

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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October 26, 2009
Start: 10:11 am
Recess: 1:30 pm

HELD AT: Council Chambers
City Hall

B E F O R E:
TONY AVELLA
Chairperson

COUNCIL MEMBERS:
Simcha Felder
Bill de Blasio
Robert Jackson
Melinda R. Katz
Larry B. Seabrook
Helen Sears
Albert Vann
Leroy G. Comrie, Jr.
Letitia James

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

Daniel Hodak
Taboon Restaurant Corporation

Lance Michaels
Akerman Senterfitt
Eldert Lane Residential Development, Ltd.

Anthony Mammina

Shirley Springle

Ronald J. Dillon
President
Concerned Homeowners Association

Purnima Kapur
Director, Brooklyn Office
City Planning

Iko Nosay
Planner, Brooklyn Office
City Planning

Maryann Young
Coalition For Respectful Development

Josephine Carita

John Hathaway
Carroll Gardens Neighborhood Association

Maria Pagano
President
Carol Gardens Neighborhood Association

Glenn Kelly
Executive Committee Member
Carroll Gardens Neighborhood Association

Rick Luftglass

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

Ellen Whelan-Wuest
State Senator Daniel Squadron

Andrea Cohen
Director of Health Services
New York City

Barry Dinerstein
Jodi Bryon
Laura Smith
Carolyn Grossman
NYC Department of City Planning

Andy Goodman
Deputy Commissioner
Health Department

Matt Kelley
Deputy Mayor Lieber's Office

Patrick Purcell
Assistant to the President
United Food and Commercial Workers

Kerry Bernbach
Interfaith Voices Against Hunger Coordinator
New York City Coalition Against Hunger

John Tyus
Families United for Racial and Economic Equality

James Subudhi
Environmental Policy and Advocacy Coordinator
WE ACT for Environmental Justice

Lisa Sharon-Harper
Executive Director and co-founder
New York Faith and Justice

Avi Kaner
Owner
Morton Williams Supermarkets

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

Richard Lipsky
Morton Williams and Gristedes supermarkets

John Hathaway

Carlos Menchaca
Capital Budget and Policy Coordinator
Brooklyn Borough President

Patricia Brodhagen
Vice President of Public Affairs
Food Industry Alliance of New York State

Pat Gillespie
Senior Manager of Real Estate
Great Atlantic and Pacific Tea Company

Jack Zumbas
Senior Vice President
White Rose Foods

Jerry Cesaro
Vice President
Key Food Stores Cooperative, Inc

Azalea Kim
East Harlem Community Health Committee

Morning Dagbo
Member
Local 1500

Julius Tajadeen

Stephanie Maraisy
Fellow
Citizens Housing and Planning Council

Amy Anderson
Project Manager for Sustainable Initiatives
New York Industrial Retention Network

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

Brian Lang
Associate Director
Food Trust

Paula Crespo
Planner
Pratt Center for Community Development

Anna Garcia
New York Academy of Medicine

Walter Houston
Chief Executive Officer
Local Development Corporation of the West Bronx

Robin Vitale
Senior Director of Advocacy
American Heart Association and American Stroke
Association

Kristen Mancinelli
Manager of Policy and Government Relations
City Harvest

Danielle Marchione
Director of Communications and Government Relations
Citizens Committee for Children

Gina Lovasi
Assistant Professor of Epidemiology
Columbia University's Mailman School of Public Health

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 Council Member Simcha Felder,
6 Council Member Jackson, Council Member Sears, and
7 Council Member Katz.

8 We have a few items on the agenda
9 that we will be voting on today, and then we have
10 one major item, the FRESH Food's zoning text,
11 which we will take public testimony, but we will
12 have further discussion on, so we will not be
13 voting on that item.

14 First item is Land Use number 1232,
15 application by Taboon Restaurant Corporation for
16 an application to maintain and operate an
17 unenclosed sidewalk café at 773 10th Avenue - - .
18 The applicant--

19 [Pause]

20 DANIEL HODAK: I'm Daniel Hodak,
21 representing Taboon Restaurant. As far as I know
22 both Community Board and City Council's district
23 members office have no objections or stipulations
24 about renewing the revocable consent. So if
25 there's any questions I'm happy to--

2 [Crosstalk]

3 CHAIRPERSON AVELLA: [Interposing]

4 Well for the record, how many tables and chairs?

5 DANIEL HODAK: We're approved for
6 22-- for 11 tables and 22 chairs, and we operate
7 about 18 chairs. We have two less.

8 CHAIRPERSON AVELLA: And there is
9 no controversy about this application, it's one of
10 the few that we don't have one, and this
11 application lies within Speaker Quinn's district
12 and she is in favor of the application.

13 Any questions from my colleagues?

14 COUNCIL MEMBER FELDER: Yes.

15 CHAIRPERSON AVELLA: Council Member
16 Felder.

17 COUNCIL MEMBER FELDER: What is
18 your kosher menu?

19 DANIEL HODAK: It's being devised
20 now.

21 COUNCIL MEMBER FELDER: Thank you.

22 CHAIRPERSON AVELLA: Seeing no
23 other questions, thank you. I see no one signed
24 up to speak on the public hearing on this item, is
25 that correct? Seeing no one, I will close the

2 public hearing on this item.

3 Next item, I just want to discuss
4 is Land Use number 1236, the South Conduit Avenue
5 application which we had the public hearing on at
6 the last meeting, this lies within Council Member
7 Sanders' district and there were--thank you, I
8 have two letters now. I had brought up the issue
9 with the applicant that they had agreed in theory
10 to a number of conditions stated by the Queens
11 Community Board 13, they had indicated that they
12 had sent a letter, but we had not received the
13 letter, we do now have that. I just hope, based
14 upon who has signed this letter, that they
15 actually do follow the commitments that they have
16 made. And I hope that in the future, whoever is
17 the Chair of this Committee or the Land Use
18 Committee does follow up and make sure that this
19 applicant does follow all of the things they've
20 committed to.

21 With that, we will move on to the
22 next item. [Pause] If I can skip the pages here,
23 which is Land Use number 1246 and 1247, commonly
24 referred to as the Eldert Lane Residential
25 Development. Call up the applicant. [Pause]

2 This lies in Council Member Barron's district.

3 [Pause]

4 LANCE MICHAELS: Mr. Chairman,
5 Members of the Subcommittee, good morning. My
6 name is Lance Michaels, of the law firm of Akerman
7 Senterfitt, I am here today representing Eldert
8 Lane Residential Development, Ltd., considering
9 the land use applications for a city map change
10 and a zoning map amendment.

11 These two applications, if
12 approved, would result in the development of 130
13 units of housing in a six-story building. One
14 hundred percent of the units would be for
15 residents with an income under 60% of Adjusted
16 Mean Income, with 25% of that for residents under
17 50% AMI.

18 The first application for which the
19 Department of Parks and Recreation is co-applicant
20 is for a number of changes in the city map. These
21 include the de-mapping of land mapped as park on
22 the eastern side of Robert Venable Park; the
23 widening from 50 feet to 60 feet; and the
24 relocation of the existing portion of Eldert Lane,
25 which starts 100 feet north of Sutter Avenue and

2 continues to South Conduit Boulevard; the
3 establishment of Eldert Lane at 60 feet wide from
4 Sutter Avenue to a point 100 feet north of Sutter;
5 and the de-mapping of this property as park.
6 Finally, it includes the de-mapping of the eastern
7 10-foot width of the currently mapped Eldert Lane,
8 which is mapped on private property.

9 The result of these actions will be
10 to establish Eldert Lane solely on city-owned
11 property; to remove land mapped as park, but not
12 built on privately owned property, which the city
13 has no desire to acquire; and to provide legal
14 street frontage for the privately owned property.
15 This action will make the city map consistent with
16 both the current city ownership of land and
17 current Department of Parks and Recreation plans,
18 and allow the productive use of privately owned
19 property. In order to regularize the park
20 boundaries, the applicant has already donated one
21 lot that it owns to the Department of Parks and
22 Recreation which will be added to their park.

23 The second application, solely by
24 Eldert Lane Residential Development, Ltd., is for
25 a zoning map amendment to change a portion of the

2 existing R5 zoning district bounded by Eldert
3 Lane, Sutter, Sheridan, and Belmont Avenue, and
4 Conduit Boulevard to an R6A district. The change
5 in zoning from R5 to R6A, a district requiring the
6 use of quality housing zoning regulations,
7 provides the floor area needed to construct an
8 affordable housing development of adequate size.

9 The proposed six-story building
10 [off mic] front on Belmont Avenue, South Conduit,
11 and Eldert Lane. The building would have its
12 entrance at Eldert Lane and the entry to the 46-
13 space parking garage would be on Sutter Avenue.

14 Open space designed as recreation
15 space with seatings and plantings would be
16 provided to the west of the building between it
17 and Robert Venable Park. The rear façade of the
18 building facing Robert Venable Park would have
19 windows facing the park and design and material
20 similar to the façade facing Eldert Lane.

21 We believe, based upon the
22 applicant's experience in developing affordable
23 housing, that the proposed zoning district
24 maximizes the possibility of being able to develop
25 a quality development at a price that will be

2 affordable during difficult economic times. The
3 proposed development will make use of otherwise
4 fallow land with an attractive building design
5 that is appropriate for the site configuration and
6 the location. Thank you.

7 CHAIRPERSON AVELLA: This
8 application, as I mentioned to begin with, lies
9 within Council Member Barron's district, he has
10 indicated his full support for the project. We do
11 have a few people signed up in opposition, which
12 we will hear after the applicant's presentation is
13 finished. Are there any questions from committee
14 members? Council Member Felder.

15 COUNCIL MEMBER FELDER: I just want
16 to know whether there was anything that we could
17 look at, it's hard to see the material from there,
18 that's all. Do you have copies for us?

19 CHAIRPERSON AVELLA: That's
20 correct, usually--

21 COUNCIL MEMBER FELDER: Thank you.

22 CHAIRPERSON AVELLA: --we do ask
23 that you come with a presentation for all the
24 Council Members. Council Member Felder brings up
25 a good point, we have nothing in front of us. And

2 I know I told you guys this.

3 [Pause]

4 CHAIRPERSON AVELLA: Could you go
5 through the affordable housing component again?
6 It's our understanding it's 100% affordable?

7 LANCE MICHAELS: A hundred percent
8 of the units will be under 60% of the AMI and, of
9 that amount, one-quarter will be under 50%.

10 [Pause]

11 CHAIRPERSON AVELLA: Now the
12 Community Board approved the application 20 to 6,
13 and the Borough President approved with
14 conditions. Can you go over the conditions and
15 how you address them or--

16 [Crosstalk]

17 LANCE MICHAELS: [Interposing]
18 Yeah, the Borough President was concerned,
19 particularly in terms of the neighboring buildings
20 and in terms of how the project related, as well
21 as in terms of drainage.

22 In terms of the drainage issue, we
23 have committed to taking any steps that are
24 necessary on our property, which would of course
25 be done as part of the development to address any

2 drainage that may at this point from the vacant
3 land be moving onto the adjoining property.

4 In terms of the Borough President's
5 recommendation in terms of the side of the
6 building and which had come up before, the side of
7 the building will have no windows on it facing the
8 rear of the adjoining property, which was one of
9 the concerns.

10 CHAIRPERSON AVELLA: Any other
11 questions? Council Member Felder.

12 COUNCIL MEMBER FELDER: Yeah, I'm
13 just curious the space that you have that says
14 that it's over the cellar, right? Where are the
15 cars going to be parking?

16 LANCE MICHAELS: If I may, cars
17 will be coming in through here-- [Pause] Okay.

18 MALE VOICE: Talk into the mic and
19 have somebody else point it out.

20 LANCE MICHAELS: Okay. Point [off
21 mic]. The cars will be entering from Sutter
22 Avenue--

23 COUNCIL MEMBER FELDER: Right.

24 LANCE MICHAELS: --they will then
25 come underground under the building and the rear

2 itself.

3 COUNCIL MEMBER FELDER: In other
4 words, but to get to the building it's going to go
5 travel under that space that's between the
6 building and the park, right?

7 LANCE MICHAELS: That's correct,
8 there is a small portion of the park that is going
9 to be, at least at this point, is proposed to be
10 used for a maintenance space for the park that
11 intervenes in between in the corner of the block
12 and our property which has the ramp leading down
13 to under the building.

