it. We understand.

24 STEVEN WONG: Respectfully we
25 request voices need to be heard.

1
2 CHAIRPERSON AVELLA: And that's why
3 you're here and that's why we're listening.

4 COUNCIL MEMBER GERSON: Mr. Wong,
5 it's good to see you again.

6 STEVEN WONG: Good to see you.

7 COUNCIL MEMBER GERSON: As I have
8 mentioned, that statue will remain forever. I
9 assure you of that. It sends an important message
10 not only to the community but to the entire city.
11 My question to any of you, can you identify one or
12 two specific priority protections or benefits
13 which you think we should put in right away for
14 the area or within the area that is not included
15 within the rezoned district in order to prevent
16 potential negative consequences if it goes
17 through? Can you identify in advance of the
18 broader study and planning process that you have
19 stated has to happen for the entire community?
20 Are there any benefits or protections which you
21 think you would recommend that we have to do right
22 away?

23 STEVEN WONG: First of all, thank
24 you for giving me the confidence about the statue.
25 Personally, I already installed eight closed

1
2 circuit cameras in my office. So even if people
3 come in with knives and guns, at last I can hold
4 it for a while until I call 911. My suggestion is
5 historically we have some real developer move into
6 any community and push the people away, build high
7 buildings, 150 apartments and promise 25% or under
8 for so-called affordable. I think they have
9 forgotten that the land belongs to the people that
10 are being pushed away. My suggestion is whether
11 or not we can go the other way around. Some 25%
12 goes to middle income and up and the rest go to
13 the lower income. I doubt very much any developer
14 will have any interest.

15 MABEL TSO: I think that there
16 aren't any small changes that can made that is
17 compromising.

18 COUNCIL MEMBER GERSON: I didn't
19 mean necessarily small, it could be big. Just one
20 or two specific, whether they're small or big.
21 Don't limit yourself to small.

22 MABEL TSO: The current plan
23 doesn't look at family size or income or race or
24 the differences north or south of Houston. The
25 affordable income requirements aren't really

1
2 affordable in our community.

3 TONY TSAI: I would support what
4 Mr. Wong say. If you could reverse that to 25%
5 for the rich people and 75% for the normal
6 residents. That would be perfect. But that's not
7 happening. This plan is bad. What we really
8 expect to happen tomorrow is to vote it down, to
9 stop the plan. It's just like a virus. A person
10 catches a virus. Are you going to let him out?
11 It is a problem. You know that this problem will
12 affect other people. Why would we let him out?
13 We should lock him down. Just like this plan, we
14 should put it down and then have a better plan for
15 everybody that everybody could participate.
16 That's what I'm saying.

17 JOANN LUM: I agree. No kind of
18 modifications is going to address this
19 fundamentally racist plan if you allow it to go
20 through. It's got to be stopped. We've got to
21 start from scratch and do a plan for the entire
22 community that includes everybody and that is
23 accountable to the working people and the small
24 businesses in the community.

25 COUNCIL MEMBER GERSON: If I may,

1
2 and then our chair will have any final word.
3 We're fortunate to have Tony Avella as our chair.
4 I've been talking individually with several people
5 on this. There will be no vote tomorrow. The
6 vote will be held over until next week at the
7 request of Council Member Mendez and myself. And
8 often, if you look at the history of the way
9 issues are handled, as big as this issue is, we've
10 had other equally significant and large issues
11 elsewhere in the city where there have been
12 significant changes and adjustments in the final
13 few days. So this is a significant period of
14 time. The issue with which we're grappling is no
15 one can deny that within the areas this plan does
16 do some good, according to the people in the
17 communities. You're heard all the testimony. I
18 don't want to repeat that. I agree that there are
19 concerns for areas not included. We could follow
20 up. You can think about this. Mr. Wong has my
21 number. We speak on a regular basis. I heard
22 what you said about deepening the income level,
23 the percentages. If there are specific, big or
24 small, protections that we could put in place
25 right away and then follow up with the plan that

1
2 you're talking about, at least that is something
3 we need to consider. So I invite you to think
4 about that and continue the conversation.

5 JOANN LUM: Even within the plan,
6 people are going to be adversely affected. I mean
7 the people living around the streets that are
8 going to be upzoned like Avenue D, Chrystie, Pitt
9 and Delancey and the small business around it are
10 going to be pushed aside. I mean there is so much
11 displacement that's going to be happening within
12 the plan and then outside of the plan that you
13 can't just make some modifications and think that
14 you're going to mitigate the destructive factors
15 of this zoning plan.

16 STEVEN WONG: You have to realize
17 the consequences of what it will bring to our
18 community if this rezoning plan has been passed.
19 Most of the residents will be displaced. Don't
20 mind those people that we should have a plan for
21 ourselves. We are not there to get that plan, to
22 enjoy that plan because the community is not there
23 and the residents aren't going to be there. So
24 stop the plan and we all talk to have a plan for
25 everybody that will not displace anybody. That's

what we are asking. Thank you.

CHAIRPERSON AVELLA: Don't forget to submit that testimony. The next panel is a panel in favor. Damaris Reyes, Esther Wang, Marie Christopher and Phil Medina.

DAMARIS REYES: Esther Wang submitted written testimony. She had to leave. Marie also submitted her written testimony and she had to leave as well.

CHAIRPERSON AVELLA: Okay. Kindu Jones and Juan Robinson.

DAMARIS REYES: Should we start?

CHAIRPERSON AVELLA: Yes, please.

DAMARIS REYES: Hi, my name is Damaris Reyes. I'm the executive director of Good Old Lower East Side and I'm a lifelong resident of the Lower East Side and of public housing. I live in Baruch Houses. GOLES is dedicated to tenant rights, homelessness prevention, eviction prevention and economic development.

CHAIRPERSON AVELLA: Hold on one second. If you're leaving the room or having a conversation, please take it outside because it does make it hard to hear the people who are

1
2 giving testimony.

3 DAMARIS REYES: We have been
4 serving this neighborhood since 1977. We serve
5 more than 3,000 people a year. So we are
6 intimately familiar with the needs of this
7 community, have our ear to the ground and know
8 firsthand the pressures that people are facing
9 when they have to leave this neighborhood or when
10 their landlord is harassing them. Ask any one of
11 our members. GOLES is also a member of LESCAZ,
12 which is a coalition of community groups that has
13 been working together in partnership with the
14 community board to support this 111 block plan.
15 It's been a very collaborative process. I
16 personally have worked on it for the last three
17 years. There are a few points that I think will
18 make this plan better. One is to add anti-
19 harassment provisions for the entire 111 blocks,
20 but especially on the wide avenues that include
21 IZ. And while inclusionary zoning is a great
22 gain, we are still losing rent regulated units by
23 the hordes every single year. What we need is to
24 bring more affordable housing. We're asking for
25 700 additional new units at 80% of the median or

1
2 below. We also want the IZ to be increased to 30%
3 and not just 20%. We're asking for the creation
4 of a legal services fund because we have seen
5 firsthand the pressures this neighborhood is
6 under. Many of us can't even deal with the influx
7 of people that come daily because they're being
8 evicted, they're going to Housing Court, their
9 landlord is harassing them and trying to push them
10 out of their existing buildings. If I may, I want
11 to say that this has been a very open process for
12 three years with dozens and dozens of community
13 meetings, hearings, information sessions. This
14 issue has been publicized in all the local press.
15 To say that groups were excluded, that it was a
16 secret plan is a complete and utter lie. Any
17 group that represents or seeks to represent this
18 neighborhood understands about community board
19 processes and knows it is their responsibility to
20 stay in touch with what's going at the ground
21 level. The other thing I want to say is that the
22 people who are opposing this plan say they
23 collected 11,000 signatures in opposition to this
24 plan. I can tell you firsthand that dozens of
25 people have come to me and asked me why they were

1
2 tearing down public housing. I signed a petition
3 saying that they're going to tear down public
4 housing. So what I'm really saying is that people
5 signed this but they were very uninformed. Not
6 everyone understood what they were signing. There
7 are hundreds and thousands of people that are in
8 support of this plan and just because we didn't
9 come here with a petition doesn't mean that it
10 isn't so. It's not a racist plan. Chinatown is a
11 very unique community and we should stop trying to
12 pit these historically allied neighborhoods
13 against each other. Chinatown is under three
14 different community boards, so why only are we
15 talking about rezoning Community Board 3. If
16 people really want to rezone Chinatown, then we
17 need to understand that there are three different
18 community boards that are represented there, not
19 just what's in Community Board 3.

20 KINDU JONES: Good afternoon

21 everyone. My name is Kindu Jones and I grew up in
22 Seward Park Extension where my mother, brother and
23 sister still live in Council Member Alan Gerson's
24 district. I graduated from Seward Park High
25 School. I met my second family in Tompkin Square

1 playing baseball in 1998. I moved in with them
2 about three years ago. We live in Council Member
3 Rosie Mendez's district. My father, Michael
4 Rosen, is a member of the East Village Community
5 Coalition and LESCAZ. He could not be here today,
6 so I'm speaking on his behalf. For over three
7 years an extremely wide coalition of community
8 groups from throughout our neighborhood have
9 worked on this 111 block rezoning plan. I've
10 watched the meetings happen with my father going
11 out night and night and on the phone talking with
12 people. Neighbors coming over. Uncountable hours
13 from scores of people have been put into every
14 aspect of this plan. Public testimony has been
15 given time after time. Community Board 3 voted
16 unanimously to approve this plan. The City
17 Planning Commissioners voted unanimously to
18 approve this plan. It is disrespectful to those
19 who have worked so hard to suddenly propose
20 changes in the 11th hour and 59 minute of a
21 remarkably inclusive three-year effort. There
22 have been uncountable times when it was proper and
23 when it would have been constructive, but it is
24 not now. Ideas not already vetted in the
25

1
2 community board plan aren't proper now. The 111
3 block zoning needs to be kept intact. We need 30%
4 inclusionary zoning units to be affordable with
5 700 new units of permanently affordable housing
6 not otherwise already in the pipeline. We need
7 anti-harassment provisions. These are not new
8 ideas, but part of the Community Board 3 plan.
9 Thank you.

10 PHIL MEDINA: Good afternoon
11 everyone. My name is Phil Medina. I grew up in
12 the Lower East Side. My family lives in the Lower
13 East Side in a People's Mutual Housing Association
14 building. I went to PS 64 on Sixth Street and
15 Avenue B, Junior High School 56 on Henry Street
16 and graduated from Norman Thomas High School. I
17 currently attend college in downtown Manhattan.
18 Like Kindu Jones, I live with my second family and
19 my second dad, Michael Rosen, who is a member of
20 the EVCC and LESCAZ. I've done volunteer work in
21 the EVCC to preserve historic buildings in the
22 Lower East Side. I've done volunteer work for Sue
23 Kritchen [phonetic] across the street from us in
24 working with others and my family. I understand
25 the changes in our community, the spread of luxury

1 housing street by street and building by building.
2 There are people who have moved away because they
3 can't afford to be here anymore. I see the high
4 rises going up everywhere around us. The Bodegas,
5 hardware, shoe repair shoes and the butchers
6 replaced by boutiques, bars and restaurants that
7 many people in our neighborhood cannot afford.
8 The 111 block zoning plan has been worked on for
9 over three years by Community Board 3 and a wide
10 array of community groups. It has been vetted in
11 numerous public hearings. It was unanimously
12 approved by Community Board 3 and the City
13 Planning Commissioners. It's time to enact this
14 plan. The creep of displacement is constant.
15 Three years of effort by those involving
16 themselves in a transparent process has born an
17 excellent plan. It is not respectful to those who
18 have worked three years to propose changes and the
19 very last moment in what has well been a
20 remarkably open process that always welcomed
21 participation, particularly from our elected
22 officials. People who have been aware of this
23 effort throughout cannot suddenly suggest changes
24 that would have been constructive one, two or
25

1
2 three years ago, but no longer. What can anyone
3 possibly be trying to achieve by doing so? Again,
4 we need 30% inclusionary zoning units to be
5 affordable, with 700 units of permanent affordable
6 housing not otherwise already in the pipeline. We
7 need anti-harassment provisions. The ideas are
8 part of the Community Board 3 plan. Thank you.

9 JUAN CARLOS ROBINSON: Good
10 afternoon everyone. My name is Juan Carlos
11 Robinson. I grew up in Jacob Riis Houses in the
12 Lower East Side. I went to PS 64 grade school, 56
13 Corlears Junior High School and graduated from
14 Norman Thomas High School. Like my brothers here
15 and my friends all around, I live with my second
16 family and my second father, Michael Rosen, who is
17 a member of the East Village Community Coalition
18 and LESCAZ. The changes to our community have
19 been vast. The zoning for our community is
20 decades out of date and displacement is rampant.
21 The 111 block zoning plan has been worked on for
22 over three years by a wide coalition of community
23 groups and Community Board 3. It has been vetted
24 in numerous public hearings. It was unanimously
25 approved by Community Board 3 and the City

1
2 Planning Commissioners. Three years of constant
3 effort has resulted in an excellent plan which
4 needs to be enacted. There is nothing to wait
5 for. It is not legitimate for people who have
6 always been aware of this effort to suddenly
7 suggest changes that would have been constructive
8 at the beginning or in the middle but are no
9 longer. Proposals not already vetted in the
10 Community Board plan are inappropriate now. The
11 111 block zoning needs to be kept intact. We need
12 30% inclusionary zoning units to be affordable
13 with 700 new units of permanently affordable
14 housing not otherwise already in the pipeline. We
15 need anti-harassment provisions. These ideas are
16 part of the Community Board 3 plan. Thank you.

17 DAMARIS REYES: Council Member? I
18 read my testimony, but I did want to say that
19 GOLES is also in favor of the council doing a
20 follow-up correction action plan to rezone the
21 Bowery and to commit real assistance and resources
22 to the working group in Chinatown who are looking
23 at the possibility of rezoning Chinatown. Our
24 coalition is adamantly insistent on helping any
25 group out there to learn from the experiences that

1
2 we've had.

3 CHAIRPERSON AVELLA: Thank you.
4 Council Member Mendez.

5 COUNCIL MEMBER MENDEZ: You gave me
6 that look, Tony. I don't know what that was
7 about. Ms. Reyes, you are the executive director
8 of a housing organization, correct?

9 DAMARIS REYES: That is correct.

10 COUNCIL MEMBER MENDEZ: You are
11 located in the rezoned area.

12 DAMARIS REYES: That is correct.

13 COUNCIL MEMBER MENDEZ: Can you
14 tell me how many years you've been the executive
15 director there or have worked there? How much
16 displacement have you see in the community, if
17 any, and of whom?

18 DAMARIS REYES: I've worked at
19 GOLES for eight years this October. I've been the
20 executive for three and a half years. During my
21 tenure at the organization, we have seen dozens
22 and dozens and dozens of people being pushed out
23 of the neighborhood who come to our organization
24 daily. We don't even have the resources to
25 properly and fully assistant them. They're going

1
2 to Housing Court. Their landlords are offering
3 them buyouts. They're harassing them. They're
4 experiencing depravation of services. I mean,
5 they can't afford their rents. It's really,
6 really, really crazy to the point where sometimes
7 the staff feels entirely stressed because we want
8 to be able to do something to help them stay in
9 the neighborhood.

10 COUNCIL MEMBER MENDEZ: Thank you.
11 To Mr. Jones, Mr. Medina and Mr. Robinson, you are
12 native sons of the Lower East Side, you were born
13 and raised there?

14 JUAN CARLOS ROBINSON: Yes, we
15 were.

16 PHIL MEDINA: Actually I wasn't. I
17 moved there when I was about 11 years old.

18 COUNCIL MEMBER MENDEZ: Mr. Jones?

19 KINDU JONES: Yes. I've been a
20 resident for about 20 years in the Lower East
21 Side.

22 COUNCIL MEMBER MENDEZ: Have some
23 of your friends been displaced while you've been
24 growing up in the community because they haven't
25 been able to afford to continue living there?

