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SUBCOMMITTEE ON LANDMARKS, PUBLIC SITING AND

MARITIME USES

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CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

SUBCOMMITTEE ON LANDMARKS, PUBLIC SITING AND
MARITIME USES

July 16, 2019
Start: 1:23 p.m.
Recess: 1:54 p.m.

HELD AT: 250 Broadway-Committee Rm, 16th Fl.

B E F O R E: ADRIENNE E. ADAMS
Chairperson

COUNCIL MEMBERS:
INEZ D. BARRON
PETER A. KOO
I. DANEEK MILLER
MARK TREYGER

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MARITIME USES

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

Genevieve Michel
Executive Director of Government Affairs at New
York City's Department of Housing Preservation
And Development, HPD

Andrea Alexopoulos
Project Manager at Asian American for Equality,
AAFE

Christine O'Connell
Housing Finance and Community Development
Specialist

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[gavel]

CHAIRPERSON ADAMS: Good afternoon,
welcome to this meeting of the Subcommittee on
Landmarks, Public Siting and Maritime Uses. I'm
Council Member Adrienne Adams, the Chair of this
Subcommittee and we are joined today by Council
Member Barron and we are expecting other Council
Members to come in very shortly. Today we will hold a
public hearing on the 202-207 7th Avenue project and
a vote on the applications related to the 784
Courtlandt Avenue project. The 201 through 207 7th
Avenue project consists of two applications submitted
by the New York City Department of Housing
Preservation and Development both of which we are
hearing preconsidered to facilitate a mixed-use
development containing approximately 26 affordable
residential units and commute... commercial space in
the Speaker's district in Manhattan. Application
number C 190253 HAM requests the designation of an
urban development action area for property located at
201-207 7th Avenue, block 797, lots 80, 81, 82, and
83 and an urban development action area project for
such area pursuant to Article XVI of the general
municipal law and pursuant to section 197-C of the

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New York City charter, approval of the disposition of such property to a developer selected by HPD. Application number 20195731 HAM submitted by HPD pursuant to section 577 of Article, Article XI of the Private Housing Finance Law requests approval of a real property tax exemption for such property and I do have remarks submitted by Speaker Corey Johnson which read, since taking office in 2014, getting this project jumpstarted has been one of my top priorities. After many years of inaction and false starts, I am happy that the city is finally moving toward... forward with an affordable housing redevelopment plan for the city owned properties at West 22nd Street and 7th Avenue. These buildings have languished for far too long, but we have a great team in place who will be delivering sorely needed affordable housing for this community. For me it is important that the tenants who have lived in these buildings will be able to buy into their apartment for 2,500 dollars under the tenant interim lease program and that all displaced families will have an opportunity to return whether they rent or buy. It is also important that we work together to make sure these units are permanently affordable and that

1
2 owners are not incentivized to sell by receiving
3 windfall profits. We will have questions following,
4 we're going to go ahead and introduce the panel.

5 [off mic dialogue]

6 CHAIRPERSON ADAMS: We've been joined by
7 Council Member Treyger and we are going to have our
8 vote before we hear from HPD. We will now vote on LUs
9 467 and LU 468 both submitted by the Department of
10 Housing Preservation and Development regarding the
11 784 Courtlandt Avenue project in Chair Salamanca's
12 district in the Bronx. LU 467 is an application
13 pursuant to section 505 of Article XV of the general
14 municipal law of New York State and section 197-C of
15 the New York City Charter for the fourth amendment to
16 the Melrose Commons Urban Renewal Plan for the
17 Melrose Commons Urban Renewal area. The amendment
18 would remove a 50... a 45-foot height restriction from
19 site 15 imposed by the current urban renewal plan for
20 certain buildings in R7-2 and R7-A districts. LU 468
21 is an application submitted pursuant to Article XVI
22 of the General Municipal law for approval of an urban
23 development action area designation for the property
24 located at 359 East 157th Street and 784 Courtlandt
25 Avenue, block 2404, lots one and two and the approval

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of an urban development action area project for such area pursuant to 197-C of the New York City Charter for the disposition of such property to a developer selected by HPD. The related applicants would exempt the development site from a height limit in order to facilitate the construction of a seven-story mixed use building with approximately 20 residential units all of which will be affordable, ground floor retail space and community facility space. I will now call for a vote to approve LUs 467 and 468, Counsel please call the role.