14 COUNCIL MEMBER FELDER: But once
15 the cars get through that space they're going to
16 be under the building, not under the cellar, that
17 you have like between, again, between the building
18 and the park, right?

19 LANCE MICHAELS: Well under the
20 building, as our architect's pointing out.

21 COUNCIL MEMBER FELDER: Right, not
22 under the space that's between the building and
23 the park, right?

24 LANCE MICHAELS: That's correct.

25 COUNCIL MEMBER FELDER: Okay.

2 Thank you.

3 CHAIRPERSON AVELLA: Any other
4 questions? Okay. Thank you.

5 LANCE MICHAELS: Thank you.

6 CHAIRPERSON AVELLA: Now go to
7 public testimony. I have three people signed up
8 in opposition, I will call them all at the same
9 time: Ronald Dillon, Anthony Mammina, and Shirley
10 Springle.

11 [Pause]

12 CHAIRPERSON AVELLA: And as the
13 general procedure throughout the entire day, given
14 the number of people that are going to be here to
15 speak on all the items, we will limit everybody to
16 two minutes. I don't necessarily cut somebody off
17 exactly at the two minutes, but I will ask people,
18 if they go over that, to sort of sum up.

19 [Pause]

20 ANTHONY MAMMINA: Good morning, my
21 name is Anthony Mammina and I live at 1478 Sutter
22 Avenue, I'm a resident in the area since 1966,
23 February of '66. And when I moved into the
24 neighborhood we had no roads, I could see all the
25 way to Forest Park from my second story window.

2 Now the only thing I have is a drug shelter across
3 the street and I have no more sky.

4 And since 1972, when they build
5 Linden Plaza over the Pitkin Avenue Subway Yard,
6 we had to close our doors, where before we didn't
7 even have any keys to our doors 'cause we didn't
8 need any. And also we had a stall on Linden
9 Boulevard two blocks away and the subway across
10 the conduit.

11 And right now, the area is getting
12 so populated and we're not getting any extra
13 services. And we have a motel right across the
14 street from this thing that they want to build and
15 they have 54 rooms and 27 parking spaces. Now I
16 didn't hear how many parking spaces they have for
17 130 apartments here. It is very impossible for me
18 to get a parking space on my block or in the
19 neighborhood when I go out 11 o'clock in the
20 morning. That was the main reason why I moved
21 from Ridgewood to here 'cause there was no parking
22 problems until about two years ago. Now, if this
23 goes through plus 190 apartments up two blocks
24 away from this facility, where are we going to
25 park?

2 And what else should I mention
3 being I got 15 seconds left? Well, somebody that
4 bought a house around the corner, you know, they
5 bought the house simply on account of they saw so
6 much sky and the sky is closing in on us. Thank
7 you very much.

8 MALE VOICE: Thank you.

9 SHIRLEY SPRINGLE: Good morning, my
10 name is Shirley Springle--

11 CHAIRPERSON AVELLA: Move the
12 microphone closer.

13 SHIRLEY SPRINGLE: My name is
14 Shirley Springle, and I've been a resident on 1476
15 Sutter Avenue for the past 25 or 26 years. It is
16 unbelievable, in my mind I can not imagine six-
17 story buildings being put in that tight space and
18 the traffic that comes through on Sutter Avenue to
19 go in there. Gentlemen and ladies, I implore you
20 to visit that site and you will see what we're
21 talking about. There is always an accident on
22 that other block. They put a traffic light
23 recently to eliminate the problems, it has
24 worsened. There is so much traffic on there.

25 There's no park for the residents

2 there.

3 And to talk about parking that's
4 going to be underneath there is a laugh because in
5 Spring Creek their parking spaces for everybody's
6 car, they're all parked on the street, and people
7 come from every corner.

8 And I can't imagine that they would
9 do something like that in a neighborhood that has
10 had two-story buildings for that long time to come
11 and just bring it down to nothing. And I say
12 bring it down to nothing because when we open our
13 door in the mornings, we open it to the drug
14 shelter. At the back of the drug shelter is the
15 motel. And I cannot think that City Council and
16 those in authority would think of putting
17 something like that to give--there are other
18 parcels of land elsewhere I'm certain. And to
19 think that there is a park adjoining there when we
20 can use that piece of property to incorporate in a
21 park as it was originally planned is just mind
22 boggling.

23 As a mother, as a grandmother, as a
24 great-grandmother, I stand in awe to see people
25 trying to cross these streets. It is

2 unbelievable. Parents who are here, gentlemen,
3 ladies, you go there and you look at that space,
4 please. Thank you.

5 RONALD DILLON: Yes, my name is
6 Ronald J. Dillon, I'm the President for the
7 Concerned Homeowners Association. I've submitted
8 some technical information, and I'm not going to
9 go through.

10 There are three main issues. First
11 of all, the City Planning Commission report
12 doesn't even hold up to cursory review. I'm
13 prepared to answer questions about it, but it's
14 full of misstatements, it's like they never went
15 to the site.

16 Basically, the laws are being
17 ignored on this, so the zoning is being ignored
18 for the purpose of low-income housing. New lots
19 in community district 5 has enough low-income
20 housing, what about the middle-income people?
21 There's no consideration of middle income people.

22 The third thing, quickly, is I know
23 a big hurdle is the local Council Member
24 prerogatives, that whatever the local Council
25 Member wants to do; however, our local Council

2 Member has also set some precedents. First of
3 all, he's out in other people's districts and
4 against other people's projects, so if he's out in
5 other people's districts interjecting himself,
6 then it's to fair game that other people can give
7 this project a fair hearing.

8 The same thing is that when he's
9 opposed to projects, he has no compunction about
10 saying this is wrong, and I'm asking the Council
11 Members to say this is wrong.

12 Quickly, this is to re-upzone two
13 blocks of land that are parklands, parkland, for
14 quality housing. Quality housing is supposed to
15 be contextual housing. By the very fact that
16 you're upzoning, you're saying you're not in
17 context. If you look at the report, they talk
18 about the zoning and the existing development,
19 everything else is low development except for
20 Linden Plaza, which is far away from this site.

21 There is a previous Council-
22 approved thing for the application for this site
23 where it was this land was supposed to be taken
24 for parkland. What they are doing now is
25 alienating the parkland. They say that it's not

2 alienation, but they haven't documented it is.

3 And if you read the report, it says this, we are

4 de-mapping parkland, once it's mapped, it's

5 offered protections. There is no context. You're

6 taking away parkland, it is totally contrary to

7 the previous application.

8 And the last thing--I appreciate

9 you giving me some--this is a Madoff Ponzi scheme,

10 because--yes, I--if you look at the last page of

11 my written materials, these properties have been

12 flipped many times since the time it was

13 designated for parkland to the point that the

14 average parcel is a quarter of a million dollars.

15 That's way beyond--what's happening is they're

16 asking the City to subsidize this scheme. [Pause]

17 No questions.

18 CHAIRPERSON AVELLA: What I'd like

19 to do is call the applicant back. I think the

20 community, the people who have spoke, have raised

21 a number of issues, which I think should be

22 further addressed. One is, if you could state for

23 the record the number of parking units that you

24 have for the building, how the height of the

25 building relates to other buildings in the

2 neighborhood, and address the issue that was
3 brought up about parkland.

4 LANCE MICHAELS: In terms of the
5 number of parking--hi, my name is Lance Michaels,
6 I'm here representing Eldert Lane Residential
7 Development, Ltd., I am a member of the firm of
8 Akerman Senterfitt.

9 In response to the questions, first
10 question, number of parking spaces. There are 46
11 spaces provided underneath the building, which is
12 slightly more than the amount required by zoning.

13 In terms of the question of
14 building heights in the surrounding area, in the
15 immediate surrounding area most of the buildings
16 are two stories about two blocks away. However,
17 there is the housing that was mentioned in terms
18 of over the rail yards, which are two very, very
19 large slab-type buildings each of 20 stories,
20 which sort of dominate the visual view of the
21 area.

22 In addition, the area is also
23 characterized by substantial low-rise open land
24 which provides plenty of light and air to the area
25 over a good portion of the rail yards, as well as

2 the very wide Conduit Boulevard, which has a very
3 large center, I wouldn't even call it island,
4 stretch of land.

5 In terms of the third issue, in
6 terms of the park mapping issue, it's been held by
7 Department of City Planning, in fact it's
8 reflected in the zoning resolution that it's not
9 solely just mapping a park that makes it a park,
10 it has to be in effect dedicated to park use. And
11 I note that in the case related to the Croton
12 Water tunnel and Van Cortland Park that the court
13 said, our law is well settled, dedicated park
14 areas in New York are impressed with the public
15 trust for the benefit of the people of this state-
16 -one of the operative words there is dedicated.
17 This is not public land, it's never been public
18 land, it is not the intention of the Parks
19 Department to acquire this property. In fact,
20 they have planned and are physically enlarged the
21 existing Robert Venable Park already absent this.

22 The zoning reflects the fact that
23 in order to extinguish--well let me rephrase that--
24 -that it defines a public park, the zoning
25 resolution is it has to define it because if it's

2 a public park it doesn't have zoning applied to
3 it, it has no zoning rights even though it may be
4 shown physically within a district. So they have
5 to define it and they define it as follows: a
6 public park is any publicly owned park,
7 playground, beach, parkway, or roadway within the
8 jurisdiction and control of the Commissioner of
9 Parks, except for park strips or malls in a
10 street, the roadways of which are not within the
11 Commissioner's jurisdiction and control. So it
12 requires, for zoning purposes, public ownership,
13 this land has never been publicly owned in terms
14 of the private property here, and it requires that
15 it be under the jurisdiction and control of the
16 Parks Commissioner, which it is not and has never
17 been.

18 CHAIRPERSON AVELLA: You know, I
19 hear what you're saying and I've seen some of the
20 documents because I knew this issue was coming up,
21 but it does concern me a little bit as to where
22 does it come down when it actually becomes
23 parkland. If you make a commitment to the
24 Committee--and I'm not saying you did, but
25 somebody along the line did--but didn't follow

2 through, at what point can you say, what needs to
3 be done in terms of dedication?

4 I'm not going to ask you this
5 question because I think it's beyond you, but for
6 City Planning officials that are in the room, I
7 think we need to see a little further definition
8 from the Parks Department, we should reach out to
9 the Parks Department, as to what's the procedure
10 when the City says they want to acquire land, they
11 want to map, it but when does it actually become
12 parkland that then you need an act of the state
13 legislature to get rid of, to dispose of. I think
14 this is a very legitimate issue, it's not going to
15 be decided here today. I think you're on solid
16 legal ground from what I've seen, but I think it's
17 an issue that needs to be addressed in the future
18 because I think there is some confusion here.

19 And I think the important part is
20 that whenever the community is led to believe that
21 they're going to have a park and it doesn't
22 happen, I just don't think that's right, and I'm
23 not saying that it's your fault, but clearly the
24 community was under the pressure this was going to
25 be a park at some point in the future, and I think

2 there needs to be clarification as to what that
3 procedure is and how they move ahead--if you're
4 going to map it, then you should proceed with the
5 rest of it.

6 Any questions from my colleagues?
7 Council Member Felder.

8 COUNCIL MEMBER FELDER: Yeah, one
9 of the witnesses raised the issue of the traffic.
10 Can you just explain what the traffic studies
11 showed?

12 LANCE MICHAELS: Okay. As part of
13 the environmental review for this project, it has
14 to go through the normal process and it was found
15 in this case that the trip generation by the
16 project itself was so low that it didn't trigger
17 their requirements for a detailed traffic
18 analysis. Should note that right now Sutter--
19 excuse me, Eldert Lane is partly open ends in a
20 dead-end approximately 100 feet north of Sutter.
21 Under this, it would theoretically, dependent upon
22 the Department of Transportation efforts, be
23 continued down to Sutter, adding an additional
24 street in the area.

25 CHAIRPERSON AVELLA: Seeing no

2 other questions, thank you. I see no one else
3 signed up to speak on the public hearing on this
4 item, is that correct? Seeing none, I will close
5 the public hearing on this item.