2 PHIL MEDINA: I have some friends
3 that moved to Williamsburg, Brooklyn. They had to
4 move out of the house. They already grew up.
5 They can't really afford to live in the Lower East
6 Side. They have to move to downtown Brooklyn or
7 something farther like Flushing, Queens.

8 DAMARIS REYES: Can I say something
9 about that? GOLES has completed its first phase
10 of a community assessment where we asked the
11 question if they knew anybody who had moved out of
12 the neighborhood and why. The predominant answer
13 to that question was yes and everybody answered
14 that the reason people left was because the rent
15 was unaffordable.

16 COUNCIL MEMBER MENDEZ: Thank you.

17 COUNCIL MEMBER GERSON: Council
18 Member Mendez, just to follow-up to your
19 absolutely correct point, yesterday I had the
20 privilege of marching as one of the Grand
21 Marshalls at the Veteran's Day Parade. A soldier
22 born and bred in the Lower East Side came up to me
23 and said that he was forced out because of the
24 combination of rent increase and harassment. That
25 is a disgrace. I appreciate your testimony. I

1
2 just need to clarify one point of process. This
3 has come up in other conversation with respect to
4 timing. Most, if not all of the concerns have
5 been raised in one form or another. This is kind
6 of like the final countdown before the rocket ship
7 takes off. The purpose of this hearing is to
8 receive input, either last minute concerns and
9 last minute new good ideas and we need to take
10 them seriously. So any new concerns or new good
11 ideas that are raised here, this is kind of the
12 last opportunity to do so. We should take them
13 seriously. We would not be doing our duty if we
14 did not take them seriously. But we do so within
15 the context of all of the work which has taken
16 place. That is the construct with which we are
17 proceeding to continue the process. Thank you.

18 CHAIRPERSON AVELLA: The next panel
19 in opposition. Frank Scaduto. I think it's S-C-
20 A-D-U-T-O. Elizabeth Shaoul. Elizabeth, are you
21 here? Marvin Mitzner. Marvin, are you here?
22 Marvin is not here either. Richard Bass? I'm
23 having trouble reading this. Is it Ziano Zan. It
24 looks like Z-I-A-N-O, 6305 20th Avenue. It could
25 be Second Avenue maybe. No, that doesn't even

1
2 make sense. C. Tong Ng, N-G. And there's no way
3 I can make this out. Okay, I guess we have four.
4 I don't know who everybody is.

5 FRANK SCADUTO: Good afternoon
6 Council Members and thank you for letting us have
7 this opportunity to speak. My name is Frank
8 Scaduto and I'm going to be reading submitted
9 testimony on behalf of Matt DeSilva. My name is
10 Matt DeSilva and I own Guitar Man on Orchard
11 Street. My wife owns Adrienne's Bridal Salon on
12 the same block. I customize guitars on the
13 premises and she does the same with wedding
14 dresses. We are also residents in the Lower East
15 Side. It's my understanding that the city's
16 rezoning proposal for the Lower East Side affects
17 the future of businesses like ours, which is owned
18 by people who customize their work. I chose to
19 start in the Lower East Side because of its
20 tradition of creating an atmosphere for
21 entrepreneurship. This artisanship is an
22 important component of the neighborhood that
23 defines the Lower East Side. Even if the current
24 zoning proposal would grandfather the artisan
25 businesses like mine that are already here, the

1
2 city's plan undercuts the success of these
3 individual's businesses because they benefit from
4 the overall dynamic of having such businesses in
5 the area. There is also something to be said for
6 the Lower East Side Business Improvement
7 District's perspective about maintaining the
8 commercial density to leverage the potential space
9 to attract the creative sector into boutique
10 office firms. These workers could then browse my
11 store and other retailers in the area. The area
12 retailers need to be able to count on daytime foot
13 traffic and the LES BID's position to take that
14 into consideration. I understand that the city's
15 intention is to build more residential units and
16 put a cap on building heights. These are
17 legitimate concerns. It seems to be that the City
18 Council could adopt a zoning plan that achieves
19 these goals without losing these types of
20 businesses. The LES BID has a proposal that
21 addresses these various concerns. The Lower East
22 Side Business Improvement District is interested
23 in keeping the artisan community and commercial
24 density intact, which I agree are major economic
25 priorities for the Lower East Side. We support

1
2 the LES BID's efforts and appeal to the
3 Subcommittee on Zoning and Franchises and the full
4 Land Use Committee to pass amendments to the
5 zoning proposal that reflect the LES BID's
6 proposal. Thank you.

7 RICHARD BASS: Good afternoon
8 Chairman Avella and Council Members. I'm Richard
9 Bass of the law firm Herrick, Feinstein. I
10 represent the Lower East Side Business Improvement
11 District. The public policy of the City of New
12 York for the past 20 years has been to support
13 commercial activity in the area south of Houston,
14 west of Essex, north of Grand and east of Chrystie
15 Streets. This policy produced the Lower East Side
16 BID, an advocacy organization for commercial
17 activity and the New York State Empire Zone, which
18 provides economic incentives for commercial
19 activity. The proposed zoning for this area
20 seriously contradicts and conflicts with the
21 city's policy to support commercial activity. The
22 proposed zoning reduces potential development
23 rights by 33%, eliminates the Use Group 11 that
24 permits artisan activities and creates a market
25 condition that will only produce residential

1
2 development in the future. The BID believes this
3 is the wrong public policy for the city to adopt
4 at this time at this location. The BID
5 acknowledges the community initiative to regulate
6 out of scale buildings. Therefore, the BID
7 suggests the following amendments to the zoning
8 map: map the currently C6-1 to C6-1A, which would
9 permit a 6.0 commercial FAR in a contextual
10 building form of 60 to 85 foot street wall and
11 maximum of 120 foot height; provide minor zoning
12 text amendment to ensure that the C6-1A in the
13 area would be within scope of this action. To
14 approve the proposed zoning will ensure that this
15 commercial area will only become a residential
16 neighborhood with only ground floor bars and
17 restaurants as the only commercial activity. The
18 BID's proposed compromise would continue the
19 city's support of commercial activity and new jobs
20 in this area, while at the same time address out
21 of scale development. We ask for your support of
22 this compromise. Thank you.

23 ZIANO ZAN: I speak Chinese.

24 [Foreign language].

25 CHAIRPERSON AVELLA: Excuse me one

1
2 second. Ms. Tough? She's coming. All right, you
3 can proceed. Thank you very much. Please
4 continue. Thank you.

5 ZIANO ZAN: [Foreign language].

6 Thank you.

7 CHAIRPERSON AVELLA: Thank you.

8 C. TONG NG: More Chinese.

9 [Foreign language].

10 CHAIRPERSON AVELLA: Council Member
11 Mendez?

12 COUNCIL MEMBER MENDEZ: Tammy, if
13 you can translate for the last speaker. He said
14 that this rezoning would affect his rent. So if
15 this rezoning does not go through, what
16 protections would he have?

17 MS. TOUGH: [Foreign language].

18 C. TONG NG: [Foreign language].

19 MS. TOUGH: He is saying that if
20 the rent for the businesses is too high and they
21 cannot afford it, then they will have to closed
22 and then we will lose our jobs.

23 COUNCIL MEMBER MENDEZ: So, Tammy,
24 please clarify for me. I thought we were talking
25 about residential rents, not commercial rents.

1
2 Were they talking about commercial rents or
3 residential rents?

4 MS. TOUGH: [Foreign language].

5 C. TONG NG: [Foreign language].

6 MS. TOUGH: He says commercial
7 rents, because he's an employer.

8 COUNCIL MEMBER MENDEZ: Well
9 there's no commercial rent protection in this city
10 anywhere. Just for the record.

11 MS. TOUGH: [Foreign language].

12 CHAIRPERSON AVELLA: Council Member
13 Gerson?

14 COUNCIL MEMBER GERSON: Tammy?
15 Just for the record, could you tell us the
16 location of your businesses?

17 MS. TOUGH: [Foreign language].

18 C. TONG NG: [Foreign language].

19 MS. TOUGH: It's on East Broadway.

20 COUNCIL MEMBER GERSON: All right.
21 Thank you very much.

22 C. TONG NG: You're welcome.

23 MS. TOUGH: [Foreign language].

24 Who is Mr. Ng?

25 C. TONG NG: [Foreign language].

2 MS. TOUGH: Okay, the last one is
3 Tong Ng. [Foreign language].

4 ZIANO ZAN: [Foreign language].

5 MS. TOUGH: [Foreign language].
6 I'm not sure of this one. I'll get it afterward.

7 CHAIRPERSON AVELLA: That's good.
8 Thanks. The next panel is in favor. Is it
9 Valerio Orselli? William Arroyo, Jennifer Hong,
10 from the Borough President's Office and Nancy
11 Thomas. Thank you. Marlene Payton? Is Marlene
12 here? Okay. It's not on. Push the button.

13 VALERIO ORSELLI: Chairman Avella,
14 ladies and gentleman of the Zoning and Franchising
15 Committee, my name is Valerio Orselli. I am the
16 executive director of the Cooper Square Mutual
17 Housing Association. I am here today speaking on
18 behalf of Cooper Square MHA and as a member of the
19 Lower East Side Coalition for Account Zoning,
20 LESCAZ to urge your support for the proposed East
21 Village/Lower East Side rezoning. I'm also a
22 public member of CB3 Zoning and Planning
23 Committee, formerly the 197a Task Force. I want
24 to make one point that needs to be emphasized.
25 LESCAZ is a broad coalition of affordable housing

1
2 advocates and developers, social service providers
3 and community organizations. They include: Cooper
4 Square MHA, the Lower East Side People's MHA,
5 GOLES, the Tenement Museum, University Settlement,
6 the East Village Community Coalition, the Cooper
7 Square Committee, the Greenwich Village Society
8 for Historic Preservation, City Lore and others.

9 All of these are affordable housing developers or
10 affordable housing advocates. All will be or have
11 already testified in support of the new zoning.

12 Not a single opponent of the new zoning is a low
13 income housing advocate or developer. I wish to
14 point that out. The proposed new zoning has
15 several major improvements over the current
16 zoning. Specifically it places 80 foot high
17 ceilings on most of the rezoning district, with
18 the exception of wide avenues for the inclusionary
19 zoning, which would be capped at 120 feet. It
20 reduces the allowable size and height for new
21 commercial community facility development. That
22 will help stop the proliferation of hotels in the
23 neighborhood. It encourages affordable housing
24 development by allowing developers to build to a
25 higher FAR in exchange for setting aside 20% of

1
2 the units for permanently in perpetuity affordable
3 low income housing. It's a good plan. It could
4 be made much better by the inclusion of anti-
5 harassment provisions and a commitment to 700 new
6 low income units, defined as 80% of median income
7 or below in the area outside the IZ avenues. I
8 also wish to speak in support of the anti-
9 harassment provisions.

10 CHAIRPERSON AVELLA: You're out of
11 time, but I'll let you conclude.

12 VALERIO ORSELLI: I'll just
13 conclude with one paragraph statement, if I may.
14 Just this past May of '08, the National Trust for
15 Historic Preservation designated the Lower East
16 Side of Manhattan as one of the most endangered
17 places in America. This is due to the
18 displacement pressures that our community has
19 experienced in the last 20 years. DCP is arguing
20 that anti-harassment provisions are not justified
21 as a consequence of the rezoning. We are arguing
22 that such provisions are needed as a result of the
23 current zoning. We need these provisions and we
24 need all the other provisions of the new zoning
25 plan. Thank you very much.

1
2 WILLIAM ARROYO: Good afternoon
3 everyone. My name is William Arroyo. I'm a
4 tenant on East Fourth Street and a member of
5 Cooper Square Mutual Housing Association. I've
6 been a Lower East Side resident for more than 40
7 years. I recently retired after working some 25
8 years for the Board of Education as a Senior
9 Neighborhood Worker in District 1 in the New York
10 City Public School System. My organization is a
11 member of LESCAZ, a coalition that has been
12 working with the Community Board on the rezoning
13 plan for the neighborhood to help preserve my low
14 to middle income community and to encourage
15 developers to build low cost housing for our
16 families. When people come to America, they are
17 all told about Plymouth Rock, where the pilgrims
18 first landed. But the reality is that very few
19 immigrants came to America by way of Plymouth
20 Rock. Almost half of the American population came
21 to America by the Lower East Side. My
22 neighborhood is a community that welcome poor
23 people of Asia, Europe, Latin America and many
24 other parts of the United States too. I'm a
25 migrant from Puerto Rico. The Lower East Side is

1
2 a place where people of many cultures, religions,
3 races and political beliefs could come to and make
4 a new start in life. This was in large part
5 because the housing in my neighborhood was
6 affordable to working class families. This is no
7 longer the case. There's a lot of greed going on
8 in the Lower East Side. Unscrupulous real estate
9 developers and even educational institutions like
10 NYU have come in to build luxury housing,
11 dormitories and hotels without any consideration
12 for the people of the community. They have built
13 their projects without regard for the existing
14 zoning rules or concern for the height or scale of
15 our low rise neighborhood. We have lost thousands
16 of affordable housing units due to phony
17 demolitions and landlord harassment and the lack
18 of any real enforcement of zoning rules by the
19 city. Tenant harassment under the current zoning
20 is a matter of public record. While we support
21 the inclusionary zoning under the new plan, anti-
22 harassment provisions must be incorporated into
23 the plan, partly to compensate for this past
24 history and to prevent the developers from
25 harassing tenants out of their homes to take

1 advantage of the new inclusionary zoning.

2 Developers that wish to build must be stopped from
3 demolishing viable buildings. Harassment must be
4 stopped and legal services must be funded to stop
5 any tenant harassment. Landlords should be given
6 limited zoning bonuses in exchange for 30% of the
7 units being set aside for working class families.

8 I support the height limits of 80 feet to new
9 buildings and no more than 100 feet for new
10 buildings in the inclusionary zone. I support the
11 proposed Lower East Side rezoning plan. I support
12 the provisions for energy efficient and green
13 building requirements when government financing or
14 tax abatements are used. The new zoning plan for
15 the Lower East Side must be approved and must
16 include the Community Board 3's eleven points,
17 particularly the 30% mandatory low income housing
18 and the anti-harassment provision. I'd also to
19 give congratulations to my council person Rose
20 Mendez, who I know is a diligent public servant.
21 She has put the needs and the necessities of the
22 people of the Lower East Side above any personal
23 wants on her behalf. You know it's very easy to
24 go up the career ladder of success and sometimes
25

1
2 when you climb that ladder it is leaning in a
3 certain direction. I'm glad that she has been
4 focused in serving the people of the Lower East
5 Side. Thank you.

6 JENNIFER HONG: Good afternoon
7 Council Members. My name is Jennifer Hong and I'm
8 an urban planner for Manhattan Borough President
9 Scott Stringer. I'm here on his behalf to testify
10 on the East Village/Lower East Side rezoning. I'd
11 like to thank Chair Avella for giving us the
12 opportunity to testify today. The Lower East Side
13 is one of the city's cultural treasures and one of
14 Manhattan's most distinctive neighborhoods. In
15 recent years, however, the area's obsolete zoning
16 has permitted inappropriate development. Tall
17 luxury towers out of context with neighboring
18 tenements have changed the area's character and
19 have threatened to displace longtime residents and
20 businesses who built this community into the place
21 it is today. Community Board 3 and longtime
22 community organizations have partnered with City
23 Planning to propose a better future for this
24 neighborhood. For the first time in the Lower
25 East Side, the rezoning plan before you would

1
2 introduce height limits to restrict development to
3 a reasonable scale, implement fine grain zoning
4 and limit the ability of developers to build out
5 of context towers from amassed air rights. It
6 would provide an Inclusionary Housing Program to
7 create permanently affordable housing. These are
8 extremely worthwhile initiatives that must move
9 forward. Although this rezoning plan proposes
10 significant improvements for the area's rezoning,
11 neighborhood stakeholders have raised legitimate
12 concerns and community priorities throughout the
13 ULURP process. For example, far more must be done
14 to create affordable housing throughout the
15 neighborhood and to protect existing tenants from
16 harassment and eviction. Affordable housing must
17 be targeted to household income levels that meet
18 the community's priorities. Areas outside the
19 proposed rezoning area must be protected and
20 planned for as well. In his official
21 recommendation, the Borough President made several
22 suggestions for how the plan could be modified to
23 meet additional community goals. For example, the
24 Inclusionary Housing Program must be expanded.
25 Provisions for anti-harassment and demolition

1
2 restrictions should be included. Funding should
3 be provided for multilingual tenant legal services
4 and small business assistance. Publicly owned
5 property should be devoted to lower income
6 affordable housing. The city should also provide
7 resources to move forward on an actionable
8 community based plan for Chinatown and other parts
9 of the Lower East Side. Community based planning
10 should be and can be the way we plan for
11 neighborhoods all over the city to protect their
12 character. The Borough President supports this
13 plan and also supports the efforts of local
14 council members to continue to improve it in
15 response to community concerns.