COMMITTEE CLERK: Adams?

CHAIRPERSON ADAMS: I vote aye.

COMMITTEE CLERK: Barron?

COUNCIL MEMBER BARRON: I vote aye.

COMMITTEE CLERK: Treyger?

COUNCIL MEMBER TREYGER: Aye.

COMMITTEE CLERK: By a vote of three in the affirmative, zero in the negative and with zero abstentions the items are approved for forwarding to the full land use committee... for forwarding to the full land use committee and the vote is held open.

CHAIRPERSON ADAMS: Thank you. As stated, the vote will be held open. We will now hear

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testimony from Christine Redcalf, Redclaff; Genevieve Michel; Andrea Alexopoulos, you may begin.

GENEVIEVE MICHEL: The preconsidered land use actions before this subcommittee today are related to the development of a project know as 201-207 7th Avenue in Manhattan district three. The item related to C 190253 HAM consists of the proposed ULURP actions that seek urban development at... [cross-talk]

CHAIRPERSON ADAMS: Okay, we're going to stop you really quickly so that Counsel can swear you in.

GENEVIEVE MICHEL: I know... [cross-talk]

CHAIRPERSON ADAMS: I'm sorry.

COMMITTEE CLERK: Please raise your right hands, please state your names.

GENEVIEVE MICHEL: Genevieve Michel.

CHRISTINE O'CONNELL: Christine, Christine Radcliff O'Connell.

ANDREA ALEXOPOULOS: Andrea Alexopoulos.

COMMITTEE CLERK: Do you affirm to tell the truth, the whole truth and nothing but the truth in your testimony before the Subcommittee and in answer to all Council Member questions?

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1 GENEVIEVE MICHEL: Yes.

2 ANDREA ALEXOPOULOS: Yes.

3 CHRISTINE O'CONNELL: Yes.

4 CHAIRPERSON ADAMS: Okay, please

5 continue.

6
7 GENEVIEVE MICHEL: And disposition of
8 city owned property for a development site consisting
9 of four city owned multiple dwellings. The zoning
10 district is R8-A C2-59 with a FAR of six. The lot
11 area of 3,700 square feet and a total developable
12 area of 22,000 square feet. Additionally, the item
13 related to C2-0195731 HAM consists of an Article XI
14 tax exemption, exemption request for a term of 40
15 years. Located at block 797, lots 80, 81, 82, and 83
16 in Manhattan, Council District three, the project is
17 slated for redevelopment under HPD's affordable
18 neighborhood cooperative program or ANCP, the site is
19 comprised of four contiguous city owned buildings
20 containing 14 units on the corner of 7th Avenue and
21 22nd Street. As part of the ANCP program guidelines,
22 city owned multiple dwellings are conveyed to
23 restoring communities HDFC for one dollar per tax lot
24 and then rehabilitated by private developers selected
25 through a competitive process to create affordable

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1
2 cooperatives for low- and moderate-income households.
3 The developer will sign a site development management
4 agreement with restoring communities that will be in
5 effect until conversion occurs and title transfers
6 from restoring communities HDFC to a tenant formed
7 HDFC cooperative from the time of the cooperative
8 conversion the developer will remain the property
9 manager for at least one year. After the first year
10 the co-op will have the choice of keeping the
11 developer as property manager or hire a new company
12 as approved by HPD. The four buildings in the 7th
13 Avenue cluster were taken into city ownership through
14 an in-rem foreclosure action in 1976 and in November
15 1997 the existing tenants entered into the tenant
16 interim lease program. As a requirement of the TIL
17 program, tenants form tenant associations to manage
18 their buildings and collect rents under a net lease
19 from the city of New York until such time as the
20 tenants have met all the milestones and are ready for
21 next steps. Generally, buildings in ANCP undergo
22 substantial rehabilitation, however in this case the
23 four buildings will be demolished and replaced by a
24 single multiple dwelling building thus requiring
25 ULURP. Three of the buildings have been vacated due