6 And we will move to Carroll
7 Gardens' rezoning, I call up Department of City
8 Planning to give their presentation.

9 [Pause]

10 [Off mic]

11 CHAIRPERSON AVELLA: It's a good
12 question, I will ask right now.

13 [Off mic]

14 CHAIRPERSON AVELLA: And they're
15 all in favor, right?

16 [Pause]

17 CHAIRPERSON AVELLA: ...They're all
18 in favor. [Pause] That we're going to vote on,
19 yeah.

20 [Pause]

21 PURNIMA KAPUR: Good morning, Chair
22 Avella, Members of the Zoning Subcommittee, my
23 name is Purnima Kapur, I'm the Director of the
24 Brooklyn office of City Planning and with me here
25 is Iko Nosay [phonetic] a planner in my office and

2 a project manager for the Carroll Gardens study.

3 We are delighted to be here today to present to
4 you the Department's proposed rezoning of Carroll
5 Gardens neighborhood.

6 We undertook this rezoning at the
7 strong and urgent request of the local community,
8 Carroll Gardens Civic Association, neighborhood
9 associations, as well as Council Member Bill de
10 Blasio.

11 With this rezoning we are aiming to
12 address the issue of out of context buildings that
13 have come up in this is solidly brownstone
14 neighborhood context. As we started this study,
15 we had initially started with just Carroll
16 Gardens, however, we were approached by residents
17 of Columbia Street, which is on the west side of
18 BQE at this point, and at their request we
19 enlarged the area and included the areas of
20 Columbia Street that were zoned for R6 within this
21 study. So with this proposal we have accounted
22 for everything that is in a brownstone or low-rise
23 context in Community Board 6 that is currently
24 zoned R6 and does not have height limits.

25 Iko will go through the proposal in

2 detail, and then we'd be happy to take questions.

3 IKO NOSAY: Good morning, my name
4 is Iko Nosay, and I'm the Project Manager for the
5 Carroll Gardens and Columbia street rezoning.

6 As Purnima said, this rezoning grew
7 out of communication with the Community Board,
8 local residents, and local elected officials. So
9 just briefly the boundary of the study area, the
10 Carroll Gardens portion of the rezoning is
11 generally bound by Degraw Street, Warren Street,
12 Douglass Street to the north; Hoyt, Bond, and
13 Smith Street to the east; 3rd, 4th Streets, Centre
14 Streets, and Hamilton Avenue to the south; and
15 Hicks Street to the west. The Columbia Street
16 portion which is, as Purnima said, adjacent to the
17 Carroll Gardens rezoning area, consists of about
18 14 blocks bounded by Warren Street to the north, a
19 line between Columbia and Van Brunt Streets to the
20 west, Hicks Street to the east, and Woodhull
21 Street to the south. The entire rezoning area is
22 currently zoned R6 and the study area does not
23 include any of the manufacturing districts that
24 surrounds it to the east, south, and west.

25 The current zoning has been in

2 place for over 45 years. R6 is a medium density,
3 residential zoning designation with no height
4 limits and no street wall line up provisions for
5 new buildings, which can result in buildings that
6 are stark contrast to the neighborhoods intact row
7 house character. The area is predominately lined
8 with three- to four-story row houses, while
9 Columbia, Court, and Smith streets are the
10 commercial cores of the area with ground-floor
11 commercial uses with residential above.

12 The proposed zoning district seeks
13 to match new zoning to the existing build
14 character with contextual zoning districts. It
15 also aims to support and promote the local vibrant
16 retail corridors while protecting the residential
17 character of nearby side streets. The rezoning
18 proposal would preserve the residential row house
19 character of Carroll Gardens and Columbia Street
20 by introducing the R6B zoning district with a
21 height limit of approximately five stories, or 50
22 feet, that affect about 80% of the rezoning area.

23 In addition, the R6A zoning
24 district is proposed along mixed-use corridors in
25 selected portions of narrow streets characterized

2 by tall, dense buildings that more closely match
3 the R6A building envelope. Maximum street wall
4 height is four- to six-stories before setting back
5 to seven. We have carefully drawn this zoning
6 boundary to capture the lots with buildings that
7 predominately fit this R6A envelope already. Most
8 four-story row-houses and small apartment
9 buildings in the area are 45 to 50 feet at the
10 street wall with high lot coverage fitting the R6A
11 zoning district. As with all contextual zoning
12 districts, new housing must line up with their
13 neighbors and would be required to maintain the
14 continuity of houses that line the streets now.

15 In addition, there is one small
16 block on Tiffany Place proposed for R7A. Now, the
17 buildings on this block consists of historic
18 seven-story manufacturing buildings that have been
19 converted to residential use and this district
20 closely reflects the built character of these
21 buildings.

22 Contextual zoning districts have
23 the same maximum FAR for community facility or
24 residential uses, which the current R6 district
25 does not have. This cap on maximum FAR takes away

2 the incentive for developers to build buildings
3 with community facility uses to get larger
4 buildings that are out of context with the
5 existing character.

6 Finally, this proposal also seeks
7 to strengthen commercial areas by replacing C1
8 overlays with C2 overlays to add to the allowable
9 uses on commercial corridors and to reflect the
10 wide mix of uses that already exist. This
11 proposal fine-tunes the depth of the commercial
12 overlays at depths between 50 and 100 feet to more
13 accurately reflect the depth of existing
14 commercial lots. While promoting vibrant
15 commercial uses in appropriate areas, it would
16 also prevent commercial intrusions on residential
17 side streets.

18 Thank you, and we'll be happy to
19 answer any questions you may have.

20 CHAIRPERSON AVELLA: Thank you. We
21 do have a number of people that signed up to speak
22 actually all in favor. Council Member de Blasio
23 is in favor of the application.

24 Are there any questions from
25 committee members? Council Member Felder.

2 COUNCIL MEMBER FELDER: Just a
3 quick question. The area that's going to be
4 switched to R6B, those are the classic brownstone
5 homes that are probably about--that they have a
6 walk-in with two floors above them and you're
7 reducing the amount that would be able to be built
8 in those areas, is that right? So for example,
9 Sackett--I'm just trying to get my bearing, for
10 example, you gave an example, Sackett between--
11 there's an area that's cut out bordering on
12 Warren, I don't know what else. Is that where the
13 housing is down there? There's a very big housing
14 complex?

15 PURNIMA KAPUR: Yes.

16 COUNCIL MEMBER FELDER: And then if
17 you go further down the Sackett, let's say between
18 Smith and Hoyt is included in that area, that
19 would be reduced, is that right?

20 PURNIMA KAPUR: That is correct.

21 COUNCIL MEMBER FELDER: And just to
22 explain, you stopped at Bond Street, right?

23 PURNIMA KAPUR: Mm-hmm.

24 COUNCIL MEMBER FELDER: And that's
25 because of the larger housing or commercial that

2 exists over there?

3 PURNIMA KAPUR: No, the area east
4 of Bond Street is in a manufacturing district--

5 COUNCIL MEMBER FELDER: Right.

6 PURNIMA KAPUR: --it doesn't allow
7 residential use to--

8 [Crosstalk]

9 COUNCIL MEMBER FELDER: Right,
10 that's right. Okay, thank you very much.

11 CHAIRPERSON AVELLA: Seeing no
12 other questions, thank you. We'll move to the
13 public hearing. I have six people signed up to
14 speak in favor, I'll take them in panels of three
15 each. First panel, Josephine Carita, John
16 Hathaway, and Maryann Young.

17 [Pause]

18 MARYANN YOUNG: Good morning, my
19 name is Maryann Young, I'm a Carroll Garden home
20 owner, resident, and friend of CORD, the Coalition
21 For Respectful Development. Speaking on behalf of
22 CORD, we would like to thank everyone at City
23 Planning, our electeds, and Richard Barrick
24 [phonetic] in the Borough President's office for
25 working so closely with us on this rezoning

2 proposal.

3 Overall, we applaud this plan, but
4 there is one aspect of this proposal that gives us
5 pause: the classification of so many of our
6 streets as R6A rather than the prefer R6B.

7 CORD has always expressed a desire
8 to limit heights in Carroll Garden. The fact that
9 some of the as-built conditions along the blocks
10 proposed as R6A are a bit larger than that would
11 ordinarily be classified as R6B, opens up the
12 possibility of future larger scale development--
13 this is a matter of some concern.

14 A quick tour of Carroll Garden
15 reveals that the most out of character development
16 has been on the streets that were either within
17 100 feet of a wide street or on the blocks that
18 were previously designated as wide prior to last
19 year's zoning amendment. Clearly, if the
20 opportunity for larger development presents itself
21 it will be taken and, unfortunately, the R6A
22 designation creates these islands of larger scale
23 development opportunities. City Planning has done
24 its best to fit us into the classification that
25 are available to them and we do appreciate this

2 preservation motivated rezoning proposal very
3 much.

4 So CORD speaks in favor of this
5 proposal, but wish to inform you that we are
6 actively working toward creating a new zoning
7 classification for our brownstone neighborhood.
8 We feel that a brownstone district-appropriate
9 category is something that will benefit, not only
10 Carroll Garden, but could possibly be useful to
11 similar neighborhoods throughout the borough.
12 We've begun to mobilize some of the local groups
13 like CGNA, [off mic] and SoBNA to participate in
14 this bold endeavor. We've also received
15 commitments from two respected urban planner,
16 Vicki Weiner and Holly Kay, to work along with us
17 and Tom Grey, who also share our wish to add more
18 tools to City Planning tool box for creating a
19 category that will more appropriately reflect
20 these beautiful structures and still allow the
21 ability for moderate expansion without the
22 destruction of the streetscape character and
23 integrity of this and other similar neighborhood.

24 I have one last thing. It is an
25 ambitious and exciting plan. Our hope is to work

2 closely with City Planning and see you all very
3 soon with a new rezoning proposal tailored for
4 Carroll Garden and other community like ours.
5 Thank you.

6 CHAIRPERSON AVELLA: And just to
7 reinforce what you said, I hope City Planning is
8 listening, because that's actually, you know, and
9 I appreciate the fact you brought that up because
10 that's something that I and some of my colleagues
11 here in the City Council have been trying to push
12 City Planning to come up with more categories to
13 more accurately reflect the housing stock in the
14 city. So be assured that you'll always have my
15 are support in that respect. Next speaker.

16 JOSEPHINE CARITA: Good morning,
17 Chairman Avella and distinguished Councilpersons.
18 My name is Josephine Carita, I am presenting a
19 zoning testimony on behalf of Joseph Nardiello,
20 who is a candidate for City Council seeking to
21 represent the very communities--

22 [Crosstalk]

23 CHAIRPERSON AVELLA: [Interposing]
24 I have to interrupt you for a second. Are you
25 reading your own testimony or reading somebody

2 else's testimony?

3 JOSEPHINE CARITA: I'm reading Joe
4 Nardiello's testimony.

5 CHAIRPERSON AVELLA: This has
6 become an issue in the past of people reading
7 other people's testimony where we have found that
8 after the hearing, the person whose testimony is
9 being read then comes up and says well the person
10 didn't read it properly or I didn't say that. So
11 what I'm going to have to ask you to do, and this
12 is no reflection on you, but this is problems that
13 have come up in the past, is that testimony will
14 be have to be submitted into the record without
15 being read and you can state your own comments.

16 JOSEPHINE CARITA: Yes, you just
17 received copies of it.

18 CHAIRPERSON AVELLA: Yes.

19 JOSEPHINE CARITA: Yes. Okay.

20 CHAIRPERSON AVELLA: So you can
21 make your own comments, but you can't read that
22 into the record, that will be submitted into the
23 record.

24 JOSEPHINE CARITA: Okay. Well you
25 have it now, do you want--

2 [Crosstalk]

3 CHAIRPERSON AVELLA: [Interposing]

4 Yes, we have it--

5 JOSEPHINE CARITA: --submit this.

6 CHAIRPERSON AVELLA: --so it's
7 officially submitted into the record.

8 JOSEPHINE CARITA: That's fine.

9 CHAIRPERSON AVELLA: Do you want to
10 make any comments on your own?

11 JOSEPHINE CARITA: Well we're in
12 favor of it, Joseph Nardiello is the candidate and
13 the 39th--

14 [Crosstalk]

15 CHAIRPERSON AVELLA: Your comments.

16 JOSEPHINE CARITA: My comment is,
17 yes, because, as was pointed out, I'm a resident
18 of Sackett Street and the height of the buildings--
19 -

20 CHAIRPERSON AVELLA: Go ahead.

21 JOSEPHINE CARITA: --the height of
22 the buildings on Sackett Street are four stories,
23 40 feet, 50 feet, and if anything else goes up
24 higher than that, it's such as we have that
25 medical center, the ILA project that was

2 demolished and now it's just an empty space. They
3 did want to put up a 21-story, I believe, the
4 Clarett Group and we fought as a Sackett/Union
5 Streets neighborhood concerned group.