16 MARLENE PAYTON: Hello, my name is
17 Marlene Payton and I have lived at 77 East 12th
18 Street, located at the corner of Fourth Avenue for
19 36 years. I have always been a neighborhood
20 activist and thus I know the neighborhood well.
21 As a member of the Bowery Alliance of Neighbors, I
22 have followed the proposed rezoning plans for the
23 East Village and the Lower East Side from its
24 beginning. Early in this process we heard the
25 Bowery Third Avenue and Fourth Avenues were to be

1 included in overall rezoning plan. Then that idea
2 was dropped. Centrally located streets with such
3 wide avenues were left to become fodder of large
4 developers for hotels and college dormitories.
5 That has already happened. A large dormitory for
6 700 New York University students is almost
7 completed on East 12th Street between Third and
8 Fourth Avenues and two hotels are planned. One
9 hotel at the corner of East 13th Street and Fourth
10 Avenue is currently being built and there will be
11 just three inches of space between that hotel and
12 the 20-story building in which I live. Many of us
13 will have our uptown facing windows boarded up.
14 They plan to have three outdoor areas for eating
15 and drinking that will surely be a nuisance to
16 residents of my building and of other nearby
17 buildings. The second hotel has just filed plans
18 for a new 13-story hotel at the corner of Fourth
19 Avenue and East 10th Street, just three blocks
20 south from the first hotel I mentioned. Add these
21 to the other hotels being built on the Bowery and
22 one can see the resulting corridor of a wall of
23 towers that are changing the character of this
24 area. Without a rezoning of this area, many large
25

1
2 hotels can be built through as of right status. I
3 urge you to reconsider the rezoning plans and
4 include the above mentioned areas. New York City
5 is losing much of its character and charm. I'm
6 including Chinatown in that. Steps should be
7 taken now to preserve its uniqueness that has made
8 this city a very special place. It must not lose
9 its diversity. Thank you.

10 CHAIRPERSON AVELLA: Thank you. I
11 certainly agree with the last comment about the
12 fact that we're losing the charm and character of
13 our neighborhoods throughout this entire city.
14 The next panel is a panel in opposition. I can't
15 make out the first names because of the printing,
16 but the name is Li, L-I, 2318 63rd Street. It has
17 the address of Brooklyn. Zhang Lu, 7888 East
18 Broadway. Okay. Zhou Tzng, 148 Forest Street.
19 Jan Lee? Danny Chen? Okay. Yu Guanke? One
20 more. Guo Wu Li, 155 Henry Street. Belgica
21 Benavides, 59 Hester? So these are here. These
22 are the ones not here when called.

23 SPEAKER: [Foreign language].

24 JAN LEE: Thank you, Mr. Chairman.
25 Thank you Councilmen Gerson and Mendez for this

1
2 opportunity. I do want to take the time to say
3 that we appreciate the fact that you have not made
4 up your minds yet. It is proof that our chair and
5 Councilmen Mendez and Gerson are listening to a
6 large part of the community, as evidenced by their
7 letting us know that their minds are not made up
8 yet. That's very encouraging. My name is Jan
9 Lee. I'm a property owner and a resident of Mott
10 Street in Chinatown and a public member of
11 Community Board 3 as an outreach task force
12 volunteer. Beginning in '05 I was involved with a
13 CB3 outreach effort to monitor and study the
14 impact of the closing of Park Row after the 9/11
15 tragedy. CB3 received a Red Cross grant of
16 \$100,000 to be used specifically for this outreach
17 about the closing of Park Row and surrounding
18 streets. I'm grateful to Danny Chen of the Civic
19 Center Residents Coalition, a fellow outreach task
20 force volunteer for CB3, for authoring the grant,
21 and to our District Manager Susan Stetzer for
22 securing the grant. However, I was stunned to
23 read on May 9th of '08 that CB3's Chair David
24 McWater said in regards to including Chinatown in
25 the East Village/Lower East Side zoning plan that

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2 "CB3 has done outreach in the past" and mentioned

3 the \$100,000 grant. "Despite that outreach," he

4 claimed, "nobody came from Chinatown to oppose the

5 plan until this year." Perhaps the reason why he

6 feels that no one came was because the grant money

7 was not spent on outreach for zoning. Please not

8 the attached articles from the Downtown Express

9 and Grand Street News that illustrates this

10 misinformation. It was a transportation grant.

11 I've worked with councilmen before on this. The

12 grant money was spent on a public forum, a video,

13 two newsletters, a 311 promotional event, a 311

14 video and a video accompanying criticisms of the 1

15 Police Plaza E.I.S. Virtually all of the work was

16 documented on NY1 and New York Times. I want to

17 make it clear that those funds were not spent on

18 outreach about the East Village/Lower East Side

19 zoning plan. As a result, key business leaders,

20 residents and the public at large in Chinatown

21 were not informed by CB3. Their outreach, if

22 there was any, was ineffective. The City Council

23 and the Borough President should scrutinize the

24 subject of outreach in Chinatown specifically and

25 the claims being made by our Community Board

1
2 before making any decision on this plan. Thank
3 you very much.

4 CHAIRPERSON AVELLA: Thank you.

5 SPEAKER 1: [Foreign language].

6 BELGICA BENAVIDES: [Foreign
7 language]

8 COUNCIL MEMBER MENDEZ: [Foreign
9 language].

10 BELGICA BENAVIDES: [Foreign
11 language].

12 COUNCIL MEMBER MENDEZ: [Foreign
13 language].

14 BELGICA BENAVIDES: [Foreign
15 language].

16 COUNCIL MEMBER MENDEZ: The
17 testimony is that she's not in favor of this plan.
18 That this plan will cause displacement and that
19 this plan is racist and will affect the Asian
20 America, African American and Latino community.
21 And it is just a plan for the rich community. We
22 will see more luxury buildings outside of the
23 rezoned area. That \$60,000 is not affordable.
24 What does affordable mean when we talk about
25 affordable housing? She at the beginning

1
2 questioned whether I could translate for her since
3 I favored the plan and I said that I would
4 translate for her despite whatever my opinions
5 are.

6 CHAIRPERSON AVELLA: Thank you.

7 COUNCIL MEMBER MENDEZ: [Foreign
8 language].

9 CHAIRPERSON AVELLA: Council Member
10 Gerson?

11 COUNCIL MEMBER GERSON: Mr. Lee, I
12 can certainly verify the great work that you and
13 your colleagues in producing Clogged Arteries and
14 your other outstanding work to improve
15 transportation specifically and a range of issues
16 in Chinatown. So several good turns deserve
17 another. So let me ask you this. It's a question
18 I pose to other witnesses and I'll ask Ms. Tough
19 to repeat the question in case anyone else wants
20 to answer as well. From your work, could you
21 identify one or two benefits or protections that
22 you would recommend we implement if the plan goes
23 forward with modification in the area not included
24 within the rezoned area, which again, we could
25 implement right away pending the fuller vision and

1
2 planning process?

3 MS. TOUGH: [Foreign language].

4 JAN LEE: I want to answer that in
5 two parts. If you go to Chinatown today, because
6 of the work that that Red Cross grant had done, it
7 resulted in a tremendous amount of media coverage
8 in all forms of media. So when you talk about
9 parking and placard abuse in Chinatown, the
10 average Chinatown citizen knows about the issue.
11 However, concurrent to that what was going on, on
12 Community Board 3, were issues of zoning and how
13 it should best be addressed, including boundaries.
14 The greater part of Chinatown community that I
15 deal with still is unaware that that was even an
16 option. So I think that there's a glaring
17 discrepancy in the outreach that was done.
18 Certainly I was a part of the outreach for a very
19 specific reason in transportation. In answer to
20 the question about what is left out, I believe
21 what affects me immediately is there is an empty
22 hole in the ground across the street from where I
23 live at 20 Mott Street and that's a glaring
24 harbinger of what can happen because it's up in
25 the air. The hole in the ground as it is now can

1
2 be much taller than what the FAR is if enough
3 pressure is put on the community to have a taller
4 property there. So that's something that I face
5 every day. If there was an area that I would like
6 to be protected it would be the historic core of
7 Chinatown. I think that that hole in the ground
8 is a reminder to me every day that the potential
9 of the character of my street, the most historic
10 part of Chinatown, can overnight be lost. So
11 that's why I oppose the plan as it is now.

12 SPEAKER: [Foreign language].

13 CHAIRPERSON AVELLA: Thank you.

14 SPEAKER 1: [Foreign language].

15 CHAIRPERSON AVELLA: Thank you.

16 The next panel is a panel in favor. Elizabeth
17 Adam, Anna Sawaryn, David McReynolds and Jasmine
18 Garcia.

19 ELIZABETH ADAM: My name is
20 Elizabeth Adam. Thank you for the opportunity to
21 testify before you today. I am here to address
22 the effect this rezoning will have on the elderly
23 who reside on the Lower East Side. Senior
24 citizens are the largest single group living in
25 poverty today. In the next ten years, as the baby

1 boomers join this demographic, the city's elderly
2 will outnumber children two to one. And I'm sure
3 the percentage of our seniors in need will be even
4 higher, considering our country's present economic
5 crisis. We all know that our city has been
6 undergoing many changes in recent years. I am not
7 against progress, but we must bear in mind that
8 not all change is for the best. In recent years
9 the seniors of the Lower East Side have already
10 been subjected to noisy, disruptive demolition
11 that pollutes the air and makes navigating the
12 streets uncomfortable and often dangerous. Daily
13 one hears of displacements, harassments and
14 skyrocketing housing costs, all due to over
15 gentrification. The cause is greed, pure and
16 simple. Developers want to convert, or better
17 yet, build new hotels, dorms and luxury condos all
18 over the city and the Lower East Side is ripe for
19 the picking. A precious historic section of the
20 Lower East Side, a section of Chinatown, a
21 neighborhood already in jeopardy and the east side
22 of the Bowery have been omitted from this rezoning
23 proposal. If they are not included it would set a
24 dangerous precedent for the future of the city.
25

1
2 It would leave these unprotected areas open to the
3 feeding frenzy of development that would have a
4 devastating effect on the district and make life
5 virtually intolerable for the seniors. The
6 occupants of the JASA senior residence on East
7 Fifth Street have been experiencing such an effect
8 for several years now. The building across the
9 street was demolished to construct the Cooper
10 Square Hotel that wants to add five new bars in an
11 area that already touts the highest density of
12 bars in the city, second highest in the nation.
13 Now construction has begun on a new high rise
14 luxury condo across the street on the west side of
15 the Bowery in one of the few lots unprotected by
16 that district's historic landmark designation.
17 This structure will block out the only sunlight
18 many of the housebound seniors will enjoy. The
19 only affordable supermarket in close proximity is
20 threatened by NYU and their ever expanding real
21 estate interests. Is this to be our future as
22 well? In this time of financial crisis we look to
23 you. You have it within your power to see that
24 this rezoning is done correctly and responsibly.
25 It is in your hands. Please consider the

1
2 recommendations proposed by my fellow members of
3 BAN to include the east side of the Bowery and
4 respectfully scrutinize this rezoning with our
5 elders in mind. Thank you.

6 CHAIRPERSON AVELLA: I think people
7 have to understand that it is not entirely within
8 our hands. We can only modify applications to a
9 certain extent. It has to be within scope. I
10 mentioned it before that when it comes to follow-
11 up corrective actions, we need to have a
12 commitment from the Department of City Planning to
13 agree. We can ask for a lot of things. The
14 administration doesn't have to listen
15 unfortunately.

16 ELIZABETH ADAM: We just think you
17 can do it all.

18 CHAIRPERSON AVELLA: Right.

19 JASMINE GARCIA: Good morning,
20 ladies and gentleman of the City Council. My name
21 is Jasmine Garcia and I am a board member of the
22 Cooper Square Committee. I have been a Lower East
23 Side resident for some 25 years. Cooper Square
24 Committee is a member of LESCAZ, the Lower East
25 Side Coalition for Accountable Zoning. My

1
2 community is being overrun by luxury housing,
3 hotels and dormitories with little or no regard
4 for zoning rules. We need to have changes made in
5 the zoning for the community in order to help
6 preserve it, as Manuel De Diaz Unamuno the editor
7 of El Diario used to refer to it as a community of
8 many cultures. That means blacks, whites,
9 Latinos, Jews, Asians and so on. We have no time
10 to waste. Developers claim that by building the
11 projects they are helping my community by
12 providing jobs. But what will it do us if in the
13 process of creating jobs, they end up making
14 working class families homeless? We need
15 inclusionary zoning bonuses used carefully to
16 encourage developers to build at least 30% of
17 housing for the poor and the working people. We
18 need a strong anti-harassment provision to prevent
19 tenants from being evicted, bought out or simply
20 intimidated out of their homes. We need to
21 preserve the height and the scale of our
22 neighborhood. I support the proposed 80 foot
23 height limits for new buildings. I support
24 LESCAZ's position of height limits for 100 feet
25 and not 120 feet for new buildings on avenues

1
2 within the inclusionary zones. I am a tenant
3 shareholder of the Cube Building HDFC, a
4 cooperative of formerly homeless families on
5 Second Avenue and East First Street. My building,
6 like most other buildings in my neighborhood, is a
7 tenement building originally built 100 years ago
8 for working class families. When the Cooper
9 Square Committee was putting together the
10 necessary funding to renovate it in 1988, it was
11 opposed by the building owner next door. He
12 almost caused the project to fail. In the year
13 2000, he was so eager to build a café on his
14 property that he disregarded Building Department
15 regulations. When his building suffered a partial
16 collapse he almost brought down my building. Now
17 he wants to build a hotel next door to me. If the
18 new rezoning is not approved now, he will do just
19 that. It will directly affect the quality of life
20 in my home and likely jeopardizing our health an
21 safety again. This sort of abuse has to stop. As
22 much as possible we need to preserve affordable
23 housing.

24 CHAIRPERSON AVELLA: Can you sum
25 up?

2 JASMINE GARCIA: I will sum it.

3 Thank you. We need to build new buildings that
4 are not going to make our neighborhood look like
5 midtown or Wall Street. The zoning plan before
6 you today is not perfect. It does not go far
7 enough to protect us from the unscrupulous real
8 estate speculators or curbing rampant development.
9 But with all of its flaws, it is still a plan
10 worthy of support. I strongly urge the City
11 Council to support the community initiated Lower
12 East Side Village zoning proposal with the
13 inclusion of CB3's very important 11 points.
14 Thank you very much.