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to structural stability issues and tenants have been temporarily relocated in nearby neighborhoods. The last remaining tenant in 207 7th Avenue we hope will be temporarily relocated by the end of July 2019. After the conveyance, construction will be undertaken by the developer who proposes to build a nine-story mixed use building with ground floor commercial space for which a use has yet to be determined. The residential portion of the project will contain nine studios, ten one bedrooms, five two bedrooms and two three-bedroom apartments. The residential amenities will include a rooftop terrace, community room, a lobby garden space, bike room, package storage area, a laundry room, the co-op interest attributable to occupied apartments will be sold to the existing tenants for 2,500 dollars. Additionally, the maintenance is anticipated to be approximately 40 percent of AMI for existing tenants which is roughly 628 dollars a month for studio, 801 for a one bedroom, 976 for a two bedroom and 1,122 for a three-bedroom unit. The cooperative units attribute interest attributable to vacant apartments will be sold to a price affordable to families earning no more than 165 percent of area median income. In order

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1 to facilitate development of the project and maintain
2 long time affordability, HPD seeks approval of these
3 preconsidered items which include the Article XI tax
4 exemption for total benefits of approximately
5 3,794,206 dollars with a net present value of
6 1,059,922 dollars. Thank you. I'll now turn it over
7 to AAFE.
8

9 ANDREA ALEXOPOULOS: Hi, my name is
10 Andrea Alexopoulos, I'm the Project Manager at Asian
11 Americans for Equality or AAFE for short. AAFE is a
12 45-year-old nonprofit community organization that was
13 founded in the civil rights movement in Chinatown.
14 Our organization was born out of a grassroots group
15 fighting to get local workers access to construction
16 jobs at government development sites and we've been
17 fighting for equal opportunities and equal rights in
18 New York ever since. Our services span from safety
19 net social services to neighborhood small business
20 support to home ownership counseling to affordable
21 housing rehab and development. AAFE is deeply
22 committed to preserving affordable housing throughout
23 New York City and providing new opportunities for our
24 city's diverse communities. This is a rendering of
25

1
2 the future building at the site at 201-207 7th
3 Avenue. Page down. I don't know how to work this.

4 [off mic dialogue]

5 ANDREA ALEXOPOULOS: Thank you. For this
6 project AAFE has selected Amie Gross Architect to
7 work on this project as the architect of record, they
8 have extensive experience with affordable housing
9 with a focus on community integrated design. Some of
10 the amenities were already discussed earlier. The
11 final building will have a rooftop terrace, a
12 community room, all the units will be handicap
13 accessible and ADA compliant, the building will also
14 be very energy efficient and will achieve enterprise
15 green community standards. This is a detailed image
16 of the building elevations for the future building.
17 This is a detail of the ground floor of the proposed
18 building, to the left you can see the entrance to the
19 residential space along West 22nd Street. While the
20 commercial spaces front to 7th Avenue on the bottom
21 of the page. The commercial spaces have been
22 subdivided into three small spaces based on feedback
23 from the community board in order to accommodate
24 smaller local retailers. There's also some outdoor
25 space in the rear of the building that is accessible

2 only through the residential corridor at this time.
3 This is an image of one of the typical floor layouts,
4 this has a two-bedroom apartment on the corner in the
5 orange, one bedroom in purple and blue is a studio.
6 The building will also have two three-bedroom units,
7 so these are the typical layouts for those, those
8 floors with the three bedrooms on the corner and you
9 have the one bedroom above and two studios. This
10 floor is for the resident amenities on the eighth
11 floor of the building. There's a laundry room and a
12 recreation room for the tenants where they can have
13 meetings with their co-op, they can also have a party
14 in there or be able to access the space as they wish.
15 There's also a shared roof garden for all of the
16 tenants. The ninth floor of the building has a... has a
17 setback, a bit of a tower as required by zoning so
18 this is a schematic of the ninth-floor plan where you
19 have two units up there. And that is the current
20 design as it stands now so let us know if you have
21 any questions.

22 CHAIRPERSON ADAMS: Thank you very much
23 for your testimony today and, and presentation. There
24 are questions, I understand that community board four
25 and the Speaker had specific questions on this

1
2 project so let's go ahead and talk about some
3 unresolved issues that remain. Is it possible to
4 extend the HPD regulatory agreement for income and
5 resale restrictions?