6 So there are many indications that
7 developers do want to come into our area and this
8 is why we're very astute and we're listening so
9 they will get the message that we're just not
10 sitting there.

11 CHAIRPERSON AVELLA: Good. Thank
12 you. Sir.

13 JOHN HATHAWAY: Good morning,
14 Councilman Avella and other Council Members.
15 First, I'd like to thank you, Mr. Avella, for your
16 concern in maintaining neighborhood qualities in
17 the face of development--I'm sorry, should I not
18 be--

19 MALE VOICE: Name.

20 JOHN HATHAWAY: Oh, I'm sorry, John
21 Hathaway of the Carroll Gardens Neighborhood
22 Association, thank you very much.

23 Anyway, again, thank you for
24 listening to our concerns in the face of the
25 development pressures that have been going on in

2 our neighborhoods and around the city.

3 And I'd like to particularly thank
4 Purmina Kapur and her staff and Bill de Blasio for
5 their efforts in moving this zoning proposal
6 forward, we're certainly in favor of that. I will
7 echo Maryann Young's comments previously about our
8 concern for the R6A zoning that is included in the
9 neighborhood. That duplicates some zoning that
10 created a motivation for developers to come in to
11 the neighborhood and built out-of-scale
12 developments in the first place, so we would like
13 to see the City Council revisit those R6A
14 designations sometime in the near future. In the
15 meantime we will work with City Planning to try to
16 devise another zoning district that will more
17 appropriately fit our neighborhood and other
18 brownstone neighborhoods throughout the city.

19 And I would-- [clears throat]
20 excuse me--just like to conclude by saying that I
21 found it frustrating that City Planning found it
22 necessary to try to include as contextual elements
23 buildings that were built prior to zoning
24 enactments that were basically old law tenements
25 and these old law tenements were the impetus for

2 creating this R6A zoning, and the fact that this
3 is not something we want to consider as a context
4 that would want to be replicated, so I found that
5 logic faulty. And thank you very much.

6 CHAIRPERSON AVELLA: Thank you.

7 The next panel is Maria Pagano, Glenn Kelly, and
8 Rick Luftglass--I hope I pronounced it right--and
9 we also have a representative from State Senator
10 Daniel Squadron's office, I'll call her up as
11 well, Ellen Whelan. That is the only people I
12 have signed up to speak on this item, is that
13 correct? So after they're finished, we will close
14 the public hearing on this matter. Press the
15 button.

16 MARIA PAGANO: Good morning.

17 [Off mic]

18 [Pause]

19 MALE VOICE: There you go, thank
20 you.

21 MARIA PAGANO: I'm sorry. Good
22 morning, my name is Maria Pagano, I am the
23 President of the Carol Gardens Neighborhood
24 Association, and I would like to thank Chairman
25 Avella and the ladies and gentlemen of the

2 esteemed Committee.

3 Rather than take up too much time,
4 I want to reinforce what John has said, what
5 Maryann has said, and understand that we have had
6 a fabulous working relationship with Bill de
7 Blasio's office, with the Brooklyn office of City
8 Planning, and we look forward to continuing this
9 relationship to effect an even tighter zoning
10 resolution. Thank you.

11 GLENN KELLY: Hello, I'm Glenn
12 Kelly, I'm Executive Committee Member of the
13 Carroll Gardens Neighborhood Association and Land
14 Use Co-chair.

15 I would also like to express my
16 support for this zoning amendment or zoning change
17 and state my thanks to the office of New York City
18 Planning for working with us closely and
19 responding to our wishes and concerns. In doing
20 so, they achieved, in my estimation, 90% of what
21 we had asked for, subject only to the limitations
22 of the zoning resolution. And it is our
23 intention, as you've heard, to pursue an expansion
24 of the items in their toolbox that will more
25 readily reflect the existing unique built form in

2 our neighborhood and respond to the concerns of
3 the community. Thank you.

4 RICK LUFTGLASS: Good morning, my
5 name is Rick Luftglass and I am a resident of
6 Henry Street between Degraw and Sackett, which is
7 one of those blocks that is being carved out as
8 what's called R6A.

9 I do want to repeat as others, are
10 saying, appreciation to the Brooklyn office of
11 City Planning, to Purmina Kapur, and Iko Nosay
12 have been wonderful to work with and we are
13 pleased to have that kind of partnership.

14 Big picture, yes, I do support the
15 zoning, I think it's generally a good plan to use
16 contextual zoning in this context, but I think it
17 achieves about 80% of the objectives because it's
18 about 80% R6B. And just to underscore the
19 difference there, the current zoning basically
20 allows FAR of up to 2.43, excluding any community
21 facility. The R6B brings it down to 2.0,
22 downzoning, R6A brings it up to 3.0, that's
23 upzoning, so we're really going counter to the
24 expressed intent of contextual zoning and
25 downzoning to the existing built form. What

2 that's doing is allowing the possibility both of
3 higher new buildings, as well as rooftop additions
4 that may be out of character with the existing
5 neighborhoods.

6 So what we would like as we move
7 forward and look towards alternative scenarios is,
8 is there some midpoint we can look at in zoning
9 between 2.0 and 3.0--2.5 seems to make sense. Is
10 there something, perhaps a height cap lower than
11 70 feet, maybe it's 60 feet, that, given that the
12 majority of the buildings currently in those areas
13 are 45 to 50. Why raise it to 70 when you could
14 just do 60 and stay closer to what exists?

15 And, three, there's nothing in the
16 zoning guidelines that have implications in terms
17 of design guidelines and when you look at
18 neighborhoods like this that may not be
19 landmarked, but have a consistent look and feel
20 around, say brownstones and historic evolution of
21 historic neighborhoods, it may be appropriate to
22 look towards flexible design guidelines, and
23 that's something that could be applied in other
24 neighborhoods. And just to show you one visual as
25 I wrap up, to give you a sense of what this--

2 CHAIRPERSON AVELLA: [Off mic] into
3 the mic.

4 RICK LUFTGLASS: Okay. To give you
5 a sense of the risk that we face without effective
6 design guidelines, is that you'll get out of
7 context additions--this is on Tiffany Place, about
8 a 15 feet addition to a historic building that
9 would be allowed and in and out of context
10 building in a series of row houses. Again, these
11 are permissible under contextual zoning because
12 there's no design guidelines. Thank you.

13 CHAIRPERSON AVELLA: Before I ask
14 the representative from State Senator Squadron to
15 speak, I just want to say that I agree with you
16 and actually something that I've been working with
17 a number of the civic associations and
18 preservation groups throughout the entire city to
19 come up with an architectural review board that
20 could be something in between the zoning and land
21 marking, which would have, in certain districts
22 where we would approve it, some design
23 considerations. So I agree with you.

24 RICK LUFTGLASS: Great, thank you.

25 CHAIRPERSON AVELLA: Can I ask the

2 Sergeant-at-Arms, you're right in front of me, to
3 close the doors in the back, there seems to be an
4 awful lot of noise coming from the hallway.

5 ELLEN WHELAN: Hello, my name is
6 Ellen Whelan-Wuest and I'm speaking on behalf of
7 State Senator Daniel Squadron, who had tried to
8 get here today and, unfortunately, was unable to
9 do so.

10 Thank you for the opportunity to
11 testify here today, my name is Daniel Squadron and
12 I represent the 25th Senate District in the New
13 York State Senate.

14 As many of my neighbors in Carroll
15 Gardens know, I do not just represent the
16 neighborhood in the State Senate, I live there
17 too. As a resident and a representative I
18 continue to support a comprehensive contextual
19 rezoning of the entire community from the Gowanus
20 Canal to the water. A rezoning is a vital
21 component of a broader strategy to preserve the
22 unique nature of the community while allowing
23 responsible contextual development.

24 Community members and community
25 groups have long advocated for a rezoning and I

2 appreciate the willingness of the Department of
3 City Planning to work collaboratively to
4 incorporate their input into the rezoning
5 proposal. We are at this state in the rezoning in
6 large part thanks to the advocacy of Carroll
7 Gardens and Columbia Waterfront residents and
8 organizations who have dedicated time, expertise,
9 and labor to this endeavor. This proposal is the
10 product of extensive conversation between the City
11 and the community. That history of engagement is
12 reflected in the quality of the proposal.

13 Much of the proposal serves the
14 long-stated community goals of encouraging
15 responsible growth and protecting the unique
16 historic nature of the neighborhood. Fifty-foot
17 height limits throughout much of the area will
18 encourage contextual development and preserve the
19 low rise nature of the community. A thoughtful
20 approach to the Columbia Waterfront will allow for
21 future commercial and residential growth on a
22 comparable scale with existing buildings, and the
23 careful targeting of commercial overlays will
24 allow new commercial growth fit contextually with
25 existing commercial uses, protecting the character

2 of the neighborhood's side streets, and many
3 residential blocks.

4 I do have some concerns about the
5 current proposal. Several residential corridors
6 are proposed for R6A zoning, which would allow for
7 a maximum building height of 70 feet and a Floor
8 Area Ratio, or FAR, of 3.0. R6A is an appropriate
9 zoning designation for certain wide commercial
10 streets, but seems excessive for portions of
11 Clinton and Henry as the current plan proposes, as
12 well as President Street and First Place. These
13 streets are almost entirely residential and are
14 largely defined by historic low-density
15 brownstone.

16 While I understand that DCP has
17 chosen the R6A designation because some existing
18 buildings exceed the maximum area for an R6B
19 designation, I remain concerned that stretches of
20 R6A zoning on these streets could encourage
21 irresponsible, non-contextual development that
22 would conflict with long-held committee goals and
23 other components of this generally thoughtful
24 rezoning plan. While I certainly support this
25 rezoning effort, I urge the Council to

2 particularly examine the proposal on these
3 streets.

4 A rezoning of Carroll Gardens and
5 Columbia Waterfront is long overdue and I am
6 pleased that DCP has been so inclusive of
7 community residents and organizations in the
8 development of its plan. Planning the future
9 development of Carroll Gardens and the Columbia
10 Waterfront raises questions that cut to the core
11 of the neighborhood's identity, such an important
12 process should be undertaken with the input and
13 participation of the entire community. I look
14 forward to working with the Community Board, with
15 the City, and with many of my neighbors to push
16 the plan forward and rezone responsibly for the
17 future of our community. Thank you.

18 CHAIRPERSON AVELLA: Thank you, and
19 for the record you do work for State Senator
20 Squadron, correct, so you are--

21 ELLEN WHELAN: Yes.

22 CHAIRPERSON AVELLA: --an official
23 representative and you can read his statement into
24 the record.

25 ELLEN WHELAN: That is correct.

2 CHAIRPERSON AVELLA: Just wanted to
3 clarify since one of my Committee members raised
4 that as an issue while you were speaking. Thank
5 you.

6 I'd like to call upon Council
7 Member Bill de Blasio since this lies within his
8 district.

9 COUNCIL MEMBER DE BLASIO: Thank
10 you, Chair Avella, and I thought you were a
11 picture of consistency on those rules, I commend
12 you.

13 Thank you, Chair Avella, thank you,
14 Chair Katz, all the Members of the Land Use
15 Committee for your work on this item.

16 This is a very important moment for
17 the communities I represent, for Carroll Gardens
18 and for the Columbia Waterfront. There's been a
19 lot of concern for years about protecting these
20 beautiful, historic neighborhoods from
21 overdevelopment and this decade proceeded with
22 such hyper-development, I think we all lived with
23 a certain amount of fear that something that had
24 been developed over decades to be a beautiful and
25 very special neighborhood might be endangered.

2 And I'm thrilled that this day has come where
3 we're now going to be able to protect the
4 neighborhood permanently and a lot of people
5 contributed to this result.

6 The neighborhood, as usual, I think
7 I'm blessed to present one of the most civically
8 engaged neighborhoods in all of New York City,
9 people really participate deeply in this process
10 to protect our neighborhood, and it took quite a
11 while, but a tremendous collaborative effort.