15 CHAIRPERSON AVELLA: You beat me
16 cutting you off by just like one second.

17 ANNA SAWARYN: Hi. My name is Anna
18 Sawaryn. I'm here to speak on behalf of the
19 Bowery Alliance of Neighbors. Although the Bowery
20 has always had a unique place in the history of
21 the City of New York, in recent years we have
22 watched large out of scale development going up on
23 the east side of the Bowery. The result of which
24 has been the destruction of the context, historic
25 character and the diversity of the community. The

1
2 city has recognized the historic significance of
3 the Bowery by protecting the west side in the
4 Little Italy Special District and the NoHo
5 Historic District. The East Village/Lower East
6 Side rezoning will protect the area just east of
7 the Bowery. However, the east side of the Bowery
8 itself has been left out of all of these
9 rezonings. The east side of the Bowery should be
10 rezoned to ensure that it is in context with the
11 rest of the community such as the Little Italy
12 Special District, the NoHo Historic District and
13 the East Village/Lower East Side. We respectfully
14 request that a follow-up corrective action be
15 drafted by the City Council requesting that the
16 City Planning Commission initiate an immediate
17 rezoning of this area or an extension of the
18 Little Italy Special District from the west side
19 of the Bowery to the east side of the Bowery. We
20 are also taking this opportunity to present our
21 petition, which in addition to the aforementioned,
22 requests that immediate legislation be drafted to
23 ensure that as of right development does not
24 continue on the Bowery. Developers should take
25 responsibility for the negative impact their

1
2 buildings have on our community. The Department
3 of City Planning should perform an environmental
4 impact statement and take measures to mitigate the
5 negative impact already experienced by our
6 community due to the excessive development on the
7 Bowery. In addition to preservation issues, this
8 excessive development has already had a horrendous
9 effect on the quality of life for community
10 residents. There is more noise, traffic, sidewalk
11 and street congestion, air pollution, bars, clubs,
12 et cetera. What was a commercial daytime shopping
13 strip is quickly turning into a raucous nightlife
14 district. Even though it has been stated that
15 City Planning is against any rezoning on the
16 Bowery and we understand that you don't have the
17 power to enforce this, we are asking that you as
18 City Council support the community and at least
19 recommend a follow-up corrective action be taken.
20 If this is not done today, we can all say goodbye
21 to the Bowery. I have also submitted an alternate
22 plan from the Coalition to save the East Village,
23 which was submitted during the DEIS process and
24 was submitted to City Planning. So you all have
25 that as well. Thank you.

1
2 CHAIRPERSON AVELLA: I would add
3 that in your reference to stopping as of right
4 development in the Bowery, basically that's asking
5 for a moratorium and I have tried to champion
6 moratorium legislation in this Council and been
7 unsuccessful with the council leadership and of
8 course, the administration is totally against any
9 such action. I agree with you. In some cases, in
10 some neighborhoods, there has to be a moratorium
11 to catch up on the rezonings. Sir?

12 DAVID MCREYNOLDS: My name is David
13 McReynolds and I am the Vice Chairperson of the
14 Cooper Square Mutual Housing Association. Cooper
15 Square MHA is a member of LESCAZ and has a long
16 history of fighting for the preservation and the
17 development of thousands of apartments for
18 families of low and moderate income. I have lived
19 on East Fourth Street for 50 years. It is
20 stunning to me to see a 23-story hotel rising on
21 Fifth Street at the Bowery, a luxury hotel rising
22 on Third Street in the Bowery, and on my own block
23 a 14-story co-op of some kind being built. This
24 is turning our area into a kind of Disney Land for
25 the very rich and not part of the community in

1
2 which I have lived for 50 years. I'm here to
3 support the proposed Lower East Side Village
4 rezoning initiative, which with some modifications
5 will add a significant number of affordable
6 housing units, place a height ceiling on new
7 buildings, and help curb the current wild west
8 development fever on the Lower East Side and East
9 Village area. This is a good plan that was
10 initiated by our community. It is a plan that
11 could be made much better by the inclusion of an
12 anti-harassment provision, by a city commitment to
13 a minimum of 700 new low income units, not
14 including the IZ units in the area outside of the
15 inclusionary zoning avenues. Cooper Square Mutual
16 Housing Association fully supports the rezoning
17 proposal for 111 blocks of the Lower East
18 Side/East Village, along with CB3's eleven points.
19 It is regrettable that more parts of the Lower
20 East Side, including the Bowery Third Avenue
21 corridor and the rest of Chinatown could not be
22 included in this proposal as they to are suffering
23 from displacement issues. However, given the
24 development crisis we are facing, it behooves us
25 to move forward with the rezoning plan while we

1
2 begin working on additional phases or separate
3 proposals to be implemented in the future. At
4 this point the more we delay going forward with
5 the proposal, the more of our neighborhood will be
6 lost. Without in any way decreasing the pressure
7 on other neighborhoods. Delay only works to the
8 advantage of unscrupulous market rate developers
9 who are presently thriving on the largely
10 unregulated wild west development fever that is
11 destroying the Lower East Side as we know it.

12 CHAIRPERSON AVELLA: Thank you.

13 The next panel is a panel in opposition. Philip
14 Lam, Mary Wang, Adolfo Lopez, and Madeleine
15 Jackson. Somebody's missing. Madeleine left.
16 I'm going to try and pronounce the last name.
17 Forgive me if I pronounce it wrong. Tomaszewski.

18 MARY WANG: Good afternoon Council
19 Members. My name is Mary Wang and here with me is
20 Philip Lam, who is sitting next to me. We are
21 here representing the Church of Grace to
22 Fujianese. We have a church building located at
23 133-135 Allen Street, which is within the proposed
24 rezoning area. We just want to say that the
25 church was established about 20 years ago. The

1 church building used to be a bathhouse and now
2 it's a house of worship. The Church of Grace has
3 over 20,000 members. Most of the members are in
4 the area and some outside. Each Sunday we have
5 approximately 1,000 people attending different
6 services in the church. The church has run out of
7 space, so we rented space from our neighboring
8 church, the Sea of Galilee for children's Sunday
9 school and other activities. The main reason we
10 are here is that we oppose this rezoning because
11 it would limit the size of our church rebuilding
12 project. We have proposed to build on top of the
13 existing building, which is two stories plus a
14 basement. We have proposed to build on top of
15 that another seven stories, which would add a lot
16 of space for our needs. But down zoning would
17 eliminated over 10,000 square feet of our space
18 which is crucially needed for not only Sunday
19 service, but for community needs of the people.
20 Many for the people of Fujianese descent and their
21 children and the elderly. We are planning to
22 provide community services and classes for them
23 and youth groups.

24
25 PHILIP LAM: I give her my minutes.

1
2 CHAIRPERSON AVELLA: You can't do
3 that.

4 MARY WANG: All right, I'll finish
5 up mine and let him continue. So this down zoning
6 would eliminate the space that's truly needed to
7 help the people in the community even if the main
8 reason is to afford the community, down zoning is
9 to create more residential space. Thank you.

10 PHILIP LAM: Thank you for the
11 opportunity. I'll just read this. Government of
12 the people, by the people and for the people.
13 Thank you. We need the space. That's why we came
14 here. If possible, don't pass this down zoning or
15 give us exemption. We really need this space to
16 build up from two stories to nine stories. This
17 is the only Fujianese speaking church in North
18 America. We have many people come over here now.
19 Many of them become citizens and apply for their
20 parents to come over. Now every Sunday we have
21 1,000 people. And on holidays like Thanksgiving
22 and Christmas we have to borrow Seward Park High
23 School auditorium and that's not even enough seats
24 for us. If possible please consider our church
25 when you are considering this issue. Thank you.

CHAIRPERSON AVELLA: Thank you.

ADOLFO LOPEZ: [Foreign language].

COUNCIL MEMBER MENDEZ: [Foreign language]. Adolfo Lopez just stated that there's a problem here because there are no translators. That there are no translators because we don't want to hear the voice of the poor people. That this plan is not a plan for poor people, it's a plan for the rich and for rich developers. That he and many others who were here earlier who have left are against this plan.

ARKADIUSZ TOMASZEWSKI: My name is Arkadiusz Tomaszewski. I work in Lower East Side Manhattan. I am surprised that when the City Council needs people's votes it's never a problem to find the translation and they have all the translators that we needed such as Chinese, Polish, and Latino. But for things like the hearings about the housing, it is a shame that we don't have a translator. It's not the first time it's happened. That's what the conclusion that you guys don't want to hear opposition or you don't want people like low income people to participate in the planning. Why? Because most

1
2 of the people who live in Lower Manhattan are low
3 income people. It is about the housing where we
4 live. I am against this racist rezoning. It is a
5 racist plan. This plan serves only high income
6 people and not low income people. This plan is
7 already changing the community and people are
8 pushed out of houses. It's turning all the
9 community into a different community, a community
10 for the rich people. The restaurants, stores and
11 everything is getting much more expensive. We can
12 sit down and we can plan and make a right plan for
13 everyone, for low income people and medium class
14 people. And don't tell us affordable. Affordable
15 is not for me. I'm not making \$60,000. If we're
16 talking affordable, talk about those people who
17 are retired, who are making only \$8,000 or \$12,000
18 a year. So stop this plan and work on a new plan.
19 That's how we can do it. Thank you.

20 CHAIRPERSON AVELLA: Thank you.

21 Council Member Gerson?

22 COUNCIL MEMBER GERSON: To the
23 representatives of the church, could you tell us
24 what type of uses would take place on the
25 additional floors if you were allowed to go

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forward? Just generally.

PHILIP LAM: If down zoning we can only build to five floors and triples would be a lower level.

COUNCIL MEMBER GERSON: I'm sorry. My question is what would you do if you were allowed to build?

PHILIP LAM: It would be the classrooms and the elder centers. We plan to have a kindergarten too.

MARY WANG: May I just add also that we were planning on having youth groups. It's much needed for the youth in the community. Sorry.

COUNCIL MEMBER GERSON: You're doing great.

MARY WANG: They really have nowhere to go.

COUNCIL MEMBER GERSON: And the down zoning would not allow you to accommodate all of that.

PHILIP LAM: What happens is a lot of parents send the kids back to China. And then after a certain age, they send them back here. So

1
2 every Sunday we have like 100 to 200 kids coming
3 to the church. Since we don't have enough space,
4 we have to rent a church behind us called the Sea
5 of Galilee Church and all of our Sunday school
6 teachers have to travel there. It's very
7 inconvenient. We need a space. We don't want to
8 be affected by this down zoning. Thank you.

9 COUNCIL MEMBER GERSON: Thank you
10 very much.

11 CHAIRPERSON AVELLA: If I can sort
12 of follow-up on this. It's my understanding that
13 part of the community concerns was actually and
14 reflected in this plan to reduce the expansion of
15 community facilities. So you're aware of that
16 aspect of this. Obviously this process has been
17 going on for several years. You had the
18 opportunity to, in effect, start the building
19 process and be grandfathered in. So you haven't
20 done that?

21 PHILIP LAM: The plan was actually
22 submitted in 1994 or '93. This is not a wealthy
23 church. We just finished building a brand new
24 building with a mortgage in Sixth Avenue and 52nd
25 Street in Brooklyn. We spent \$2.5 million. All

2 this money came from new immigrants. So we wait
3 and we pray. Because of this zoning changes,
4 that's why we have to hurry up. So two months ago
5 we submitted the change in plans to build up to
6 nine stories. That's why we came here because
7 otherwise we'd be too late.

8 COUNCIL MEMBER GERSON: But you
9 haven't started any work. Am I correct?

10 MARY WONG: That's right. We
11 haven't started any work. Like many people in the
12 community, we were not aware of the proposed down
13 zoning until very recently. Our original plan
14 that was submitted to the Building Department had
15 a much lower floor plan. But because we see the
16 continual need of the community we decided to
17 propose the nine floors.

18 COUNCIL MEMBER GERSON: Thank you.

19 CHAIRPERSON AVELLA: The next panel
20 is a panel in support. Marci Reaven. Is Marci
21 here? Danielle Linzer. Danielle, are you here?
22 Is it Vaylateena Jones? Did I pronounce it right?
23 And Meghan Joyce, or Joye. Is Meghan here? Okay.
24 Michele Campo?

25 MARCI REAVEN: Can we go?

CHAIRPERSON AVELLA: Yes, please.

MARCI REAVEN: Good afternoon. I'm Marci Reaven. I'm the managing director of City Lore, a cultural organization that's been located in the rezoning area since the mid 1980s. I'm also an historian of New York City and I've done many history projects about community participation and planning and the creation of affordable housing on the Lower East Side. I've been a public member of Community Board 3's planning task force for the last few years and a member of the Lower East Side Coalition for accountable zoning. So City Lore supports the rezoning. By slowing high rise luxury development, the rezoning will help to preserve the neighborhood's economic and social mix, it's cultural life and the important places that embody the area's rich history. I want to recognize the draft EIS for the rezoning area because it included a good survey of the area's historic resources. I urge council members and the responsible city agencies to join with members of the public to move forward on the recommendations for landmark designation. I also want to support

1
2 the specific recommendations that many of my
3 fellow residents are making about the creation of
4 more affordable housing and protection against
5 harassment and eviction. We need to plan for a
6 better future for the Lower East Side that
7 includes an ethnically and economically diverse
8 residential and commercial population. The Lower
9 East Side has a deep historical connection to
10 diversity, opportunity and housing. From about
11 2850 through today, if one talks about the need
12 for low income housing, about living conditions or
13 about innovation and social reform in the design,
14 construction, financing and preservation of low
15 and moderate income housing, the Lower East Side
16 encapsulates that history. A number of the group
17 that support the rezoning have been working for
18 decades to protect and improve the neighborhood.
19 CB3 has run an open and fair process and we
20 believe that the rezoning represents a better
21 future for the Lower East Side.

22 DANIELLE LINZER: Good afternoon
23 ladies and gentleman, my name is Danielle Linzer.
24 I represent the Lower East Side Tenement Museum.
25 We are a member of the Lower East Side Coalition

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2 for Accountable zoning, which represents
3 organizations and residents who seek to preserve
4 the character and scale of our neighborhood while
5 at the same time maximizing opportunities for the
6 creation of permanent affordable housing. Within
7 the Lower East Side scores of 19th and 20th
8 Century properties convey the story of immigrant
9 home, health, entrepreneurship, labor, education
10 and the recreational life of New York City. These
11 tenement buildings symbolize the critical
12 transition stage in which newly arrived immigrants
13 secured their first foothold in America and
14 launched their struggle for a better life. But
15 these buildings represent more than our history.
16 They're also home to a vibrant and essential
17 community that is now critically threatened. Tall
18 luxury apartment buildings, hotels and dormitories
19 are being erected throughout the area without
20 regard for the historic fabric that is being
21 erased, the units of affordable housing that are
22 being lost, the local businesses being forced out
23 and the long-term residents that are being
24 displaced. As you know, the National Trust for
25 Historic Preservation has designated the Lower

1
2 East Side of Manhattan as one of the 11 most
3 endangered places in America. In response to this
4 crisis, LESCAZ has worked tirelessly over the past
5 several years to provide support for this
6 community initiated plan to rezone the area to
7 protect our neighborhood. I'm repeating many of
8 things that many of us have said. But we do
9 support the current zoning. We believe that the
10 plan before you reflects a democratic community
11 process in that it was unanimously approved by
12 Community Board 3. We support that the zoning for
13 the entire 111 blocks go through. We believe that
14 it is possible to do more for affordable housing.
15 We support having 30% in the inclusionary upzoning
16 dedicated to affordable housing, which we believe
17 is 80% of below of area median income. We also
18 support the creation of 700 units of additional
19 affordable housing outside of the IZ area. I
20 think it's essential that we act now to preserve
21 our community and I respectfully thank the
22 council.