6 GENEVIEVE MICHEL: So, generally speaking
7 when we're looking at the length of our regulatory
8 agreement we focus on the length of the tax exemption
9 just to make sure that we're setting buildings up for
10 success into the future, you know on this project the
11 length of the Article XI is 40 years, that's the
12 longest it can be via state law but you know have
13 certainly heard the request from both the Speaker and
14 community board to see if there is any way we can
15 work out a longer term of affordability and are, you
16 know testing out some options internally to try and
17 figure out if there's any path to success there.

18 CHAIRPERSON ADAMS: Okay, so this will be
19 ongoing with the community board and the Speaker
20 then, okay. Can a new 130 percent AMI income tier be
21 created in addition to the 160 percent AMI tier for
22 non-returning tenant units?

23 GENEVIEVE MICHEL: Yeah, so I think under
24 the ANCP program and certainly in these sorts of
25 HDFCs we try to make sure that there is one AMI level

1
2 across the board I think just to make sure that, you
3 know tenants are... there, there is equity among the
4 tenants but I think, you know again we are looking at
5 whether or not there is a way to make the project
6 more affordable across the board, I think with all of
7 the history that we talked a little bit about today
8 and certainly the Speaker and the community board
9 are, you know even more aware of than I am the
10 financing on this project is really tough and so I
11 think it's going to be financially difficult for us
12 to bring down those AMIs but we are giving it our
13 best shot and seeing what is possible.

14 CHAIRPERSON ADAMS: Okay, I'm sure the
15 Speaker and the community, community board would
16 appreciate that 160 percent AMI tier is extreme.
17 Okay, according to the flip tax schedule after year
18 15, the seller would be able to get back 80 percent
19 of the proceeds of the sale leaving 20 percent to go
20 back to the co-op, what is this breakdown after 15
21 years?

22 CHRISTINE O'CONNELL: Excuse me. Post 15
23 years, the 20 percent remains so it's... from 15 until
24 your 40, 20 percent of the profit will come back to
25 the co-op.

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CHAIRPERSON ADAMS: Okay, so restate that again.

CHRISTINE O'CONNELL: Sure, so we have a flip tax schedule for all purchasers where profit is subject to be split between the seller and the co-op. Years one through three, there's a zero percent profit recognition from, from any party and then it increases by five percent from years four to 15, at year 15 you sort of max out at your ability to retain profit and 20 percent will always go back to the co-op and that's... year, year 15 is when you max out and then that goes until the conclusion of the regulatory agreement.

CHAIRPERSON ADAMS: Okay, got it, thank you. Is it possible to establish resale price caps to prevent windfall profits, profits for all purchasers?

CHRISTINE O'CONNELL: The flip tax schedule is a means to restrict profit over time and incentivize long term home ownership, it, you know incentivizes that for every year that you are living in the co-op and that you're essentially waiting or, or you're just... you're just living in the co-op, this is your primary residence, you are not... you're not

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getting a windfall, you're, you're subject to sharing
your profit with the co-op.

CHAIRPERSON ADAMS: So, the wind tax
would be the remedy.

CHRISTINE O'CONNELL: The, the flip tax...
[cross-talk]

CHAIRPERSON ADAMS: The flip tax, I'm
sorry would be the remedy... [cross-talk]

CHRISTINE O'CONNELL: ...is, is that
remedy, yes.

CHAIRPERSON ADAMS: Okay, alright. Is it
possible to require that all units be sold back to
HDFC for resale?

CHRISTINE O'CONNELL: Do you want to
talk... [cross-talk]

GENEVIEVE MICHEL: Yeah, I mean I think
our interpretation of local law 64 as passed by the
council would actually prevent that from happening.

CHAIRPERSON ADAMS: Okay. Okay, thank
you, I'm, I'm going to come back to you, I think
Council Member Barron has some questions.

COUNCIL MEMBER BARRON: Yes, thank you
Madame Chair. These maintenance fees sound like
they're close to what it would be for rental in my

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2 community so they really sound great; 628 for a
3 studio, 81... 801 for a one bedroom, 96... 976 for a two
4 bedroom and 1,122 for a three bedroom so I, I commend
5 the community and the Speaker for negotiating those
6 maintenance rates. I do have some questions, it was
7 partly the question that was raised by, by the Chair
8 talking about creating a new 130 AM income tier in
9 addition to, so I heard you say the 165... well 160,
10 165 is what you have established but can we have
11 another income band in addition to that so that not
12 all... a certain percentage at that 130 in addition to
13 the 160, 165?