12 I want to thank Purmina Kapur and
13 everyone at City Planning, you were extraordinary
14 and when you said some years ago that the only way
15 this would happen is if you could get some
16 additional staff and resources, we worked together
17 to make that happen. And I think you kept your
18 word every step along the way and have come up
19 with the great result here, I commend you and your
20 team.

21 Marty Markowitz and his staff,
22 Community Board 6, Carroll Gardens Neighborhood
23 Association, Coalition for Respectful Development-
24 -a really amazing combination of voices came
25 together to make this happen. The bottom line is

2 I have no doubt that had we not done this
3 something extraordinary, this neighborhood would
4 have eventually been undermined in its aesthetics
5 and its scale, now I have confidence that it will
6 be protected.

7 I hear loud and clear some of the
8 concerns people have raised about the specific
9 choices made in this rezoning, I think they're
10 good choices, I think we've done it right, but I
11 think it's absolutely appropriate to keep looking,
12 going forward for ways to improve upon it and to
13 make sure that what we've tried to do here will
14 work.

15 And obviously, we hope and pray
16 that at some point in the not too distant future
17 we'll be able to complete the Gowanus rezoning as
18 well, which has become more complicated than
19 anyone ever anticipated, but there's still a
20 tremendous opportunity there for the right kind of
21 development and particularly the development of
22 affordable housing, and the housing for senior
23 citizens in particular, and further cleanup of the
24 canal, but that's for another day. For today,
25 this is a tremendous step forward.

2 I want to thank you, Mr. Chair, and
3 I urge all of my colleagues to vote for this.

4 CHAIRPERSON AVELLA: Thank you.
5 Seeing no other questions on this item, I will
6 now--Council Member Felder. I shouldn't have
7 looked in that direction.

8 [Crosstalk]

9 COUNCIL MEMBER FELDER: I've had a
10 lot of sugar this morning. Now I just wanted to
11 say is that, first of all, I want to compliment
12 the Chair and my colleague, Councilman de Blasio,
13 for this rezoning.

14 I happen to become very familiar
15 with it a few months ago when the F train was not
16 working and they asked us to get off the train and
17 take the bus, and I decided that I'd be better
18 off--they said that it was working from Smith 9th,
19 so I decided that since I'm physically fit, I
20 would walk from Jay Street/Borough Hall to Smith
21 9th Street, so I made my way through this area,
22 which is beautiful. Let me just say to anyone in
23 the city and beyond, if you want to see a
24 beautiful neighborhood. So the redesignation,
25 especially the area that City Planning did to R6B

2 is beautiful and really deserving of it. Thank
3 you very much.

4 CHAIRPERSON AVELLA: Thank you. I
5 will now ask Counsel to call the vote on those
6 items we'll be voting on today--we still have one
7 other item FRESH food zoning text, which we'll do
8 next. We will be voting on the Carroll Street
9 rezoning, the Eldert Lane rezoning, the Taboon
10 sidewalk café, and also the South Conduit Avenue
11 rezoning. Chair recommends approval of those
12 items.

13 CHRISTIAN HYLTON: Christian
14 Hylton, Counsel to the Committee. Chairman
15 Avella.

16 CHAIRPERSON AVELLA: I vote aye on
17 these items, and I would just like to make a
18 comment about the Eldert Lane application. I
19 certainly understand where the three people who
20 testified in opposition what their concerns were
21 on this. I do happen to believe that Council
22 Member Barron, who is not afraid to vote no on any
23 application on any given day, supports this
24 application and I take that into consideration
25 very highly.

2 The other fact is that this is a
3 fully affordable housing complex and you don't get
4 affordable housing without additional density, and
5 clearly that accounts for the size of the
6 building, and the fact that there are 20-story
7 buildings in the immediate neighborhood, I think
8 addresses the issue of the height.

9 But I think the issue that they
10 have raised about parkland, although for this
11 situation the application is legal, I think they
12 have raised an issue that needs to be addressed in
13 the future.

14 So I vote aye on all these
15 applications.

16 CHRISTIAN HYLTON: Council Member
17 Felder.

18 COUNCIL MEMBER FELDER: Yes.

19 CHRISTIAN HYLTON: Council Member
20 Jackson.

21 COUNCIL MEMBER JACKSON: Yes.

22 CHRISTIAN HYLTON: Council Member
23 Katz.

24 COUNCIL MEMBER KATZ: Just a moment
25 to explain my vote?

2 CHAIRPERSON AVELLA: Absolutely.

3 COUNCIL MEMBER KATZ: I'm going to
4 vote aye on everything today, and I just want to
5 point out with the Eldert street rezoning as well,
6 just to confirm what you were talking about, Mr.
7 Chairman, this is 100% affordable.

8 I mean one of the things that the
9 testifiers brought up is that Council Member
10 Barron votes against a lot of projects, but it
11 should be noted for the record that part of the
12 reason he votes against a lot of projects is
13 because they aren't 100% affordable or they don't
14 have enough affordable housing or it's not a lower
15 AMI that services the community. And I think that
16 it's important to note since it was on the record
17 that he's quick to vote against things. The
18 reason is normally because of the amount and
19 because of the percentage of AMI.

20 So I will vote aye on everything
21 today with congratulations to everyone on the
22 Carroll Gardens.

23 CHRISTIAN HYLTON: Council Member
24 Seabrook.

25 COUNCIL MEMBER SEABROOK: I vote

2 aye.

3 CHRISTIAN HYLTON: Council Member
4 Sears.

5 COUNCIL MEMBER SEARS: Aye on all.

6 CHRISTIAN HYLTON: Council Member
7 Vann.

8 COUNCIL MEMBER VANN: Aye.

9 CHRISTIAN HYLTON: By a vote of
10 seven in the affirmative, none in the negative, no
11 abstentions, LU 1232, 1236, 1245, 1246, and 1247
12 are approved and referred to the full Land Use
13 Committee.

14 CHAIRPERSON AVELLA: Thank you.
15 Now we will move on to the FRESH food zoning text
16 and I'll call up City Planning to give the
17 presentation.

18 [Pause]

19 CHAIRPERSON AVELLA: And I would
20 ask that City Planning sort of give a very concise
21 expedited presentation, we do have a number of
22 people that signed up to speak, by far the
23 majority in favor.

24 [Pause]

25 CHAIRPERSON AVELLA: I would

2 mention to the people in the audience that if
3 you're holding up signs, you must hold them
4 directly in front of you, that is a security
5 issue, below. In other words, in terms of
6 security, you can't hold it up, you can hold it
7 right in front of you, but that is a significant
8 security issue, so thank you.

9 [Pause]

10 ANDREA COHEN: Hello?

11 [Off mic]

12 ANDREA COHEN: Hi.

13 [Off mic]

14 ANDREA COHEN: Good afternoon,
15 Chairperson Avella and Members of the Subcommittee
16 on Zoning. There you go, my name is Andrea Cohen,
17 I'm the New York City Director of Health Services
18 and I'm offering testimony today for Ben Thomases,
19 the City's Food Policy Coordinator, who,
20 unfortunately, couldn't be here today.

21 The zoning text changes before you
22 today are unusual because they are an important
23 response to a public health crisis. Like the rest
24 of the nation, New York City is in the midst of an
25 increasingly serious epidemic of obesity and diet-

2 related disease. In New York City, obesity rates
3 have increased more than 70% since 1994 and nearly
4 60% of New York City's--

5 [Crosstalk]

6 CHAIRPERSON AVELLA: [Interposing]
7 Can you speak either louder or move it closer--

8 ANDREA COHEN: Yes, sorry.

9 CHAIRPERSON AVELLA: --because it's
10 hard to hear.

11 ANDREA COHEN: Better? Nearly 60%
12 of New York City adults are either overweight or
13 obese; the situation among young people is also
14 alarming with 39% of children between kindergarten
15 and eighth grade overweight or obese--really
16 stunning statistics.

17 Similarly, diabetes has more than
18 doubled in New York City over the past 10 years,
19 more than half a million adult New Yorkers have
20 diagnosed diabetes, and it's estimated that an
21 additional 200,000 have diabetes and have not yet
22 been diagnosed.

23 Furthermore, heart disease is the
24 leading cause of death in New York City. In 2007,
25 it accounted for over 21,000 deaths or 40% of

2 total deaths in New York City. All of these
3 disease risks can be significantly reduced through
4 a healthier diet and a healthier diet is promoted
5 by increased availability of healthier food, and
6 that's why we're here today to talk about this
7 zoning change.

8 I want to give you a little history
9 and context about the city's food initiatives and
10 I'll go through them quickly. In November of
11 2006, in response to this crisis, Mayor Bloomberg
12 and Speaker Quinn joined together to create the
13 position of Food Policy Coordinator and the Food
14 Policy Task Force. The Task Force created a
15 framework for the Mayor's office, the City
16 Council, and City agencies to join together to
17 promote access to healthy food for all New
18 Yorkers.

19 While rates of obesity, diabetes,
20 and heart disease are high across the entire city,
21 there is a remarkable geographic concentration of
22 the problems in specific neighborhoods that have
23 high concentrations of poverty. As you can see
24 from slide one, there are substantial differences
25 among neighborhoods in rates of obesity and

2 diabetes and these differences coincide with
3 variation and consumption of fruits and
4 vegetables. The neighborhoods with low
5 consumption of fruits and vegetables have the
6 highest prevalence of obesity and diabetes.

7 Of course, many factors contribute
8 to the rise in obesity, but there is a growing
9 body of literature establishing a specific link
10 between lack of retail access to fresh produce
11 with obesity and poor health outcomes. One study
12 published in the American Journal of Preventive
13 Medicine in 2006 focused on the relationships
14 between supermarkets specifically and obesity in
15 populations across four states. This study found
16 that, when you control for individual level
17 factors like race and ethnicity, age, income, and
18 education, the presence of supermarkets in a
19 census tract was associated with a 17% lower
20 prevalence of obesity--it's really remarkable.

21 The City's 2008 study, Going to
22 Market, quantified and mapped the lack of
23 sufficient healthy food retailing in underserved
24 areas throughout the five boroughs. The index
25 indicates a widespread shortage of grocery stores

2 and supermarkets throughout the city, but a real
3 concentration of high need areas in northern
4 Manhattan, the South Bronx, central Brooklyn, and
5 small portions of Queens and Staten Island. The
6 map on slide two shows that the areas with the
7 greatest shortage of supermarkets are almost
8 exactly the same areas as those with low
9 consumption of fruits and vegetables and high
10 rates of obesity and diabetes. In these areas
11 food dollars are likely being spent at discount
12 and convenience stores, whose line of food
13 products is limited, of poor nutritional quality,
14 and generally more expensive in fact than the same
15 products sold at supermarkets.

16 In response to this evidence, the
17 Food Policy Task Force has expanded the City's
18 efforts to increase access to fresh produce in
19 underserved communities through a variety of
20 retail outlets, including bodegas, green carts,
21 and farmers markets.

22 We'd like to take this opportunity
23 to thank Speaker Quinn and the Council for
24 participation in the Task Force and leadership and
25 vision in generally advancing the city's food

2 policy agenda.

3 The efforts that the City is
4 engaged in build upon efforts coming out of the
5 district public health offices. Located in
6 Harlem, the South Bronx, and central Brooklyn,
7 these offices coordinate and target the Health
8 Department's programs while building strong
9 relationships in the neighborhoods to better
10 support residents in community-based
11 organizations.

12 And now to the initiative directly
13 before you today. Since 2007, the Administration
14 and Speaker's office have been designing the food
15 retail expansion to support health, or FRESH,
16 initiative to attract supermarkets to these same
17 communities. The zoning text proposal before you
18 today is one critical component of the FRESH
19 program.

20 The City designed the FRESH program
21 with assistance from many key stakeholders under
22 the auspices of the New York Supermarket
23 Commission. Starting in 2007, the City Council
24 joined the Gerald J. and Dorothy R. Friedman
25 Foundation in funding the work of the Commission.

2 It was jointly convened by the United Way of New
3 York City, the Food Industry Alliance of New York,
4 the Food Bank for New York City, the Food Trust,
5 and the Mayor's office. The commission was an
6 extraordinarily productive collaboration and we'd
7 like to thank that co-conveners and participants,
8 including organized labor, supermarket operators,
9 children's health advocates, and economic
10 development experts for their contributions to
11 this effort.

12 The City identified numerous
13 barriers to supermarket investment: difficulty of
14 finding suitable sites for supermarkets, zoning
15 restrictions, and the frequent need for expensive
16 and risky public review processes, high cost
17 compared to the suburbs, various sources of risk
18 aversion, and difficulties navigating the
19 permitting process.