23 CHAIRPERSON AVELLA: Thank you.

24 VAYLATEENA JONES: Good afternoon.

25 My name is Vaylateena Jones. I've lived on the

1
2 Lower East Side for about 40 years. I'm a new
3 member of Community Board 3. I support the
4 rezoning plan. I moved into LaGuardia Houses at
5 about the age of four. I moved into the Rutger
6 Houses at about the age of 12. What we told at
7 these hearings was that New York City Housing
8 Authority is not required to adhere to any zoning
9 mandates. So a lot of what I hear about the
10 racism has been aimed towards New York City
11 Housing. I don't quite get that. I'm a
12 registered nurse and I live in Mitchell-Lama
13 housing. My neighbors are lawyers, city workers,
14 nurses, dieticians, et cetera. I don't think that
15 I could afford an apartment on the Lower East Side
16 at this point. So what I would like to see
17 included is require affordable housing. What we
18 have now is bonus and incentive. This could be
19 required and I think that something like 7% New
20 York City Housing Authority structure, 7%
21 Mitchell-Lama and 7% something for nurses, police
22 officers and firefighters. Something like the
23 Stuyvesant Town formula I think would be good. I
24 think that would calm a lot of the anxiety in the
25 community. I think free legal services for low

1
2 and middle income tenants within our district
3 would also be good, including those people in New
4 York City Housing Authority. I think one of the
5 other things I keep hearing is about the racism.
6 When they talk about the particular area that
7 they're suggesting, I remember the Lowes Delancey
8 movie being over there. I remember that as a very
9 diverse area. I think that what we have now in
10 terms of the area they're citing as racist is if
11 it's not diverse it's because we don't have
12 zoning. So I think that what we need to do also
13 is expand tenant organizations that are working in
14 our are such as GOLES that do come out to the New
15 York City Housing Authority, et cetera.

16 MICHELE CAMPO: Good afternoon. My
17 name is Michele Campo. My husband John and I have
18 lived in the same Bowery loft for the majority of
19 our lives. I am by nature a very private person.
20 However, recent events in my neighborhood have
21 compelled me to become openly involved in the
22 actions of various city agencies and community
23 groups. I am a native New Yorker, property owner,
24 landlord and proud member of the Bowery Alliance
25 of Neighbors, BAN. BAN is a grassroots

1
2 organization working to protect residents, small
3 businesses and the historic and contextual
4 character of the Bowery neighborhood. For those
5 members of the council not aware, yes, it is a
6 neighborhood. A stable community of long-term
7 residents and commercial establishments, artistic
8 and diverse, economic bracket from upper to lower,
9 restaurant supply to chic boutique. The Bowery
10 represents many facets in the fabric of life in
11 our big city. Special districts are what make our
12 city appealing to both city residents and
13 tourists. On the Bowery there are three such
14 districts: restaurant supply, lighting and
15 jewelry. All of these commercial establishments
16 have suffered financially, due mainly to real
17 estate speculators and the ensuing astronomical
18 rental increases. Contextual historic
19 architecture makes the Bowery a much desired
20 location for shooting both movies and television
21 internationally. Crews are frequently stationed
22 here for filming with the rich character backdrop
23 of the Bowery. If the flavor of this location is
24 lost, so are the revenues to New York City's
25 coffers. Change and development should be

1
2 responsible, not an overnight rush, taking
3 advantage in the absence of a well thought out
4 plan. In less than five years, the piece by piece
5 demolition of low scale historic structures has
6 snowballed at a horrific pace, replaced by high
7 density, high rise luxury hotels and condominiums
8 and luxury rentals cutting off sunlight, air and
9 space. Some of the oldest buildings in Manhattan
10 are being torn down overnight. With their
11 pedigrees, anywhere else in this city these
12 structures would be given historic protection.

13 CHAIRPERSON AVELLA: Can I ask you
14 to sum up?

15 MICHELE CAMPO: Okay. Well,
16 everybody else had a little bit more time than I
17 had.

18 CHAIRPERSON AVELLA: Well I'm
19 giving you a little more time.

20 MICHELE CAMPO: I'm getting there.
21 They are 100 to over 200 years old and the
22 repository of our city's past legacy. Their
23 demolition also jeopardizes the stability of
24 remaining buildings. Replacement by a wall of
25 glass and steel towers does nothing to respect the

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2 urban environment in which they are erected. As
3 history should teach us, a continued downturn of
4 our already fragile economy would render these new
5 out of context buildings obsolete, leaving our
6 historical roots forever lost to succeeding
7 generations. Of overwhelming concern to all
8 should be the already heavily overburdened and
9 overtaxed infrastructure. A steady rain causes
10 basements to flood as the storm drains are
11 overburdened. Do we want more bathrooms? The
12 traffic density makes it virtually impossible for
13 even emergency service vehicles to pass.

14 CHAIRPERSON AVELLA: I'm sorry
15 because I'm going to cut you off because that was
16 not a summation. That was continuing your
17 statement.

18 MICHELE CAMPO: Okay, my summation
19 is.

20 CHAIRPERSON AVELLA: No, I'm
21 cutting you off. I gave you the opportunity.

22 MICHELE CAMPO: Just a little bit?

23 CHAIRPERSON AVELLA: Really, I gave
24 you the opportunity. You continued with your
25 speech. I'm going to cut you off. The next panel

1
2 is a panel in opposition. Forgive me if I don't
3 pronounce the last name right because I can't make
4 it out here in the writing. David Tiev, 327 43rd
5 Street. David? Okay. Cheung Kwok Tuen, T-U-E-N,
6 88-33 51st Avenue in Elmhurst. That's what it
7 says. Xian Hua Zhuang, 47 Catherine Street. I
8 guess it's pronounce Hua, H-U-A, Xu, X-U, 54
9 Market Street. Is it Cao Wa Cheng? 31 Oliver
10 Street. Okay. Demetre, no I don't think that's
11 right, Papageorgiou? 191 Henry Street. Not here.
12 Wilfredo Torres? Amelia Aviles? Okay, she
13 already spoke. Thomas Kihn, it looks like K-I-H-
14 N. Okay. Ramon Soto? Okay, we've got a panel.

15 DAVID TIEU: Hi, my name is David
16 Tieu. I'm from Sunset Park in Brooklyn. I grew
17 up in the Lower East Side. First I'd like to
18 actually congratulate you guys for doing a good
19 job of not giving people the opportunity to speak
20 out against this plan. Very good job. How dare
21 you guys set a meeting on a day after a holiday at
22 a time when most people have to go to work. It's
23 just so blatantly racist. I would like to say
24 that I'm a citizen that would like to have faith,
25 would like to be proud of my city and my country's

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2 democratic system, but because of Mayor Bloomberg
3 and his administration I've lost faith. And
4 nothing you guys have done here today has gone to
5 restore my faith. I know this plan is going to
6 pass. Who are you people? Who are you people?
7 What right do you have to determine the fate of my
8 community? My father survived the toxic fallout
9 that happened from 9/11. He's been a waiter in
10 Chinatown for many years. He just opened up a
11 restaurant recently. I ask myself how he's going
12 to be able to survive, how his business is going
13 to survive with a rezoning plan like this. My mom
14 and my aunt both slaved away in garment factories
15 in Canal Street and Chinatown for many, many
16 years. What right do you have over people like
17 me, people like my mom, my dad and my aunt, what
18 right do you have to determine the fate of our
19 community? I ask you now why are you excluding
20 Chinatown in the Lower East Side? Why are you
21 upzoning areas in the East Village where primarily
22 poor, low income working people of color are
23 living? I ask you. This is a hearing. I should
24 be the one sitting in these seats. The people
25 from the Lower East Side and Chinatown should be

1 sitting in these seats, not the other way around.
2 What kind of democratic process is this? It's
3 nothing more than a racist sham. You guys are all
4 nothing more than lapdogs of Bloomberg. That's
5 all I have to say. That's all I have to say.
6 Today you saw many people come out. You keep
7 reading the list. You can keep reading the list
8 of all the people who couldn't make it here today
9 to voice their opposition against the plan. Just
10 know that the time will come one day when we hold
11 the hearings and all your positions and all your
12 political careers will be on the line because we
13 are going to vote you out. We are the ones who
14 should be in control of our communities, not
15 people like you. All right? Thank you.

17 WILFREDO TORRES: Hello, my name is
18 Wilfredo Torres. I do not live in the section of
19 the Lower East Side. I live in the Phipps Houses.
20 I am here to denounce this plan for rezoning of
21 the Lower East Side. This plan will give the
22 opportunity to landlords like Phipps Houses
23 services to make money by getting the people of
24 the Lower East Side out of the Lower East Side and
25 making that area for rich people only with rich

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2 apartments. That's basically what they have done
3 in our Phipps Houses. I live at Phipps Houses for
4 17 years. Phipps Houses was built with public
5 funds many years ago with the same promises of
6 affordable housing for the middle and low income
7 people. For a number of years it worked, but five
8 years ago the owner of Phipps Houses decided to
9 kick out every middle and low income tenant. At
10 this moment Phipps Houses is about 95% luxury
11 housing. Only very rich people can live there. A
12 few of us got saved because people like myself, I
13 am on Social Security because of disability and
14 that puts me in a special category. All these
15 promises of affordable housing in the Lower East
16 Side if this rezoning is approved, that's a lie.
17 People like the owners of Phipps Houses Services
18 will benefit. That's basically what's going on.
19 Councilwoman Mendez, I sent you a letter three
20 months ago basically telling you about our
21 situation at the Phipps Houses. I am still
22 waiting for your reply. Thank you.

23 THOMAS KIHN: Hello, my name is
24 Thomas Kihn. I live in Brooklyn and I'm also a
25 student at the New School University, which is

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2 nearby the East Village. It's been said that this
3 plan will protect the community. How will small
4 businesses and residents of color on the Lower
5 East Side and in Chinatown be protected when
6 Avenue D is being upzoned and you're going to see
7 high rise luxury buildings going up all over the
8 place? How do you say that this is a plan to
9 protect and preserve the community? You say that
10 affordable housing will be provided. How is
11 \$60,000 for a family of four affordable? That's
12 an insult. I've heard a lot of things about 20%
13 and 30%. Even these concessions, they don't
14 really mean anything because this plan at its core
15 is a racist plan. Why can't you protect all of
16 CD3? Why can't this plan encompass the entirety
17 of CD3? The way to make this appeal to people is
18 by giving these concessions and these
19 modifications that make it sound like you're
20 receiving the communities input, but really how
21 can you modify a plan that is at its core racist?
22 There won't be anymore communities. As to the
23 separate Chinatown plan, there won't be anymore of
24 a community in Chinatown to rezone if you put
25 through this plan. The same thing is going to

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2 happen with the Lower East Side. This is why this
3 plan is only with the East Village because you
4 want to divide the community. You want to divide
5 people from each other. You want to pit people
6 against each other. That's all I have to say.

7 RAMON SOTO: My name is Ramon Soto.
8 I've lived on the Lower East Side for about 50
9 years. I went to school here. My daughter and my
10 son don't live here. One lives in Staten Island
11 and the other lives in Queens. I represent a lot
12 of people that live in housing. This plan is no
13 good for them. I live in housing and there's a
14 parking lot but the housing says that our cars
15 can't be there anymore. You come and you let the
16 rich people put a building in there. Then I live
17 on the sixth floor. They be looking at me all the
18 way from 20 or 30 or 40 floor high rise. Another
19 thing, the Lower East Side is going to look like
20 Wall Street with so many high rises. The next
21 thing is you're going to have terrorists have
22 their plane right into our buildings because
23 they're so high. How about the businesses?
24 You're going to run the businesses out of the
25 Lower East Side. And then you're going to put big

1
2 supermarkets. That with \$5 in my pocket that I if
3 I go in there, I'll have to run out because I
4 can't afford nothing in there. What about the
5 senior citizens that live in the New York City
6 housing that live on Social Security and SSI and
7 welfare or Section 8? They won't be able to buy
8 nothing. Then you promise them Section 8. You
9 give them Section 8 and you tell them we will move
10 you out to Brooklyn or to Queens or to Long Island
11 or to the Bronx. We'll move you out.

12 CHAIRPERSON AVELLA: I would ask
13 that you sum up please, sir?

14 RAMON SOTO: Excuse me?

15 CHAIRPERSON AVELLA: Sum up.

16 RAMON SOTO: Okay, all right.

17 Also, like I was saying before, you move them out
18 of their apartments and promise them they're going
19 to be back. Then you fix up their apartment and
20 rent them for \$5,000 an apartment. Then when they
21 come back, you say, I'm sorry, you can't live here
22 anymore, we gave it somebody else. That's all
23 I've got to say.

24 CHAIRPERSON AVELLA: Thank you sir.

25 RAMON SOTO: You're welcome.

2 CHAIRPERSON AVELLA: Council Member
3 Mendez?

4 COUNCIL MEMBER MENDEZ: Mr. Soto,
5 where do you live? You said you lived in the
6 Lower East Side but you didn't say where.

7 RAMON SOTO: I live in the
8 LaGuardia Houses.

9 COUNCIL MEMBER MENDEZ: Thank you.
10 Mr. Torres, I just feel like I need to respond
11 now. You said you contacted my office three
12 months ago. Someone from my office said they
13 spoke to you. Is there another Wilfredo Torres in
14 your household, or are you the only one?

15 WILFREDO TORRES: I sent you this
16 letter here.

17 COUNCIL MEMBER MENDEZ: Someone
18 said they spoke to you and you thanked us for your
19 answer. So unless there was another Wilfredo
20 Torres or unless you want to further discuss it,
21 someone from my office said they did call you and
22 speak with you.

23 WILFREDO TORRES: They spoke with
24 me but that's no reply to my letter.

25 COUNCIL MEMBER MENDEZ: Well, you

2 thanked us for your answer. I will go back and we
3 will all you again and I hope it will be a
4 satisfactory answer to your letter, sir.

5 WILFREDO TORRES: Thank you.

6 CHAIRPERSON AVELLA: Thank you.

7 The next panel is a panel in favor. Gilda Pervin?
8 Is Gilda here? Melissa Aasae, A-A-S-E. Is
9 Melissa here? I hear a yes. Sally Young.
10 Carolyne Ali Khan. Is Carolyne here? No? You're
11 Carolyne? Inis Quinones.

12 GILDA PERVIN: My name is Gilda
13 Pervin. I'm a member of the Bowery Alliance of
14 Neighbors. I have lived and worked as an artist
15 on the Bowery for 27 years. Of course, during
16 that time I've seen many changes within the Bowery
17 community, yet it is only within recent years that
18 small businesses, residential tenants and the
19 architecture and history of the Bowery have been
20 so vulnerable and jeopardized in the name of
21 commercial development. The Bowery includes
22 buildings that date back to the 18th, the late
23 18th and early 19th centuries. When these
24 buildings are demolished, the history of New York
25 City is demolished. An irreplaceable part of the

1
2 city is then gone forever. The east side of the
3 Bowery has no protection from unscrupulous
4 developers. It has no protection from being
5 transformed into a wall of glass and steel
6 structures scraping the sky and overshadowing the
7 context of the Bowery corridor. Change, of
8 course, is to be expected and development will
9 continue. All we are asking is that laws be put
10 into place that will ensure that changes and
11 developments will be responsible and responsive to
12 the history and community of the Bowery. We are
13 asking that the Bowery be protected from
14 development that would destroy its character,
15 displace its small businesses and squeeze out
16 long-term residents working and living in this
17 neighborhood. These businesses are family
18 businesses with customers from all over New York
19 and New Jersey. These residents include workers,
20 artists, the elderly and recently middle class
21 families. It also includes people who when in
22 need of lodging and food find that help through
23 social services on the Bowery. The Bowery
24 community is a unique mix of people and
25 opportunities. The city has recognized the

1
2 historic significance of the Bowery by protecting
3 the west side of the Bowery in the Little Italy
4 Special District and the NoHo Historic District.
5 I'll just finish up. The East Village/Lower East
6 Side rezoning will protect the area just east of
7 the Bowery, however the east side of the Bowery
8 itself has been left out of all of these
9 rezonings. We are asking the council to request
10 the City Planning Commission to initiate an
11 immediate rezoning of this area with either a FICA
12 or an extension of the Little Italy Special
13 District from the west side of the Bowery to the
14 east side of the Bowery. I am also asking for
15 strong support for the protection of all of
16 Chinatown. Thank you.