14 CHRISTINE O'CONNELL: So, we... in ANCP
15 we're really setting our income tier based on what it
16 costs to develop the project, this is a particularly
17 expensive site. As Genevieve mentioned we
18 traditionally do renovations so new construction is
19 not our bread and butter but in this case because of
20 the site conditions we, we have to move towards a new
21 construction, that is particularly costly, there's
22 other... there's other reasons why this is particularly
23 costly not just that it's new construction but it's...
24 it is adjacent to the, the train line so there is
25 additional engineering and oversight that's required

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2 as part of the development of this project, there's..
3 as part of demolition this is going to be a brick by
4 brick demolition versus a wrecking ball style
5 demolition and, and all of that sort of enhances the
6 cost of the project. So, when we're looking at what
7 it costs to renovate we have to look at what it costs
8 to pay back that, that investment and so the
9 maintenance is part of the repayment of the
10 investment but also the, the upfront, the sale.. the
11 sale prices that we get from selling the occupied and
12 the vacant apartments, that's another way that we're
13 able to sort of pay down or pay off that investment
14 that's, that's being made at such a high amount. So,
15 that's why our sale prices for the vacant apartments
16 have been set at 160 percent of area median income.
17 Genevieve also mentioned that in these limited equity
18 co-ops when we are talking about one unit, one vote
19 we are.. we are very cognizant of, of the need to have
20 equity across the.. across the co-op structure and so
21 setting separate income tiers in the co-op so that we
22 can have sort of differentiation instead of.. instead
23 of that sort of similar equity is, is a concern for
24 the program.

25

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2 COUNCIL MEMBER BARRON: Oh, well I hear
3 what you're saying but I, I take exception to that, I
4 don't... I don't think that that influences the
5 conditions that you're trying to establish. What's
6 the size of the studio apartment?

7 CHRISTINE O'CONNELL: Do you have a
8 breakdown of that?

9 GENEVIEVE MICHEL: 385 square feet.

10 COUNCIL MEMBER BARRON: Okay and in your
11 testimony, you say that the co-op interest
12 attributable to... attributable to occupied apartments
13 will be sold to the existing tenants, how many
14 tenants are there and you, you talked... [cross-talk]

15 CHRISTINE O'CONNELL: There... [cross-talk]

16 COUNCIL MEMBER BARRON: ...about one that's
17 still to be relocated but how many tenants are
18 actually still a part of this plan?

19 CHRISTINE O'CONNELL: We have five
20 families associated with this future co-op, four of
21 them have been relocated out and one is... has accepted
22 a relocation unit and is in the process of being
23 relocated out, temporarily... [cross-talk]

24 COUNCIL MEMBER BARRON: So, so there are
25 only five?

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CHRISTINE O'CONNELL: There's five.

COUNCIL MEMBER BARRON: So, all the rest
are going to be new?

CHRISTINE O'CONNELL: 11... excuse me, 21
units would be... are vacant.

COUNCIL MEMBER BARRON: So, how many
units will be constructed in this?

CHRISTINE O'CONNELL: 26 total.

COUNCIL MEMBER BARRON: 26 so most of
them are going to be new so most of them are going to
be sold at that 165 percent of the AMI.

CHRISTINE O'CONNELL: We, we are going to
sell units at 150 percent of area median income and
then we're going to restrict the income of, of those
sale prices to families earning no more than 160
percent AMI to give us a little marketing ban room.

COUNCIL MEMBER BARRON: Okay and I had
another question, if it comes to me in the next two
minutes, I'll, I'll ask it and thank you, thank you
Madame Chair.

CHAIRPERSON ADAMS: Thank you Council
Member, just... [cross-talk]

COUNCIL MEMBER BARRON: I remembered.

CHAIRPERSON ADAMS: Go right ahead.

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COUNCIL MEMBER BARRON: I think I

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remember. Yes, is there a requirement that the

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tenants... how long must a tenant or the co-op owner

5

have this as their primary residence?

6

CHRISTINE O'CONNELL: For the duration of

7

the regulatory agreement so... [cross-talk]

8

COUNCIL MEMBER BARRON: Thank you...

9

[cross-talk]

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CHRISTINE O'CONNELL: ...when we market...