20 At the same time, EDC has estimated
21 there is \$1 billion in grocery spending leaving
22 the city this year. This revenue represents
23 approximately 20% of the total grocery store sales
24 in the city and could support more than an
25 additional 100 stores in New York City. In order

2 to strengthen existing supermarkets and facilitate
3 the development of new stores, we developed the
4 FRESH program. The proposed FRESH zoning
5 incentives encourage neighborhood grocery stores
6 to locate in some of the most underserved
7 neighborhoods in the city with primarily
8 pedestrian-oriented local shopping districts.

9 In a moment, City Planning will
10 offer more detailed testimony regarding these
11 proposed zoning changes, but I want to give you a
12 little background about what goes along with them.
13 In addition to these zoning changes, the FRESH
14 initiative also includes discretionary financial
15 incentives offered by the NYC Industrial
16 Development Agency to help new and existing
17 grocers overcome barriers to entry and operation.
18 The benefits include sales tax exemption on
19 materials for construction and fit-out and on
20 equipment costs, a mortgage recording tax waiver,
21 and property tax abatements for up to 25 years
22 with a phase-out beginning in year '21. The
23 financial incentives offered through FRESH are
24 available now and we've been meeting with
25 operators to market the program and encourage them

2 to consider both renovation and new construction
3 projects.

4 Additionally, we've received grant
5 funding from New York State to hire a Healthy
6 Business Development Coordinator at EDC, who we
7 hope to bring on board shortly. The coordinator
8 will conduct outreach to the supermarket industry,
9 assist with marketing analyses, and identify sites
10 and appropriate incentives for supermarkets--and
11 I'm sorry, let me just correct that, I think the
12 coordinator has been hired. The coordinator will
13 also inform operators of existing energy
14 efficiency programs offered by NYSERDA.

15 Finally, New York State has
16 announced a \$10 million revolving loan fund to
17 help build new stores statewide, the state's
18 working on the details of the program, and we
19 expect that it will help complement the zoning
20 incentives.

21 Taken together, these measures have
22 the potential to attract supermarkets to the New
23 York City neighborhoods that need them the most.
24 In conjunction with the city's many other food
25 policy initiatives, the FRESH program will help us

2 become a city where all residents have access to
3 healthy food, where eating five servings of fruits
4 and vegetables a day is as easy as finding a
5 subway that goes to, say, Fulton Street.

6 We urge you to approve the FRESH
7 zoning changes as part of that initiative and we'd
8 like to thank the Council for your leadership on
9 food policy issues, for your support for the
10 Supermarket Commission, and for the opportunity to
11 testify today. Thank you.

12 [Pause]

13 BARRY DINERSTEIN: Hi, my name is
14 Barry Dinerstein, I'm from the Department of City
15 Planning, I'm joined by Jodi Bryon, Laura Smith,
16 and Carolyn Grossman, also from the Department Of
17 City Planning.

18 As Andy just described, the Food
19 Retail Expansion to Support Health programs, or
20 FRESH, is a unique initiative aimed at encouraging
21 the development, renovation, or expansion of
22 grocery stores in underserved areas of the city.
23 City Planning worked collaboratively with the
24 supermarket commission, organized labor,
25 industrial groups, health organizations, the

2 Speaker's office, and the Land Use staff to design
3 the zoning text changes that are before you today.
4 Additionally, we conducted extensive outreach on
5 the proposed text amendments.

6 We presented this initiative to all
7 the affected Borough Presidents, most of the
8 affected Community Boards, and the Borough
9 Presidents and Community Boards were incredibly
10 supportive. Twenty-one people appeared at the
11 City Planning Commission public hearing on FRESH,
12 and every speaker was supportive of the zoning
13 initiatives.

14 The zoning incentives are
15 responding to a number of barriers for grocery
16 stores. They recognize that grocery stores
17 require a larger footprint than other retailers,
18 and in dense, built-out neighborhoods where the
19 FRESH is applicable, large sites are exceedingly
20 difficult to find and finance. Grocery stores
21 can't compete for existing large store [off mic]
22 against retailers with higher profit margins, but
23 grocery stores can compete if you reduce their
24 development and operation costs.

25 With FRESH, including a grocery

2 store in a development is attractive because it
3 reduces the underlying costs associated with
4 developing a store. These incentives will be
5 available only to full-line grocery stores--those
6 with at least 6,000 square feet of selling area,
7 where 30% of the space is dedicated to a sale of
8 perishable goods, including dairy, produce, frozen
9 foods, and at least 500 square feet is dedicated
10 to the sale of fresh fruit and vegetables.

11 Some people have asked what exactly
12 6,000 square feet is so we have a couple of
13 examples of the sizes of stores. One is a 9,000
14 square foot store in Walton Avenue in the Bronx,
15 another is a 20,000 square foot food dimension
16 store in Myrtle Avenue in Brooklyn. Typically, a
17 Pathmark Store run between 40 and 60,000 square
18 feet, just to give people an idea of what the size
19 of stores are.

20 The zoning incentives provided are
21 three: first, more residential units will be
22 allowed in a building with a ground-floor FRESH
23 store, one additional square foot of residential
24 floor area will be permitted for every square foot
25 provided in a FRESH food store up to 20,000 square

2 feet. In rare circumstances where the existing
3 height limits prevent full floor area from being
4 developed, the City Planning Commission may
5 authorize an additional 15 feet, or one story, to
6 allow the store to locate.

7 Second, the minimum parking
8 requirements will be reduced for certified FRESH
9 stores. Only stores 40,000 square feet or larger
10 will be required to provide parking in most
11 commercial districts. In the C8 and M1 districts,
12 only FRESH food stores 15,000 square feet or
13 larger will be required to provide parking. These
14 incentives greatly reduce the costs associated
15 with providing parking either in a lot or a
16 structure. However, a more auto-oriented areas of
17 the city, such as the area south of Linden
18 Boulevard or in areas where regional shopping
19 centers already exist, the new parking
20 requirements will not apply.

21 Third, we will permit FRESH food
22 stores to locate in M1 districts up to 30,000
23 square feet of floor area. Currently, food stores
24 are capped at 10,000 square feet of floor area
25 unless they receive a special permit. This

2 incentive will eliminate ULURP costs and
3 uncertainty associated with neighborhood-based
4 grocery stores, while maintaining full ULURP
5 review for regional stores.

6 Certain areas will be excluded from
7 the FRESH program where the provisions would be
8 inconsistent with the objectives of the special
9 districts that exist, including Special Hunts
10 Point, Manhattanville, Madison Avenue Preservation
11 District, and the Special Park Improvement
12 District.

13 In addition, FRESH food stores will
14 be need to be good neighbors, they will need to
15 display the FRESH sign so that everyone will know
16 that the store is participating in the program.
17 Glazing will be required on the street well facing
18 the primary street, 50% which must be transparent.
19 A Chairperson Certification will allow that
20 glazing to be reduced where a storefront faces
21 multiple streets or where a building receives
22 public funding. Security gates will have to
23 permit visibility within at least 75% of the area
24 covered when the gate is closed.

25 There are also incentives that are

2 provided to make sure that the program is not
3 exploited. First we want to make sure that only
4 legitimate grocery stores participate. To become
5 a FRESH food store and receive the zoning
6 incentives, a building must meet the FRESH food
7 store definition and be certified by the Chair of
8 the City Planning Commission. This application
9 must be referred to the affected Community Boards
10 for a review period of 45 days--a modification
11 that was put in place by the Planning Commission
12 in response to Community Board suggestions. As
13 part of the certification, the developer will need
14 to have an agreement with an operator to occupy
15 the space for the FRESH food store and the
16 building owner will be required to record a
17 restrictive declaration on the deed to the
18 property specified, specifying the commitment to
19 retain a FRESH food store in perpetuity.

20 We also want to make sure that
21 developments that receive incentives continue to
22 provide space for a FRESH food store. The text
23 amendment also includes a periodic compliance
24 reporting provision to monitor the store. Every
25 three years certified stores must submit an

2 affidavit attesting that they will continue to
3 operate in accordance with the restrictive
4 declaration and must submit photos as further
5 evidence.

6 In a situation where a property
7 owner is unable to comply with the restrictive
8 declaration, as in a situation where a grocery
9 store goes out of business and the property owner
10 is unable to find another operator to occupy the
11 space, the owner has two avenues to convert to
12 another use. The first alternative, if the
13 proposed use complies with underlying zoning, the
14 owner can receive a Chairperson Certification, the
15 chairperson will [off mic] certify that the
16 alternative use meets the parking and bulk
17 regulations for the zoning lot.

18 If the alternative does not meet
19 all the zoning requirements, the owner must
20 receive a City Planning Commission Authorization.
21 Here, the findings will be much more rigorous and
22 the applicant must provide that the site is not an
23 economically viable place to operate a grocery
24 store and demonstrate that unfavorable conditions
25 were not self-created.

2 The zoning incentives are an
3 essential component to the FRESH program. These
4 zoning incentives can work in tandem with existing
5 New York City Industrial Development Agency
6 financing incentives to close the underlying cost
7 gap in development, renovation, and operation of
8 grocery stores over other types of retail, and it
9 is designed to help retain and attract in
10 neighborhoods the stores that they sorely need.
11 Without these incentives, grocery stores will
12 continually be placed at a disadvantage. They
13 will have little leverage in lease negotiations
14 when other retailers can pay more rent, they will
15 continue to pay for land acquisition if they can't
16 develop in light manufacturing areas of the city
17 and have to be required to provide parking lots,
18 which are much larger than what they need.

19 Not only are more grocery stores
20 crucial to the physical health of the residents in
21 the neighborhoods that we've targeted, they are
22 crucial to the economic and physical health of the
23 neighborhood streets. In adopting the FRESH food
24 store text amendment, the City would be adopting a
25 program that has potential to improve the quality

2 of life in many New York City neighborhoods where
3 the retail amenities are somewhat marginal and
4 stores stocking fresh fruit are scarce.

5 Thank you for the opportunity to
6 testify today, I'd be happy to answer questions.

7 COUNCIL MEMBER FELDER: I assume
8 that it'll be better if we have questions when
9 everybody's finished testifying. Is that it?

10 MATT KELLEY: Yeah, Andy and I are
11 just here for questions.

12 COUNCIL MEMBER FELDER: Okay. So
13 first of all, that sign, can you flip back to that
14 FRESH sign? Is that what you're going to be
15 using?

16 BARRY DINERSTEIN: Yes.

17 COUNCIL MEMBER FELDER: that's the
18 ugliest thing I ever saw in my life. If you're
19 trying to make the owners proud of participating
20 AnD trying to entice people to come in, you should
21 get somebody to redo that, really it's disgusting.

22 But more importantly, I just want
23 to--the whole idea sounds wonderful, but do you
24 have any statistics about how the program that
25 will be put into place regarding the food carts,

2 fresh food carts, how that's been doing in trying
3 to address the same, I think the same issue?

4 ANDY GOODMAN: Hi, good morning,
5 I'm Andy Goodman, Deputy Commissioner from the
6 Health Department.

7 As you know, the green carts are an
8 initiative to increase the availability of fresh
9 fruits and vegetables and we have a plan to, over
10 time, to have up to 1,000 carts throughout the
11 city. Right now, we have close to 300 that are
12 permitted, another 200 are pending applications,
13 and a number of additional ones will also be
14 permitted over the coming years. And I think
15 these are, right now, we don't have specific data
16 on how they've impacted availability or
17 consumption, but we are tracking that with our
18 yearly surveys. We think that they will
19 contribute to it, but that they're not sufficient
20 to really meet the need for the neighborhoods that
21 we're talking about.

22 COUNCIL MEMBER FELDER: Well how
23 long has that been in place? I don't recall. How
24 long has that program been in place?

25 ANDY GOODMAN: I'll get back to you

2 with the exact dates, but it's about a year or
3 two.

4 COUNCIL MEMBER FELDER: I'm sorry?

5 [Pause]

6 ANDY GOODMAN: One year.

7 COUNCIL MEMBER FELDER: one year, I
8 would hope that you have some data already, and I
9 think that that information directly impacts what
10 we're talking about today because I'm hopeful that
11 what you're proposing actually works, but we can
12 see to some degree whether it has benefit by what
13 you've done.