17 MELISSA AASAE: My name is Melissa
18 Aasae and I'm the director of Community
19 Development at University Settlement, which is
20 located in the proposed rezoning area. I have
21 worked at University Settlement for over 15 years
22 and I have primarily focused on eviction
23 prevention and poverty related issues in my direct
24 work with the community. I'm testifying on behalf
25 of my agency and the executive director Michael

1
2 Zisser. University Settlement is a multi-service
3 Lower East Side agency that is nearly 125 years
4 old. We currently serve over 20,000 people each
5 year, people of all ages and incomes, but a very
6 high proportion of people with very low incomes
7 and who are immigrants living in the proposed
8 rezoning area. As such, we have been a part of
9 the neighborhood's evolution for a very long time
10 and see the community from the perspective of
11 those whose perspectives are generally not
12 included in public policy decisions. University
13 Settlement strongly supports the contextual
14 rezoning of all 111 blocks as proposed in this
15 ULURP action, particular the height limits, the
16 incentive of inclusionary zoning and the
17 additional production of affordable housing, as
18 well as the preservation of the generally low rise
19 character of the community. We are a member of
20 the Lower East Side Coalition for Accountable
21 Zoning and we're very proud to support the open
22 and extensive community generated planning process
23 that led us to this day, including a unanimous
24 endorsement by the community board. Last year
25 University Settlement helped 500 families who were

1
 2 at risk of losing their homes. The year before we
 3 served 500 other families. The year before that
 4 we served 500 more. They keep coming. They're
 5 being pushed out. We're witnessing harassment of
 6 all kinds. If I have time later, I can give you
 7 some examples. This rezoning effort is a very
 8 important opportunity for the community to curtail
 9 and condition the kind of luxury high rise
 10 development that has made it increasingly
 11 difficult for lower income community members to
 12 remain in the neighborhood. The profit making
 13 incentives provided by the 1997 Rent Reform Act
 14 and other changes make it far too tempting for
 15 landlords and developers to create housing that is
 16 entirely unaffordable and buildings that are out
 17 of scale. The towers and hotel sprouting
 18 throughout the area, but especially south of
 19 Houston near University Settlement in Councilman
 20 Gerson's district--

21 CHAIRPERSON AVELLA: [interposing]

22 Can you sum up please?

23 MELISSA AASAE: --offer nothing to
 24 our constituency and that's why we support this
 25 rezoning effort as one possible tool to stop this

1
2 destruction.

3 CAROLYNE ALI KHAN: Hi. My name is
4 Carlyne Ali Khan. I'm a 20-year resident of
5 various tenements in the Lower East Side. I'm now
6 just south of Delancey. I'm here because I
7 support the planned rezoning, but I believe that
8 there has to be plans made to protect adjacent
9 neighborhoods. I think that it's really important
10 that you do now allow real estate development to
11 continue unchecked. But I fear rezoning that will
12 leave out the east side of the Bowery and I urge
13 you to take action that also protects the
14 residents of Chinatown, which at this point is me
15 as well. I think the recent scourge of high rise
16 buildings has left my neighborhood vulnerable to
17 predatory gentrification that's pushed out many of
18 my neighbors and local businesses and created a
19 situation where long-term residents no longer have
20 neighborhoods that support their needs. I fear
21 that the Bowery will become a home to high rise
22 expensive hotels that will impact the quality of
23 life for those of us who struggle to remain
24 residents of the Lower East Side. If rezoning
25 fails and if the Bowery is excluded from the

1 rezoning, then large scale development will
2 continue to destroy the character of the
3 neighborhood. I've witnessed over the last few
4 years in particular many friends, acquaintances
5 and businesses that have been forced out of the
6 neighborhood to accommodate these luxury needs.
7 The high rise buildings and luxury hotels that
8 have been taking over the Lower East Side bring
9 tourists into our neighborhoods whose needs and
10 whims have been placed above those of the local
11 inhabitants. The amount of affordable housing
12 needs to be increased to 30%. Anti-harassment
13 protection for tenants is crucial, both in the
14 proposed zone and in Chinatown. I ask that you
15 listen to the voices of Community Board 3 and
16 local residents and that you include the Bowery in
17 the rezoning. That you take immediate action and
18 listen to the concerns of Chinatown residents and
19 that you work to protect us all from the predatory
20 interests of high rise and luxury real estate
21 developers. Thank you.

23 INIS QUINONES: Good afternoon. My
24 name is Inis Quinones and I'm here to testify on
25 behalf on Congresswoman Velazquez. I'd like to

1
2 thank Chair Avella and the City Council members
3 for the opportunity to testify today. It's
4 important that those of us who have seen how
5 rezoning plans can play out all over this great
6 city weigh in on the pitfalls so this community
7 gets it right. Carrying out intelligently and
8 fairly the rezoning of the Lower East Side and
9 East Village can be a tool to transform the future
10 trajectory of this special neighborhood. Rezoning
11 should enhance the existing character of the Lower
12 East Side and the East Village and I believe it
13 can. This is government's opportunity to help the
14 people of this community attract the small
15 businesses and other agents of community
16 improvement. We can and we should use the power
17 of government through rezoning objectives to
18 protect and support those who make the
19 neighborhood a very special place. We should
20 proceed, but with caution. I hear from many of my
21 constituents in Brooklyn about their frustration
22 with other recently rezoned areas. I have heard
23 complaints about open space preservation, non-
24 enforcement of zoning regulations and anti-
25 harassment protections, the scope and magnitude of

1
2 development, traffic and the need for affordable
3 housing set asides. It appears that we are well
4 on our way to avoiding these pitfalls with this
5 promising rezoning plan. With proper safeguards,
6 I'm happy to lend my support to it. My testimony
7 has three main objectives: attaining firm
8 commitments to preserving and creating affordable
9 housing for modest income families, rent control
10 and rent stabilized tenants; listening to all
11 community perspectives; and ensuring that anti-
12 harassment protections are enforceable and
13 actually honored after the plan gets implemented,
14 if it gets implemented. The Lower East Side and
15 the East Village are beautiful pictures of
16 diversity. They all live side by side and make us
17 unique.

18 CHAIRPERSON AVELLA: If you can sum
19 up, please?

20 INIS QUINONES: So I will urge set
21 asides and you have no doubt heard the excellent
22 proposals of advocates on that matter. 30% of
23 income units is a reasonable requirement and I
24 urge its option. Let me conclude just by
25 reminding that we must learn from the lessons of

1
2 the recent past. The city should seize this
3 opportunity to create an economically, socially,
4 culturally, and environmentally responsible
5 rezoning proposal. Officials must use their
6 leverage now to create responsible and enforceable
7 guidelines. I'm also concerned that adjacent
8 neighborhoods have issues regarding--

9 CHAIRPERSON AVELLA: [interposing]
10 I'm going to have to cut you off if you just can't
11 say the conclusion.

12 INIS QUINONES: I just thank you
13 for allowing me to testify on behalf of
14 Congresswoman Velazquez. I also want to commend
15 the numerous organizations committed to the future
16 of the Lower East Side and the East Village.

17 CHAIRPERSON AVELLA: And you've
18 submitted a copy of your testimony?

19 INIS QUINONES: Yes, I did.

20 CHAIRPERSON AVELLA: Council Member
21 Gerson has a quick question.

22 COUNCIL MEMBER GERSON: I just want
23 to acknowledge the outstanding leadership of the
24 congress member on the Lower East Side and
25 especially with respect to the bathhouse which

1
2 we're going to continue to bring back to the
3 community. Just to the first witness, could you
4 bullet point, what are the features of the Little
5 Italy Special District which you suggest to be
6 extended to the east side of the Bowery? What are
7 the features which you think will benefit or
8 protect the Bowery from the dire consequences you
9 identified?

10 GILDA PERVIN: The most important
11 feature is the height of the buildings. On the
12 west side I believe it can go up eight stories.
13 I'm not sure, but maybe somebody else can say.
14 Pardon? 85 feet, which I think is usually eight
15 stories. That would certainly protect the east
16 side from these skyscrapers. That's the primary
17 issue there.

18 COUNCIL MEMBER GERSON: Thank you
19 very much.

20 CHAIRPERSON AVELLA: We still have
21 a number of people signed up to speak. I don't
22 know if they're all still here. We will do the
23 next panel in opposition. Is it Fen Zhi Chen?
24 You Jin Dong? Ming Xing? Lin Dian, D-I-A-N? Mei
25 Yu Song is it? I guess it's Song, S-O-N-G. Hai

1
2 Rong Chen? It's H-A-I R-O-N-G Chen, 55 Delancey
3 Street. It's either Paul Wang or Paul Wong.

4 Jinming Cao? Wai Fong Cheong, C-H-E-O-N-G, 195
5 Henry Street. Wilfredo Torres already spoke, so I
6 don't know why you have a duplicate on him. Wu
7 and I don't know how to pronounce it. G-U-O

8 Zhang? Okay. Zhen Ping? Okay. We finally got
9 you. Is it Sam Weiner? Jai Fang? Yue Tran Wen?

10 We know they're against. We still have to call
11 the name. They signed in slips. It'll be entered
12 into the record. Rachel Trachtenburg? Love

13 Sparkle? I'm just reading the name. Edward Ma?

14 Okay, one more for this panel. Lu De Chen? Chang
15 Qing Che, 83-30 Vantor Avenue, Elmhurst. I assume
16 he left. Mary Wang? Denise Wong?

17 SPEAKER 2: [Foreign language].

18 SPEAKER 3: [Foreign language].

19 EDWARD MA: Thank you Council
20 Members.

21 COUNCIL MEMBER GERSON: Excuse me
22 one second. Excuse me, Mr. Chair. Ms. Tough had
23 to step out. She's back. Well nevertheless, I
24 asked the sergeant to mark the record to designate
25 the location of this testimony so we can obtain

1
2 the translation. Thank you very much.

3 EDWARD MA: Thank you Council
4 Members. I'm very appreciative to have this
5 opportunity to voice our mind and for the
6 community. Based on the past experience of almost
7 one and a half century, I would like to propose a
8 new integrated rezoning for Chinatown instead of
9 just the Lower East Side for the following
10 reasons. First, no more exclusion please. 1882,
11 China Exclusion Act has been still lingering and
12 existing and here today like this Lower East Side
13 rezoning. Chinatown still has not fully recovered
14 in business, transportation and employment,
15 respiratory disease and psychological trauma since
16 the September 11th disaster regardless of the
17 programs of the Lower Manhattan Development
18 Corporation, which is insufficient and fragmented.
19 Chinatown is always neglected and disposable.
20 Despite being eight blocks away from the World
21 Trade Center, Chinatown was excluded from the
22 initial list of selection from Empire Zone in
23 2003. Surprisingly, Binghamton was selected
24 instead for political reasons, even though
25 Binghamton is 220 miles away the 9/11 site. It

1
2 was only one year later, after our protest, that
3 Chinatown/Lower East Side was finally selected for
4 the list. Chinese are very loyal to New York
5 City. This our cultural character. During the
6 1970 city financial crisis, we have moved away
7 company for a stable Chinatown, stabilizing the
8 community. Finally, I would appreciate Councilmen
9 Gerson and help Chinatown develop the future and
10 the current communication in many programs. Thank
11 you.

12 DENISE WONG: Hi, my name is Denise
13 Wong. I am a resident of Sty Town but I'm a
14 lifelong daughter of Chinatown and I'm here to
15 speak on its behalf. I was raised just outside of
16 Chinatown in a predominately white neighborhood.
17 My parents were overseas Chinese professionals who
18 acknowledged few common interests or cultural ties
19 with the working class community that comprises
20 Chinatown. Nonetheless, my experiences and
21 involvement in Chinatown were what helped provide
22 me with a sense of heritage, which my culturally
23 aloof family often dismissed as insignificant.
24 This neighborhood did not provide me a window into
25 Chinese culture, but rather the unique immigrant

1
2 culture established and sustained by people asking
3 the very same question I've been asking all my
4 life. Why am I here in the U.S.? My parents
5 strongly believed assimilation would lead to
6 social mobility, with which I had always
7 disagreed. However, as I worked more closely with
8 the working class Chinese community in an effort
9 to reclaim my heritage, I realized how deep the
10 unjust racism that fuels such a mentality was and
11 how it controls and divides the city's working
12 class community. To say one can support this plan
13 while preserving Chinatown's legacy is offensive
14 and ludicrous. The development that would
15 subsequently enter Chinatown, which would likely
16 displace and disperse this long entrenched
17 community since 1870, would merely be protecting a
18 façade of what Chinatown really is. The story and
19 traditions of the Chinese American experience are
20 inextricable from the true Chinatown whose working
21 class population upholds the living history that
22 keeps Chinatown relevant as a landmark of history
23 and culture and the exact same can be said about
24 the working class communities of the Lower East
25 Side. Encouraging the division of the community

1
2 and the disintegration of Chinatown into a
3 lucrative tourist attraction not only rids the
4 neighborhood of this vital community but also
5 inhibits economic growth and blatantly disgraces
6 the generations of Chinese Americans who made and
7 continue to make Chinatown what it is. Chinatown
8 endured for 138 years by subsuming the
9 institutions and services that our community
10 needs. Chinatown was not established to sell
11 Chinese culture to the public. Sorry, one last
12 thing. I'd also just like to say that the
13 communities of Chinatown, the Lower East Side and
14 the East Village have economies that are sustained
15 by small businesses. If we pass this plan which
16 will upzone areas around Chinatown, it will leak
17 these developments like high rise developments
18 into our precious neighborhoods and as a result
19 these small businesses will be displaced and
20 replaced likely by chain stores. Money will be
21 going into the parent companies and it will
22 actually shrink Chinatown's economy from the
23 inside. Thank you very much for letting me speak
24 today.

25 CHAIRPERSON AVELLA: Council Member

Gerson?

COUNCIL MEMBER GERSON: Mr. Chair, just for the record, I need to identify that Mr. Ed Ma is a member of Community Board 2 and also a member of the Joint Board Task Force on the Future of Chinatown and he has been a phenomenal and energetic leader and source of leadership for our entire community. I want to thank him for that. I want to thank all of the witnesses.

CHAIRPERSON AVELLA: The next panel is a panel in favor. Mary Spink? Mary, are you here? Luther Stubblefield. Luther, are you here? Is it Michael Rosen? Michael, are you here? Lisa Burriss? Lisa, are you here? Lisa? No Lisa? Herman Hewitt.

MARY SPINK: My name is Mary Spink. I'm the executive director of the Lower East Side People's Mutual Housing Association. My organization is a member of the Lower East Side Coalition for Accountable Zoning as well. I am a public member of Community Board 3's former zoning task force and a community resident for the past 45 years. I am here to strongly support the contextual rezoning of the 111 blocks as proposed

1
2 in the ULURP action before you today. The plan is
3 the result of a collaboration between Community
4 Board 3 and the Department of City Planning. I'm
5 going to skip over some of the listing of what the
6 plan includes because you have written testimony
7 and you've heard it a million times. It's
8 extremely important to not that new low income
9 housing will not be created if no zoning action is
10 taken. The cost of creating over 500 low income
11 units coming from the IZ is going to be over \$100
12 million that would otherwise have to be heavily
13 subsidized with public dollars at a time when
14 public subsidies are under sever fiscal pressures.
15 While these are important gains for our community,
16 we are losing hundreds of rent regulated units
17 every year due to displacement and gentrification
18 under our current zoning. We need the City
19 Council to put forth a follow-up corrective action
20 plan to this rezoning that will address the urgent
21 need for at least 700 new units in the rezoning
22 area, outside the IZs, affordable to families at
23 80% of median income or below. There are a number
24 of city owned sites that can and should be
25 developed as affordable housing. We urge the city

2 to make this happen. Among the sites that we're
3 referring to are NYCHA owned land within the
4 rezoning area, city owned parking lot on Ludlow
5 Street below Delancey Street and other city owned
6 sites that are unrelated to the Seward Park urban
7 renewal site. The 700 units should not include
8 housing in the development pipeline at this time.
9 They should be new units.