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[cross-talk]

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COUNCIL MEMBER BARRON: Okay... [cross-

13

talk]

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CHRISTINE O'CONNELL: Yeah.

15

COUNCIL MEMBER BARRON: And then you

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know... okay, according to the flip schedule if they

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leave... okay, good, thank you.

18

CHRISTINE O'CONNELL: Yeah, uh-huh.

19

CHAIRPERSON ADAMS: Thank you Council

20

Member Barron. Along those same lines what is the

21

unit size breakdown for the units that will

22

accommodate the five returning tenants?

23

CHRISTINE O'CONNELL: There are... out of

24

the five families two will be relocated into a three

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bedroom... will be returning to three-bedroom

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2 apartments and three will be returning to two-bedroom
3 apartments.

4 CHAIRPERSON ADAMS: So, essentially,
5 they're going back to the same set up that they...
6 okay, great. How will the 21 vacant units be
7 marketed?

8 CHRISTINE O'CONNELL: They'll be marketed
9 through HPD marketing procedures which requires that
10 the developer prepare a plan and market publicly,
11 advertise in multiple sources, advertise on HPD's
12 website and that they receive applications, randomize
13 those applications, there's only a preference for New
14 York City residents, it's not a community board
15 preference but it's a preference for New York City
16 residents and we go down the list after the list is
17 randomized those that qualify are the first to
18 purchase.

19 CHAIRPERSON ADAMS: That was going to be
20 another question as far as community board preference
21 is concerned and, and why is there no community board
22 preference?

23 CHRISTINE O'CONNELL: There are returning
24 tenants to this building so there is no community
25 preference.

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CHAIRPERSON ADAMS: Understood,

3

understood, okay. And speaking about the community

4

board can you review the feedback that was provided

5

by community board four that's been incorporated in

6

the building design or anything else that came from

7

CB four that was incorporated in your decision

8

making?

9

ANDREA ALEXOPOULOS: Sure, I would say

10

first of all the design itself of the façade was very

11

much a factor of community board input, this

12

neighborhood has a lot of mercantile buildings so

13

there was a lot of feedback about style and façade

14

details that were incorporated, we had many different

15

versions of the façade so this was a late stage

16

design that was meeting their satisfaction. They also

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wanted the entrance on 22nd Street, that was

18

accommodated, they also wanted this rear yard space

19

not to be accessible from the commercial space

20

because they have concerns about loud restaurants at

21

night, so we had that connecting only through the

22

residential area. They also as I mentioned before

23

were very vocal about having smaller retail spaces,

24

they also would like there to be language in the

25

regulatory agreement to not allow chain stores so

1
2 that's something that we can look to accommodate as
3 well. They also had... what else... there's a lot of
4 elements. They, they had us bump out this community..
5 this commercial space into the residential lobby a
6 bit, you can see that it's... the corner kind of juts
7 into the residential lobby so they wanted to maximize
8 the commercial space for the co-op so that it could
9 maximize its own revenue from the commercial spaces.
10 Anything else? Okay, thank you, among other things
11 that's, that's about... those are the main ones.

12 CHAIRPERSON ADAMS: Okay, thank you very
13 much, it looks like there's, there's pretty decent
14 representation from CB four involved so thank you
15 very much. Are there any other questions from my
16 colleagues, Council Member Treyger, no. Okay, thank
17 you very much. We are thankful for your testimony
18 today and you are excused.

19 GENEVIEVE MICHEL: Thank you.

20 CHAIRPERSON ADAMS: Are there any members
21 of the public who wish to testify on these items?
22 Seeing none the public hearings on these two
23 preconsidered items are now closed and the items are
24 laid over. Our vote on LU 467 and 468 are also
25 closed, this concludes today's business. I'd like to

SUBCOMMITTEE ON LANDMARKS, PUBLIC SITING AND

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MARITIME USES

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thank the members of the public, my colleagues,
Council and Land Use staff for attending today's
hearing. This meeting is hereby adjourned.

[gavel]

C E R T I F I C A T E

World Wide Dictation certifies that the foregoing transcript is a true and accurate record of the proceedings. We further certify that there is no relation to any of the parties to this action by blood or marriage, and that there is interest in the outcome of this matter.



Date

July 22, 2019