14 The other issue is that there may
15 be vendors, these vendors that have participated
16 feeling that they're going to go out and do good
17 business or do well and the zoning relating to
18 that, that was put in place a year ago, and you're
19 trying to do better, but the question is, how do
20 you impact those people that you've enticed to set
21 up business in the specific areas that you've
22 talked about and now come back and, in order to do
23 better, you impact those business owners. I'm not
24 asking you a question, I'm just saying that I
25 think that that's something that should be taken

1 into consideration.

2
3 ANDY GOODMAN: I do want to say
4 that it's part of the idea of FRESH is to work
5 with all different types of businesses and we are
6 talking about working with food court owners, with
7 bodega owners, with grocery store owners, we want
8 to have sort of a comprehensive strategy in place
9 for all the different segments of the retail
10 community to try and help them serve the community
11 and help with people's dietary issues.

12 COUNCIL MEMBER FELDER: Oh, so the
13 point that--I applaud that, but the point that I
14 was trying to make is that, in your effort to do
15 that, you've engaged certain vendors about a year
16 ago, and those people who've gone into the
17 business to selling fruit and vegetables on the
18 street specifically in these areas, in the same
19 exact areas, went into business thinking that
20 they're going to be doing this business alone.
21 Now you're proposing extra zoning to entice
22 developers into building space and renting it to
23 people who will be doing just what the cart people
24 are doing outside, and I think that the City
25 doesn't want to leave them out to dry, that's

2 something that has to be addressed.

3 The other issue I wanted to ask you
4 about is about what you just said is that it's
5 very interesting about the development, but
6 there's a maze in terms of the enforcement. I
7 don't understand, you're giving the developers an
8 incentive, which is very good, I mean, I feel it's
9 very good, but in terms of enforcement, I don't
10 see how you're going to be able to do that. With
11 these carts, it's a lot easier, they come in to
12 recertify, to get their, I guess, Consumer Affairs
13 license and, unless they're selling fruits and
14 vegetables or whatever else, I don't see how
15 you're going to enforce this.

16 ANDY GOODMAN: Well first of all,
17 no one is going to be able to go forward unless
18 they have a FRESH food store, so they won't get
19 the zoning incentives or any financial incentives,
20 unless they have a store to begin with. And once
21 the store is in place, the community will know
22 there's a store there, the Council Member, the
23 community, but everyone will know there's a store
24 there and they will know that there is a
25 commitment to maintain that food store.

2 Generally, zoning works best when
3 the community is on board and monitoring what's
4 going on and so the way the program is designed is
5 so that everyone knows that there is a commitment
6 made by the property owner to maintain that food
7 store.

8 COUNCIL MEMBER FELDER: Well you
9 are a wonderful person, you believe in people, and
10 I do too, but there are some people, few, that
11 aren't as honest as you, so conceivably somebody
12 goes through the whole process and gets the
13 benefit and then a year later decides to put the
14 junk, you know, and to cut down on it. I didn't
15 understand how you--I don't understand how you
16 enforce it.

17 And I just want to say that the
18 zoning in general, we found that zoning, for
19 example, for affordable housing, it's very clear
20 how that gets done, and in terms of enforcing it's
21 not that difficult. This is a lot more difficult,
22 even zoning, for example, that's done to
23 accommodate a public use, they can't get their
24 certificate of occupancy until a variety of things
25 are done. This has many more layers, I don't see

2 how you're going to--

3 ANDY GOODMAN: Well the program has
4 similar restrictions, you will not be able to get
5 the certificate of occupancy until such time as
6 you actually have the grocery store in place.
7 There's also a deed restriction on the property
8 saying that you will maintain a grocery store in
9 that space in perpetuity.

10 COUNCIL MEMBER FELDER: But I don't
11 want to argue this point because I don't want to
12 look like the bad guy and you look like the good
13 guy, I don't like that position. All I'm saying
14 to you is--

15 ANDY GOODMAN: [Interposing] I
16 don't think you're the bad guy, I think you're
17 raising good points and good issues.

18 COUNCIL MEMBER FELDER: I like that
19 position. All I'm saying to you is that the types
20 of things that go on in this business are much
21 more easily--unfortunately, this is much more
22 prone to problems than the other things. A
23 certificate of occupancy on a store--when you walk
24 in and they have refrigerators with fresh fruit,
25 if they don't sell the place for 45 years, you

2 have no compliance, you have no way of proving
3 from the time that they do what they're supposed
4 to do and beyond until they sell the property
5 whether they're actually doing what they're
6 supposed to do.

7 ANDY GOODMAN: Every three years
8 the store will be required to submit a compliance
9 affidavit along with pictures showing that they're
10 actually doing what they're supposed to do.

11 [Pause]

12 COUNCIL MEMBER FELDER: I asked the
13 Speaker whether she wants to say a few words, so
14 she said whenever there's a natural break, I think
15 there's a natural break right now.

16 SPEAKER QUINN: Well thank you,
17 Simcha, thank you for Chairing, and I don't know
18 exactly what you were discussing, but I can't
19 imagine there's any issue where Simcha would be
20 the bad guy, so I'm going to assume whatever the
21 challenge was will be worked out and everyone will
22 be good in the end of the discussion.

23 But thank you for letting me
24 interrupt for a moment, 'cause this issue and,
25 specifically, the FRESH proposal is something

2 that's very important to me personally and that we
3 in the Council--Council members, Council staff--
4 have been working on for quite some time, so I
5 appreciate that.

6 And you know, I think if you think
7 about it, local government has a number of
8 responsibilities, to try to provide their
9 constituents, in this case New Yorkers, with the
10 ability to meet their most basic needs--safe
11 neighborhoods, quality schools, good jobs, clean
12 streets--but really none of that is able to be
13 accessible in your life if you're going hungry.
14 And in some neighborhoods, going hungry actually
15 is occurring because people don't have access to
16 quality well-priced foods, that leads to the
17 problem that happens when you don't have good
18 healthy diets as well.

19 And the truth is hunger and
20 malnutrition have proven to be, although they are
21 not diseases like cancer where we don't have a
22 cure, they still are among some of the most
23 challenging problems in our city where, although
24 we've made progress, we have not fully overcome
25 them. Think about this, in the richest city in

2 the world over-- [clears throat] pardon me--a
3 million people live in food insecure households,
4 while nearly half of our elementary school
5 students are either overweight or obese. Those
6 you might think are contradictory statements, but
7 they're not, they're two sides of the very same
8 coin. Diet related diseases like obesity and
9 diabetes continue to disproportionately affect
10 lower income neighborhoods, and in fact, many
11 medical experts don't even want us to call the
12 type of diabetes we used to call Adult Onset
13 Diabetes, Adult Onset Diabetes anymore because so
14 many children are developing it, particularly
15 children in urban settings.

16 Now we are very committed to ending
17 hunger in the city of New York and creating access
18 to quality, nutritious food in our city and,
19 therefore, ending childhood obesity in our city.
20 And we've worked on this for almost four years and
21 we've tried a variety of creative solutions. We
22 in the Council working together have helped
23 increase the number of green markets in
24 neighborhoods around our city and provided funding
25 to make sure low-income New Yorkers, when they go

2 to those green markets, can use their EBT cards
3 and food stamps.

4 And if anybody tells you people on
5 food stamps don't want to go to green markets,
6 well the data disproves that tremendously. And if
7 they tell you people won't use their food stamps
8 for fresh fruits and vegetables, the data
9 disproves that. Over 95% of food stamps, when
10 they're used at green markets, buy fruits and
11 vegetables, not the cookies and pretzels and other
12 items--which we wonder why I know exactly what
13 those are, but that's another personal issue.

14 We've also created a pool of street
15 vendors who exclusively sell fresh fruits and
16 vegetables in underserved communities. We've done
17 outreach in partnership with the supermarket
18 industry--and I want to thank Pat Brodhagen
19 [phonetic] for her help in this and with UFCW and
20 the other unions who were a part of this, and I
21 want to thank Pat Purcell--we've done direct
22 outreach, sometimes in supermarkets, sometimes at
23 churches, sometimes at senior centers to enroll
24 New Yorkers who are eligible for food stamps, and
25 we've supported campaigns about the importance of

2 healthy eating.

3 But at the core of this problem
4 lies a simple fact: without access to high-
5 quality, affordable grocery stores, it's nearly
6 impossible for neighborhoods to fully bridge the
7 nutritional gap. Research has demonstrated that
8 there is a clear relationship between access to
9 grocery stores and public health. A 2008
10 Department of City Planning study confirmed what
11 we had long commonsense suspected: neighborhoods
12 that lack access to grocery stores also are the
13 most likely to suffer from diabetes and obesity.

14 For years, the Council has been
15 working to address this particular part of the
16 problem. After a series of hearings on what
17 people call food deserts, we provided funding in
18 2006 to organize a Supermarket Commission, and I
19 want to thank everyone who served on that, again,
20 Pat Brodhagen, Pat Purcell, the people from UFCW,
21 the people from RWDSU, and many others. Our
22 Commission brought together experts from
23 government, business, labor, and the advocacy
24 community. The commission identified
25 neighborhoods around the city that suffer from the

2 lowest number of grocery stores, and when you
3 don't have competition those lowest numbers of
4 grocery stores are going to have the highest
5 prices, that's what often happens. And they came
6 out, the Commission, with a series of proposals to
7 help encourage new markets to open in these
8 communities and help keep their existing markets
9 from going out of business--this is about creating
10 more, not penalizing those who have already been
11 there.

12 Today we're reviewing one of the
13 Commission's most innovative proposals. Through
14 this package of zoning changes, I believe will
15 reduce regulatory burdens and create incentives
16 for developers to include grocery stores in new
17 construction. I believe, and not that it's
18 perfect or done yet, but I believe this is and
19 will be a balanced program that will increase
20 access to fresh foods while addressing community
21 concerns.

22 However, as I said, we recognize
23 it's not perfect yet, so starting today we're in
24 the hearing process, we'll hear testimony from a
25 wide array of stakeholders that will allow us to

2 shape this program to make it the most fair and
3 strongest possible.

4 Many of us at the Council agree
5 that we need to ensure City subsidies and other
6 incentives are limited to good companies that
7 share our commitment to providing good quality
8 healthy food to all New Yorkers, including those
9 using WIC and food stamps and that provide good
10 jobs.

11 I want to be clear, one of the
12 first things I came across when I got elected in
13 1999 was a supermarket coming to my district and I
14 said do you take food stamps and they said you
15 don't need to worry about it, those kind of folks
16 don't shop in our store. We'll have none of that
17 as part of this proposal, I want to make that
18 perfectly, perfectly clear.

19 And this proposal is about also
20 creating good jobs for the people have enough
21 money to pay for the food, we hopefully will make
22 more accessible. In our desire to create more
23 FRESH food stores, we don't want to create jobs
24 that don't pay New Yorkers enough to afford the
25 food they sell. At the end of this process, which

2 we're not at yet, but at the end of this process,
3 I am confident that we will have created a real
4 path for the expansion of quality grocery stores
5 and we will have yet another weapon in our ongoing
6 battle against hunger and obesity.

7 I want to thank everyone for being
8 here today to share in this important hearing.
9 And in closing, I just want to say two last
10 things, I am particularly want to thank the unions
11 involved in this issue and the supermarkets
12 themselves. The path we stepped out on four years
13 ago was a different one, a bold one, and one where
14 another industry and its labor representatives and
15 its management representatives might have balked
16 and said no way. But instead labor and management
17 have stayed and worked with us, helped us, taught
18 us, and I think that's part of why we are making
19 the progress, so I want to thank labor and
20 management both very, very strongly.

21 I also want to thank the staff on
22 the City Council, the list is very long--Gail and
23 everyone in Land Use, Sarah Brannen and David
24 Pristin and everyone in Policy who have been
25 working long and hard on this issue. And I look

2 forward to the day when we have a hearing when we
3 look back on those shameful and bizarre days of
4 the past when there wasn't enough food available
5 in the city of New York to feed people and I
6 really do believe we will get there very, very
7 soon. So thank you, and thank you very much,
8 Chairperson Felder.