10 CHAIRPERSON AVELLA: Can you sum up
11 please?

12 MARY SPINK: Sure can. I have with
13 my written testimony, of course, we also need
14 corrective action as far as anti-harassment is
15 concerned. But I would just like to add one
16 thing. This zoning is not going to solve the
17 world's problems and it is not going to solve
18 every single problem in our neighborhood. All of
19 us that develop affordable housing have an issue
20 with providing affordable housing for the poor.
21 Nine times out of ten that has to do with who
22 develops the low income housing. Thank you very
23 much.

24 LISA BURRISS: Hello everyone. My
25 name is Lisa Burriss. I am the director of

1
2 organizing for Good Old Lower East Side and not to
3 mention a lifelong resident of the Lower East
4 Side. I was raised in Beth Israel Hospital. We
5 appreciate all the time and patience that you have
6 put in this process and also the Department of
7 City Planning and CB3 for considering the concerns
8 of the residents. We vote yes for this plan. We
9 want the City Council to consider the CB3's eleven
10 points, including things like anti-harassment
11 provisions, 30% of affordable housing creation and
12 free legal services for residents that need it.
13 GOLES is a community based organization that's
14 committed to educating the residents. That's how
15 I got involved. We education the residents and we
16 try to do it in dignified ways. If you look at
17 the disparities from our brothers and sisters that
18 have been opposing this plan, information that
19 we're handing out details the specifics of the
20 plan and our positions on it. If you look at the
21 persons and the organizations that have opposed
22 this plan, they mention zoning and that's it.
23 Doesn't explain what zoning is and it just says
24 that it's racist. Now why is this a personal
25 concern for me also? I am responsible for

1
2 organizing the public housing on the Lower East
3 Side, it represents 30,500 residents. Since
4 they've been doing the outreach prudently for
5 public housing that's not included in the zoning,
6 they've used skewed messages and unpalatable
7 tactics to get residents to side with them. I'm
8 about to sum up. I've attended public meetings
9 where they're telling residents that the public
10 housing is going to be sold and that everything
11 was done privately when it was done through the
12 Community Board where you get that information via
13 the web and the public library. Also the zoning
14 is contextual. So that is the reason why a lot of
15 the public housing on Avenue D wasn't included and
16 that is where they have done a lot of their
17 outreach. It's reverse racism. It's taking the
18 facts about public housing and using it to connect
19 to the rezoning inappropriately. I stand behind
20 my brothers and sisters. They need to know the
21 science of opposition. When two opposing forces
22 come together there has to be a middle ground and
23 some type of compromise. This is how we get to
24 the place. We stand beside our brothers and
25 sisters in Chinatown. We speak to CAAAV's

1
2 recommendations for the Chinatown Special District
3 and we also want the Bowery to be included as
4 well. Thank you for your time. I'm sorry you
5 missed your lunch and you guys had to eat through
6 this.

7 LUTHER STUBBLEFIELD: Good
8 afternoon. My name is Luther Stubblefield. I am
9 the executive director of the NYCHA Baruch
10 Community Center and the vice president of the
11 Baruch Tenants Association. I'm also a member of
12 GOLES and PHROLES. I would like to take this
13 moment to thank the City Council for the
14 opportunity to testify. I would also like to
15 commend the many community based organizations
16 that reside or have worked for over three years on
17 this much needed rezoning of the East Village and
18 Lower East Side. As we stand strong with the
19 community's demands for continued affordable
20 housing so lifelong residents are not displaced as
21 it has been on the upper Westside, SoHo and in
22 Tribeca. I have this written. As Manhattan for
23 the past 40 plus has been developed and over
24 developed I would like to remind the council that
25 the Lower East Side represents the beginning of

1
2 Manhattan by low income immigrants. This area
3 cannot be zoned as historical, however the
4 architecture and the character should receive the
5 respect of being the beginning of Manhattan. I'm
6 going to submit these papers but I want to step
7 off from the message I have here because since
8 sitting here I would like to express something
9 more personal. I've lived in New York City for 50
10 years. I've lived on the Lower East Side for 23
11 years. As my Councilwoman Rosie Mendez reminded
12 me a few weeks ago that I am an older person, a
13 senior citizen, two years from now I will be 70
14 years old. When I first came to New York City
15 some 50 years ago I lived up on the Westside and I
16 went through these procedures on the Westside with
17 the rezoning and watching the mom and pop stores
18 being displaced. And then after that the people
19 living in the area said we were promised that it
20 would be an equal place for everybody to live for
21 the rich that were coming in and the lower income
22 that were coming in. That was a lie. I've
23 watched everybody move out. I even had to come
24 down to the Lower East Side. For the past 15 to
25 20 years I've been New York City housing proudly.

2 I've been participating as an advocate. But I see
3 the same thing that's happening. I don't think
4 it's fair that I have worked most of the time that
5 I have lived in New York City as a middle class
6 person making \$25,000, \$30,000 and \$40,000, paid
7 my taxes and now I'm being forced out of the Lower
8 East Side. If I want to leave New York, I should
9 want to leave New York by my choice and not being
10 forced out of New York.

11 CHAIRPERSON AVELLA: Sir?

12 LUTHER STUBBLEFIELD; I'm coming at
13 the end of it now. My Social Security now can
14 just pay rent without eating. That's why now I am
15 living in a Section 8. So I don't think it's
16 fair. I thought that the government was supposed
17 to be for the people and by the people and we
18 should have consideration for the people that have
19 contributed to New York City. I'm one of them. I
20 used to make only \$32, \$35, \$30 or \$40 a day and
21 now people are making that hour. That's what
22 you're building the community on and I don't think
23 it's fair.

24 HERMAN HEWITT: Good afternoon. My
25 name is Herman Hewitt. I'm the first vice chair

1
2 of Community Board 3. I have been a part of this
3 plan since the beginning from the committee to the
4 final approval. If it was left up to the
5 Community Board as the only body that approves
6 this plan from the beginning we would have
7 included Chinatown, Fourth Avenue and the Bowery.
8 However, we don't have that much control, as most
9 people think. I have been there from the
10 beginning on the Community Board. I've been there
11 since 1976. I'm probably one of the oldest
12 ranking persons on Community Board 3. I have
13 worked in this neighborhood for many years. I've
14 sat in this room and many other rooms and hear the
15 racism word used over and over and over. As a
16 person of color, I tried to convince those people
17 and refute it. I would let them know that there
18 was nothing in it that goes towards racism in
19 developing this plan. It was a plan that we had
20 from the 70s in order to preserve the Lower East
21 Side. So what we're talking about here today did
22 not start five years ago or ten years ago, it
23 started from the day when the profits was made in
24 our neighborhood because the landlords used to
25 burn the buildings for profit. There was those of

1
2 us who were vigilant against the fact that even
3 the fire department used to use some of our
4 buildings and burn them for practice. We need to
5 have them know how to save a building but we
6 didn't want them to burn the neighborhood down
7 either. So the planning that we have done isn't
8 just because we needed to have housing that people
9 could afford, but we find out that the
10 neighborhood has been lost to the neighborhood.
11 So there are some of us in this room, and I'm a
12 part of the Lower East Side People's Mutual
13 Housing as well, and we as a community board
14 support this plan. We hope that the City Council
15 and members and everybody would support this plan,
16 including the 11 part plan of Community Board 3.
17 Thank you.

18 CHAIRPERSON AVELLA: Just to their
19 credit, representatives of the city agencies have
20 remained. Therefore, I hope they paid a special
21 heed to the point by Ms. Burriss that two
22 conflicting forces sometimes need to be met
23 halfway and that there needs to be that meeting of
24 the minds with respect to many of the issues
25 raised here. Thank you.

2 HERMAN HEWITT: And I want to say
3 that Community Board 3 will move forward to work
4 on the request that Chinatown and the Bowery is
5 having. That's the next issue that we will take
6 up.

7 CHAIRPERSON AVELLA: Thank you.
8 The next panel is a panel in opposition. I don't
9 know how we have all those people in the room, so
10 I assume a lot of people left. Jennifer Wager?
11 Is Jennifer here? Is it Guo Tin Rhen? No address
12 other than Chinatown. A lot of these names I'm
13 going to read, somebody obviously wrote all the
14 names in themselves without any address, so I
15 wouldn't be surprised if they weren't here. Lang
16 Fang, or Fang Lang? Chen You? Chang Xion Chen?
17 Fai Yung Lan or Lam? Lin Zin Wai? Zen Cao? You
18 Kwai? Zhang Kwan? Chen Bao, B-A-O? Z Kwo Chen?
19 Li Chung Lang? Li Yung Chang? Li Jon Li? As I'm
20 reading these off, I have to tell you, somebody
21 filled in all of these names with no addresses.
22 Ka On? Chen Sa Qin? Susan Howard? You didn't
23 fill in your address by the way. So we want you
24 to fill in your address. De Quan Lu? Rob
25 Hollander. Rob, I know you're here. Joel

1
2 Kupferman? He had to leave. That is the last
3 names in opposition. Is there anybody else who
4 wishes to testify in opposition? I will close out
5 the opposition people. Then we will go to the
6 last couple of panels of people in favor.

7 SUSAN HOWARD: Hi, my name is Susan
8 Howard. I live at 188 Norfolk Street on the Lower
9 East Side. I've lived there 30 years. I am a
10 housing activist as many people here are. I was
11 on the board on Met Council of Housing for many
12 years. I was the organizer of CHARAS/El Bohio in
13 their last three years. I'm at the Lawyers Guild
14 now, the New York City chapter. The reasons I
15 oppose the current plan. I'm just giving bullet
16 points because you've heard a lot of this before.
17 It protects only the wealthiest areas of the East
18 Village from high rise development while luring
19 developers to communities on the border of and
20 completely excluded of the proposed plan. CB3 did
21 not do outreach to CB3 residents, orgs or
22 businesses to inform them of the development of
23 this plan or get their input. Any talk of
24 widespread community input is false. CB3 is
25 actually on record stating they could not afford

1
2 to do outreach. I should know. It provides no
3 protections against demolition displacement or
4 harassment. Adding anti-harassment language to
5 the plan does nothing more than give the
6 appearance of protection as City Planning can do
7 no more to enforce DOB regs than we can. The plan
8 will not deter gentrification. It will increase
9 it by providing double incentives to developers to
10 demolish Avenue D, Houston, Delancey Streets and
11 portions of Pitt and Second Avenue to build luxury
12 high rises. It provides only incentives for
13 developers to include a small percentage of so-
14 called affordable housing that is beyond the reach
15 of the low income residents, \$36,000 to qualify
16 for a one-bedroom. CB3's claims that this plan
17 will produce affordable housing is false.

18 Developers will not build affordable units on
19 site. There is no public land, save our parks and
20 community gardens, to build on. If you are
21 planning to vote to approve this plan because it
22 includes affordable housing, then you cannot
23 approve it. It provides no additional parking,
24 green space or open space in a neighborhood where
25 teachers are already forced to park on their

1
2 playgrounds. It gives no consideration or
3 incentives to protect small businesses, cultural
4 institutions, artists, all of which are struggling
5 to survive. When the community was finally given
6 the chance to speak in public hearing on this
7 plan, they were told it's too late to do anything
8 about it. Even trying to quell opposition to the
9 plan by denying access to the May 12, '08 public
10 hearing, threatening opponents with arrest while
11 allowing supporters of the plan to come in and
12 sign up first, as they did today and by not
13 providing translation for non-English speaking
14 people. Just my demands are that the plan be
15 amended to: include the entire Community Board 3,
16 including Chinatown and the Bowery, include
17 significant low income housing, truly affordable
18 to the residents, provide provisions for
19 community, cultural and green space--

20 CHAIRPERSON AVELLA: [interposing]

21 Please sum up.

22 SUSAN HOWARD: --include historical
23 protections for the LES historic district, include
24 requirements for high efficiency standards in new
25 construction, curtail instead of promote the

1
2 expansion of bars and restaurants and address our
3 community district needs.

4 ROB HOLLANDER: Good afternoon. My
5 name is Rob Hollander. I'm a longtime resident of
6 the rezoning area. I am not here in opposition to
7 this plan, not am I here in support of this plan.
8 I'm here merely to offer the council the best
9 information I have available to me. I speak only
10 for myself here. Community District 3 is
11 threatened with hotel development in all of its
12 commercial C6-1 zones. That includes the area
13 from Essex Street to Chrystie Street, which is
14 included in this rezoning proposal and the Bowery
15 and Chinatown, which are not. A quick look at
16 Community District 3 provides a clear picture of
17 the problem. A dozen huge 23-story hotels have
18 sprouted up in these C6 zones, all in the last
19 five years. These three areas all need immediate
20 protection or they will be lost. The residential
21 East Village, an R7-2 zone has fared much better
22 over the last five years. The pressure to develop
23 has produced six, seven and eight story buildings
24 and even one nine-story building, but nothing
25 seriously out of scale in the last five years.

1
2 There are in fact only exactly two tall towers,
3 15-stories each, in the East Village built under
4 current zoning. That's partly because current
5 bulk allowances, the floor area ratios, are low
6 currently in the East Village, limiting air rights
7 and developers are not hungering to build huge
8 community facilities. So far every single
9 threatened large development has been successfully
10 prevented. Nothing appears able to stem the tide
11 of hotel development south of Houston and on the
12 Bowery. The opportunities for huge financial
13 windfall there have induced a development pressure
14 so intense that there has simply been no stopping
15 it. Of even greater concern is the fate of
16 Chinatown. Chinatown is one of Manhattan's few
17 remaining authentic ethnic neighborhoods. As a
18 community it's irreplaceable to New Yorkers.
19 Without immediate protection Chinatown, one of
20 those vulnerable C6-1 commercial zones, will
21 disappear. The Bowery Alliance of Neighbors has
22 asked you to commit now to protecting the context,
23 history and community of the Bowery with a follow-
24 up corrective action. Protecting the Bowery will
25 help prevent the spread of development to

Chinatown. I ask you also to commit to protecting Chinatown as well. Protective actions for both of these neighborhoods needs to be fast tracked.

There is no time to lose. Finally, I ask that you not upzone Chrystie Street as in this plan. The highest FARs and heights have been relegated to Chrystie Street, which is the one piece of this plan which is actually in Chinatown and faces the heart of Chinatown. That's going to bring gentrification, primary displacement and secondary displacement, into Chinatown. This is really the worst part of this plan and it's the one thing that you really need to look at very carefully. When people talk about the racism of this plan, this is the one little piece of this plan that's truly inappropriate. Thank you.

CHAIRPERSON AVELLA: Council Member Gerson?

COUNCIL MEMBER GERSON: Ms. Howard, you are the first person, and I appreciate this, to bring up green space. I'm sure that's a function of the limitation of time and I'm sure the community would agree with your point. Let me then ask you, do you have any specific

1
2 recommendations as to additional steps we can take
3 in conjunction with this process to preserve or
4 add Lower East Side/East Village green spaces?

5 SUSAN HOWARD: I hate to make your
6 job even harder than it is.

7 COUNCIL MEMBER GERSON: Why not?

8 SUSAN HOWARD: I think the reason
9 that it hasn't been brought up is because there
10 hasn't been enough outreach and input. I am just
11 one person with one voice and there are many
12 people who want to talk about the needs in the
13 community and how it should be addressed. Right
14 now we're not even following the guidelines for
15 green space in the Lower East Side. It's not even
16 a consideration in this plan.

17 COUNCIL MEMBER GERSON: Let me
18 interject in the interest of time. We have been
19 paying attention to several of the green spaces in
20 immediate proximity to your home base, the Magical
21 Gardens for one--

22 SUSAN HOWARD: [Interposing] Let me
23 just say that's on the list of projected
24 development sites, the Children's Magical Garden.

25 COUNCIL MEMBER GERSON: So if you

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2 would follow-up with our office in the next few
3 days particularly on the issue on green space and
4 then Council Member Mendez and I will continue to
5 work together on the full range of issues. Thank
6 you.

7 COUNCIL MEMBER MENDEZ: Ms. Howard,
8 it's nice to see you again. You say you're
9 against the plan. I know in the past you've
10 fought against some of the over development and
11 some of the hotels. This rezoning would curb some
12 of that but you're still against the plan?

13 SUSAN HOWARD: I don't think
14 anybody here has really disagreed in the
15 opposition and the proponents about what they want
16 the plan to include, whether or not it includes it
17 right now or not. We all agree that Chinatown
18 needs to be rezoned. We all agree that the Bowery
19 needs to be included. We all agree that we need
20 truly affordable housing. There's nothing we
21 don't really agree to. It's just that we don't
22 want to do it in piecemeal. Just to go back eight
23 years, when we fought against the 23-story tower
24 at Houston and Ludlow, which Council Member Gerson
25 will remember, we fought that for three years. It

1 was the first 23-story building to go up there.
2 We won and then eventually lost. As a result of
3 that the Community Board put in a plan to downzone
4 that Orchard Street business district. It was
5 withdrawn from the Department of City Planning in
6 2004 just to supposedly change the language. Four
7 years later we have 16 hotels going up there. So
8 if you would say yeah, that may downzone that
9 area, that area is one giant construction zone
10 now. Instead of being land marked as a city
11 historic district as it should have been as part
12 of this plan, it is now a demolition site. It is
13 horrific to go down there. I don't even walk down
14 the street anymore. The reason there's no daytime
15 business is because it's all bars. There's only a
16 nighttime business. Misrahi knows that well since
17 he rents out a space to the bars. So I'm still
18 against the plan because right now we've already
19 lost that. There's 16 hotels going up as of
20 right. Under this current zoning it's not going
21 to protect us now.

23 COUNCIL MEMBER MENDEZ: Thank you
24 very much.

25 CHAIRPERSON AVELLA: Thank you.

1
2 The next speakers are in favor of the proposal.
3 David Crane. Is David here? Ariel Yotive?
4 Lisamarie Dixon. Lisamarie, here or not here?
5 Mitchell Grubler? Mitchell, I know you're here.
6 Paul Bartlett? Paul, are you here? Pearl Chin?
7 Is there anybody else signed up to speak in favor?
8 Seeing none, this is the last panel. Who said, on
9 my god?

10 ARIEL YOTIVE: I don't have a
11 written statement, so excuse me if I sound a
12 little nervous. My name is Ariel Yotive. I'm
13 currently an intern at the GOLES organization,
14 which is one of the leading housing organizations
15 in my neighborhood. I'm a lifelong resident of
16 the LES. I'm probably one of the youngest
17 representatives of my neighborhood that's within
18 the zoning constructs. From that everything that
19 I put forward today is a representation of the
20 youth. I can't necessarily speak for everyone.

21 CHAIRPERSON AVELLA: Can you speak
22 into the microphone? We're not hearing you.

23 ARIEL YOTIVE: My beliefs are as
24 follows. First of all, the community that 40
25 years ago opened its arms to my mother when she

1
2 first came to this country now threatens to
3 displace me not only from the neighborhood but
4 from the city as a whole. As an LES resident I
5 understand more than almost anyone the fears of
6 displacement and economic difficulties that are
7 brought on by gentrification. I completely side
8 with residents of the lower Lower East Side, to
9 the east and to the west that aren't included.
10 However, this is no longer a threat to me, it's a
11 reality. As we speak I face displacement. My
12 rent is going to raise next month. It's an issue
13 of uncertainty and I can no longer just sit and
14 watch as due process takes place. I have to take
15 action now. I'm not very well informed on the
16 subject, so forgive me as I'm wrong, but as I
17 understand, it would take longer to start this
18 process from scratch to include Chinatown than it
19 would to push this plan forward and then move on
20 to focus on the other parts of the neighborhood
21 that aren't included in this plan. I would like
22 to put down the points that I think should be
23 included that are not a part of the plan as of
24 yet. Is that already two minutes? 30% of
25 affordable housing units enforced by the plan.

1
2 And if could just really quickly speak on a point
3 that is really important to me about the racial
4 comments that were made. As a white skinned
5 resident of this neighborhood I would like to
6 speak directly to the point that has so adamantly
7 been made by the opposition calling the rezoning
8 plan a part of a racist agenda of the rich white
9 demographic of the community. Not only is that
10 counterproductive to the opposition's point by
11 systematically homogenizing the term white,
12 especially in a neighborhood where white is the
13 farthest from a representation of ethnic and
14 economic backgrounds. But I think that it excuses
15 the same ignorance which they claim to be fighting
16 against. This plan is not meant to protect some
17 nondescript group of white rich people, but it was
18 rather put together by a heterogeneous multiethnic
19 and multiracial group of people. If you want to
20 talk about this process being a sham, it's a sham
21 to call this plan a plan to protect the rich when
22 this plan was devised by a community that has
23 moved to protect themselves from the rich. That's
24 my closing point.

25 PEARL CHIN: I'm Pearl Chin. I'm

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2 the executive director of Chinatown Manpower
3 Project. We've been around the Chinatown
4 community for about 36 years. We help immigrants
5 and low income individuals become self-sufficient
6 through job training and ESL classes. We also do
7 small business counseling. I grew up in the area.
8 My parents were low income immigrants. My family
9 is still in the area. I'm also a Community Board
10 3 member. I'm actually going to read a few
11 paragraphs from a quick statement. Chinese
12 Americans on Community Board 3: Rocky Chin, John
13 Leo, Sam Krueger and myself and I think you heard
14 from Thomas Yu earlier today, he's also a part of
15 Community Board 3. We're members of Community
16 Board 3 in Chinatown. I'm going to make this real
17 quick because I have to go back to work as well.
18 We urge the City Council to move forward on the
19 Lower East Side rezoning with the understanding
20 that the council will improve upon City Planning
21 Commission's rezoning proposals, reflecting many,
22 if not most, of the salient points in CB3's eleven
23 point resolution. We recognize the importance of
24 initiating broad and comprehensive planning
25 processes in Chinatown, a process that calls for a

1
2 greater allocation of city resources for Chinatown
3 community planning. As members of CB3, we support
4 these efforts and welcome the contributions of all
5 stakeholders in the planning process going
6 forward. Also, on a personal level, my mother
7 would be really upset that I'm being called racist
8 because the last time she checked I was Chinese
9 American. We have concerns on the Community Board
10 3 in terms of that. I'm also part of the steering
11 committee on the Chinatown planning process and we
12 do welcome all stakeholders. A lot of the major
13 opposition groups that have been testifying today
14 have been invited to the planning process and they
15 have declined. It's upsetting because we really
16 would like to hear what they're thinking and to
17 address particular points that they want to
18 address to the rest of the community. It's an
19 open process. The press is there.
20 Representatives of local city officials are there
21 as well. It's a great opportunity to really get
22 the word out and your concerns to the community.
23 If you do not pass the rezoning process with
24 Chinatown on the side, these groups won't even
25 come to the table regardless anyway. So it

1
2 doesn't really matter. That's all I have to say.

3 MITCHELL GRUBLER: My name is
4 Mitchell Grubler. I'm a resident of the Bowery
5 and a member of the Bowery Alliance of Neighbors.
6 I am frustrated by the City Planning Commission's
7 omission of the Bowery. When you vote on the
8 rezoning I urge you to also draft as strong a
9 request as possible to City Planning to initiate
10 immediate rezoning of the unprotected east side of
11 the Bowery. I'm particularly disturbed by the
12 zoning plan area which stops approximately 60 feet
13 short of the east side of the Bowery and leaves it
14 vulnerable to demolitions and grossly out of scale
15 development, particularly hotel development.
16 Council Member Gerson asked previous speakers for
17 modification. This is one modification I suggest.
18 Move that western boundary of the rezoning 60 feet
19 to include the Bowery. I also have a suggestion
20 of how you can influence this to be done. You
21 could remind the mayor of how you voted on term
22 limits and use that influence. Both east and west
23 sides of the Bowery share a common history and are
24 characterized by low scale development and even
25 today boast last 18th and early 19th century

2 houses, many mid to late 19th century commercial
3 buildings of distinction. Many of these buildings
4 house the city's decades old restaurant supply and
5 lighting districts.

6 CHAIRPERSON AVELLA: Mitchell, just
7 one quick question. Were you suggesting that the
8 council vote or strongly recommend to City
9 Planning that they extend the boundary of the
10 rezoning? Because you know we can't do that.
11 That would be out of scope. We could ask for a
12 future action. If we reached an agreement with
13 them we could do a FUCA but we can't just
14 ourselves extend the rezoning. I mean that's out
15 of scope.

16 MITCHELL GRUBLER: What would
17 prefer is an extension of the protected zoning on
18 the west side of the Bowery over to the east side.

19 CHAIRPERSON AVELLA: Thank you. I
20 think Council Member and then Council Member
21 Gerson have some closing statements and then I
22 will make some closing statements as well.
23 Council Member Mendez?

24 COUNCIL MEMBER MENDEZ: Thank you,
25 Mr. Chair. A couple of weeks ago when we were here

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2 for term limits I said that democracy sometimes
3 doesn't get us the best action, but it demands
4 better action. This plan is a good plan and it
5 can be better. Council Member Alan Gerson and I
6 are working to make it better. We would like to
7 see a follow-up corrective action that includes
8 the communities of Chinatown, the Bowery, Third
9 Avenue and Fourth Avenue. We want an anti-
10 harassment provision. As a housing activist for
11 20 plus years, what we have just isn't enough. We
12 need more affordable housing. Today we've heard,
13 whether people were against or for, that there are
14 tremendous development pressures that exist and
15 continue to do so. I believe this plan helps
16 abate some of that. I also believe that this plan
17 helps preserve the core fabric of our community,
18 preserve the low scale nature, the character that
19 currently exists and the diversity. Our community
20 is a multicultural, multiethnic and economically
21 diverse district. This plan does help but it
22 could make it better. During my time before I was
23 councilperson, I've seen a lot of loss of our mom
24 and pop stores, our bodegas, Chinese restaurants,
25 and our shoemakers. I don't know that this plan

1
2 will help keep them there. But it might. We just
3 need to continue to make this plan better. What
4 saddens me today and certainly we have been three
5 very strong advocates is the fact there were no
6 translation services provided here today. We've
7 tried to do the best that we can today. I know
8 Alan and I always provide translation services in
9 our own committees that we chair. We've fought
10 for better access to translation in al city
11 services. The other part that saddens me is how
12 we've pitted community against community. We
13 can't derail this plan because it does not address
14 everyone's needs. So I think we need to move
15 forward, make changes, make a follow-up corrective
16 action and continue to work with our communities,
17 no matter what side of the Bowery it's on, no
18 matter what side of Houston Street it's on, and
19 that's my commitment to my community, whether I
20 represent you as a council person or not. Thank
21 you very much.

22 COUNCIL MEMBER GERSON: Thank you,
23 Mr. Chair. Thank you, my friend and colleague,
24 Mr. Chair, also my friend and my friend and
25 colleague Council Member Mendez. Mitchell, to

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2 your strategic advice, unfortunately I think the
3 mayor probably also remembers that I introduced
4 and supported the amendment initially that would
5 have required the referendum. So I'm not quite
6 sure the strategy recommended would work. But the
7 points you recommended need to be heeded. I also
8 want to thank Tammy Tough, our chief of staff, for
9 her assistance here at this hearing. I want to
10 address my comments to the representatives of the
11 city agencies present. I think your presence
12 throughout this long hearing reflects well on your
13 professionalism and on your efforts to heed the
14 community. I believe we've heard two strong
15 messages which need to be heeded. We've clearly
16 heard from a significant section of the Chinatown
17 community and other excluded areas an anger and
18 frustration over alienation from their government
19 over lack of responsiveness to very legitimate
20 concerns and needs. We cannot allow progress in
21 one area to create unhealthy, unwise divisions
22 between community and community, especially when
23 we can avoid that. We can avoid that by taking
24 concrete immediate action as part of this process
25 to address the many legitimate concerns and fears.

1
2 Because what you're hearing a lot of is fear of
3 displacement of residency, of business, of being
4 overwhelmed. We know that there are steps we can
5 take before a full fledged process which will take
6 time. But there are steps that we can take now
7 and we've discussed them and we've proposed them.
8 I urge that we bang our heads together and adopt
9 them. The second clear message we heard is a
10 consensus among all communities and among all of
11 the witnesses identified as pro and con, virtually
12 every witness who spoke in favor of the plan also
13 endorsed significant enhancement and additions,
14 especially to provide for additional and deeper
15 affordable housing. This is an historically low
16 income gateway community. We need to respect that
17 part of this community's history and character,
18 just as the plan within its boundaries does in
19 fact reflect the physical character and history of
20 the community as a lower rise area. We can do
21 both and we must do both. This consensus for the
22 affordable housing has been expressed by the
23 community board and expressed across the board.
24 So again, let us bang our heads together. We all
25 know we're in difficult financial times. But we

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2 can still do better than just the 20% that has
3 been put on the table. Finally, everyone who
4 addressed the issue, addressed the issue of the
5 commercial zone and the concern over businesses
6 with the same perspective and that is we do not
7 want to do anything to undermine and we should do
8 something to support and enhance the diversity of
9 uses that have historically taken place within the
10 commercial zones, especially now south of Houston
11 Street. Especially in these economic times we
12 cannot do anything to undermine, whether it's
13 artisans or light manufacturing. And we can do
14 things to enhance and preserve that consist with
15 the contextual aims of this plan. So let's get
16 together, let's accomplish that and then we can go
17 back to the community in a way that will bring
18 everyone together and move everyone forward. I
19 know we're going to count on our chair, Tony
20 Avella, to be with us in this process. Council
21 Member Mendez and I are working as a team and two-
22 thirds of this is within her district. So I
23 really appreciate the leadership that Council
24 Member Mendez has exhibited throughout this
25 process. Thank you very much.

CHAIRPERSON AVELLA: I want to thank both my colleagues, Council Member Mendez and Gerson for their work on this long awaited rezoning. There are a number of issues here and I don't want to spend too much time talking about them. I do feel that the city and the Bloomberg administration put communities in a situation where they're pitted against each other and I think that's unfortunate. I think we can come up with a much better plan, as Council Member Mendez said, if City Planning and the administration work together. For my part I certainly will work with both of you to make sure that that is done. I have a particular concern about the upzoning on Chrystie Street and Avenue D. I think something should be done about that. I think we all agree on the anti-harassment inclusion. That is key. There should be a follow-up corrective action as it comes to the Bowery and Chinatown. Now the Chinatown rezoning would obviously be a much more comprehensive thing. But if we got a commitment from the city to do it, it can be done. I mean if you give the city two weeks, they'll take two weeks. If you give them six months or a year,

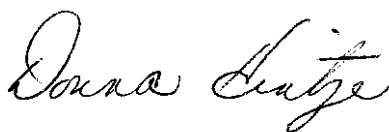
1
2 they'll take six months or a year. There's got to
3 be a commitment from this administration that we
4 do this. When we finally come to the vote I think
5 we should strongly emphasize the fact that no
6 matter how we vote, this has to be done. We can
7 no longer keep pushing development from one
8 community to the next and say that there's going
9 to be a follow-up rezoning sometime in the future.
10 In my own district I'm finally getting a rezoning
11 that's two years overdue. In the meantime part of
12 that neighborhood has been destroyed. We have to
13 send a strong message to Mike Bloomberg and Amanda
14 Burden that this is unacceptable, absolutely
15 unacceptable. With that, I thank everybody who
16 sat through hours of hearing. This meeting is
17 closed.

18

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C E R T I F I C A T E

I, Donna Hintze 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 _____

Date January 31, 2009