9 COUNCIL MEMBER FELDER: Thank you
10 very much. I know the Speaker has another
11 meeting, so I'm going to continue.

12 SPEAKER QUINN: Yeah, I'm going to
13 stay a little bit.

14 COUNCIL MEMBER FELDER: You may not
15 want to.

16 SPEAKER QUINN: That's all right.

17 COUNCIL MEMBER FELDER: All right.
18 Getting back to the questions of the zoning and
19 compliance, you started saying that every three
20 years, who's going to be doing that certification
21 every three years? Who's responsibility will that
22 be?

23 ANDY GOODMAN: It will be the
24 responsibility of the property owner to actually
25 do the application, and it will be reviewed by the

2 Department of City Planning.

3 COUNCIL MEMBER FELDER: That self-
4 certified that--

5 ANDY GOODMAN: [Interposing] Well
6 they have to send us their compliance review and
7 it will be looked at by staff at the Department of
8 City Planning.

9 COUNCIL MEMBER FELDER: So there
10 is--usually at some point, I guess closer to the
11 vote we would get some sort of statement as to
12 what it would cost the City. At this point since
13 we're only having the hearing, I don't think we
14 need that, but at some point we're going to look
15 at what it will cost the City to do this and there
16 obviously is a cost, not a big one, but a cost
17 involved in making sure that this continues.

18 ANDY GOODMAN: I think it's pretty
19 modest because we're not talking about hundreds of
20 stores, we're talking about essentially handfuls
21 of stores so--

22 COUNCIL MEMBER FELDER: Now you've
23 also mentioned about the existing stores. So what
24 are you doing to encourage them?

25 ANDY GOODMAN: Well as part of the

2 program, first of all, in terms of zoning
3 incentives, existing stores will have the ability
4 to expand, where in many cases at this point
5 because of the way the zoning works, they can't
6 expand. The second is through the industrial
7 development organization, it will be possible for
8 existing stores to receive City benefits, either
9 tax benefits or help modernizing their equipment.

10 One of the most important things
11 for a grocery store is the issue of electric costs
12 and many stores operate with a lot of old electric
13 equipment that's very inefficient and so one of
14 the things we're very interested in doing is
15 working both with the City and with state programs
16 to help stores replace old refrigeration, old air
17 conditioning, to bring down some of their costs.

18 COUNCIL MEMBER FELDER: So there
19 are costs associated to the City as well with
20 regard to that. And I just want to say I'm in
21 favor, I'm not opposed, I just want to be clear
22 that we should have the whole picture, and I'm
23 very, very interested as part of this package to
24 make sure that store owners throughout the city
25 don't feel like they're getting a raw deal just

2 because they're doing the right thing already. So
3 I think there will be some costs associated with
4 this. You talked about tax incentives--yes, can
5 you identify yourself?

6 MATT KELLEY: Yes, I'm Matt Kelley
7 [phonetic] from Deputy Mayor Lieber's office. In
8 the case of the tax incentives, those will be
9 looked at on a case-by-case basis by the IDA, and
10 there would have to be a positive benefit in terms
11 of tax revenue to the city that would come as a
12 result of the investment.

13 COUNCIL MEMBER FELDER: The point--
14 I'm not that articulate, the point that I'm trying
15 to make is that I think it's a wonderful thing
16 that you're doing, but I think that at the same
17 time those stores that are doing this already
18 should reap some benefit for doing the right thing
19 and, whether that's the program of getting them
20 equipment that you talked about that saves them
21 some money or the ability for them to expand where
22 they are, that should be included in this package
23 and I hope it will be.

24 MATT KELLEY: Yes, through IDA,
25 existing operators will be able to renovate their

2 stores and we'll offer tax incentives for that.

3 COUNCIL MEMBER FELDER: So that
4 somebody who's, again, just to clarify, so that
5 somebody that's doing it already will have the
6 same or similar benefits to someone who will be
7 doing it as a result of new construction
8 somewhere, is that correct?

9 MATT KELLEY: Yes, there would have
10 to be an investment, so it'd be a renovation
11 project.

12 COUNCIL MEMBER FELDER: No, that's
13 not the answer I want. What I want to hear, I
14 hope, is that we're using zoning for a new type of
15 purpose now, which is laudable, but at the same
16 time, commercial establishments that exist should
17 have some of the same benefits. So even if stores
18 that exist already that are selling FRESH, as you
19 call it, what benefits will they have? What type
20 of benefits are you offering them? So that, for
21 example, you mentioned bodegas earlier, not you, I
22 think Mr. Dinerstein mentioned that you're trying
23 to engage the shops that exist already. Will a
24 bodega owner, for example, have the ability to get
25 new equipment in to save him money if they start

2 selling fresh vegetables, and fruits and
3 vegetables? That's what I want to know, will a
4 supermarket that exists already, for example, that
5 didn't set aside that much space for fresh fruits
6 and vegetables, that's willing to do so, be able
7 to get new equipment and the ability to expand
8 their store to have the new space?

9 BARRY DINERSTEIN: For a new
10 grocery store that wants to expand--

11 COUNCIL MEMBER FELDER:
12 [Interposing] Not a new one, not a new one.

13 BARRY DINERSTEIN: Okay, an
14 existing grocery store that wishes to expand will
15 be eligible for benefits, those benefits could be
16 for expansion, for modernization, but in order to
17 access the benefits, there has to be an investment
18 made in the property.

19 COUNCIL MEMBER FELDER: Okay. So
20 all I'm saying to you is that I think that it's
21 critical that we give some, maybe it's not the tax
22 benefit, maybe it's the benefit of having the
23 ability to get new equipment and save money. I
24 think the owners, you know, we're going through
25 very hard times and I think that the stores that

2 are doing the right thing and have equipment and
3 are selling fresh should be given some sort of
4 incentive to continue doing so, not merely just
5 because they're doing so already. So I would ask
6 you to consider what type of help we can give
7 store owners that exist already, that are not
8 doing a renovation, such as a small bodega that
9 you talked about, because ultimately you can only
10 build X number of supermarkets and which is
11 wonderful, but if you're trying to get the fresh
12 fruit available everywhere, this is the type of
13 stuff that will get it in nooks and crannies.
14 When you're offering a bodega new equipment that
15 saves them a significant amount of money every
16 month, maybe they will be considerate of taking in
17 some fresh fruits and vegetables.

18 Now the other thing I wanted to
19 talk to you about is the general issue about the
20 cost of fruits and vegetables, which you really--
21 it's not the zoning issue, but since you're
22 bringing up zoning for a greater goal, I think
23 that we have to take into consideration the issue
24 about the prices. So you've isolated certain
25 districts throughout the city where there are

2 great problems with regard to availability. There
3 are a lot of other places throughout the city in
4 poor neighborhoods where they are available, but
5 very, very expensive. For example, many, many
6 years ago when I was a child, you were able to get
7 10 apples for \$1, maybe more, I don't remember.
8 Today, even in a cheap place, you go in an apple,
9 I think cheap is \$.50 I don't even know if you can
10 get one apple for that price. And if someone has
11 a large family and is poor, but are even a small--
12 I shouldn't say even, or a small family that's
13 poor and they have the ability to go into the
14 store and buy a Wise potato chips for \$.25 or buy
15 an apple for \$.50 or more, it's a question of
16 being able to afford it.

17 So, despite this wonderful
18 proposal, even the food carts that sell it
19 cheaper, if you go over to the food carts an
20 orange is, if you're lucky, it's two for \$1, if
21 you're lucky. It's not that cheap. The ultimate
22 question--you know, it's a shame that the Chair
23 left and left me with the mic because it's not a
24 good situation--but the ultimate question is, what
25 are we doing to help make it more affordable?

2 You're helping to make it more available, which is
3 the first step, I mean, if they can't get to the
4 fruit, they'll never buy it, and the Speaker
5 mentioned that they're buying it at the green
6 markets but even at the green markets it's not
7 cheap. If you try to buy fresh fruits and
8 vegetables at the green markets, they are not
9 cheap, they are delicious and far superior to the
10 stuff you get in the local stores, but they're not
11 cheap.

12 So at the end of the day--I'm not
13 in any way diminishing what you're trying to do
14 because that's the first step but what have you
15 planned in trying to help people get food cheap?
16 Because at the end of the day, if someone can't
17 afford it, they can't afford it, this is not a
18 economic development question, this is for my
19 other friend, I think.

20 SPEAKER QUINN: Can I jump in one
21 second, Chair?

22 COUNCIL MEMBER FELDER: Yeah, I
23 told you to leave.

24 SPEAKER QUINN: I know, but you
25 know, what--one thing you guys should answer more

2 specifically, and I want to make clear about the
3 green markets is they may not be cheap, but more
4 often than not, the fruits and vegetables there
5 are lower priced than if you went into almost any
6 bodega, green market, or supermarket in the city.
7 Now, could they be cheaper somehow? Maybe, I'm
8 not all that well versed on fruit and vegetable
9 pricing, but usually you can do a lot better
10 there.

11 Part of what I think is important
12 about FRESH, not the only part, but when there is
13 competition, that does have an impact on prices.
14 If you are the only apple in town, you're going to
15 be a lot more expensive than if there are 18
16 different apples being sold on that block. Now is
17 there a way beyond the free market to drive down
18 the price? I think that's in part why there's an
19 effort to eliminate regulatory burden here 'cause
20 often regulatory burden creates, not
21 intentionally, creates expenses that businesses
22 have to pay that should be helpful, the ability of
23 the developer to go a little taller has another
24 way for the developer to make money, which might
25 loosen up the rent costs, which then loosens up

2 the costs of how much you have to charge for the
3 apple or the pear or whatever.

4 Now one of the challenges as it
5 relates to anything like this, is there's rarely a
6 straight line, which is the better course to get
7 from one point to another, but I think that in
8 something like this it is actually hard--though if
9 anybody has one, we would love to take and say we
10 thought of it ourselves, me and Simcha--but it's
11 hard to find a straight line. Philly did tax
12 breaks, which is part of this as well, that was
13 helpful, but we want to try to be even more
14 helpful. But again it's not a crime and I also
15 think the overall food stamp efforts also helps,
16 it doesn't change the price, but it creates more
17 money for people to spend.

18 MALE VOICE: Thank--

19 [Pause]

20 SPEAKER QUINN: You're welcome.

21 BARRY DINERSTEIN: What I was--

22 [Off mic]

23 SPEAKER QUINN: [Off mic].

24 BARRY DINERSTEIN: Yeah, what I was
25 going to say is, first of all, representatives

2 from the grocery store industry are here and you
3 can ask them some of those questions, but the
4 other thing I'd say is we did extensive outreach
5 to Community Boards, to health groups, and the
6 issue of price, of people saying well it's much
7 too expensive really did not come up. The issues
8 that came up is people were not necessarily
9 satisfied always about the quality of the products
10 sold in some of their local stores and the issue
11 came up of people wanting more food availability
12 that they didn't see it as being available. Those
13 were I think the sort of bigger issues than price.

14 COUNCIL MEMBER FELDER: I don't
15 want to get into a debate but the statistics that
16 you're talking about were basically geared to
17 figuring out how to make food available in areas
18 that don't have it, the point that I was trying
19 to make--and since I'm stubborn, I continue to do
20 so--is that in those areas that have availability,
21 many, many people that would normally choose fresh
22 do not because of the expense associated with it,
23 that's all. Council Member Comrie.

24 COUNCIL MEMBER COMRIE: Thank you,
25 Mr. Chair. You went in a direction that I was not

2 prepared to talk about at the moment, but now that
3 you've mentioned it, I think that there will be an
4 opportunity, from my understanding when I had the
5 pre-briefing with the gentlemen here, that there
6 would be a second rollout of opportunities to make
7 sure that secondary stores and existing stores
8 would have an opportunity to get some benefits
9 down the line, but I don't think they're prepared
10 to offer that today, but I think that that's
11 something that we should strive to see happen, so
12 I do agree with that.

13 I'm in the other hearing on the
14 police academy, and I'm sorry I can't stay, but I
15 wanted to come and just congratulate Speaker Quinn
16 and all of the people that were on our team that
17 worked with the Mayor's office to create the
18 supermarket task force, everybody that has been
19 working since we had the hearings in 2006 to
20 create the green carts that have really with the
21 progenitor for this program, and everything that
22 has been done to try to get the FRESH program to
23 where it is today. And I want to thank everyone
24 that Mr. Thomases team, I won't name names, I'll
25 just say et al. for everything that you're trying

2 to do for this program. It is tied to zonings
3 that are being done and the rezonings of
4 communities that are already being done in
5 communities of high needs areas, such as an area
6 that touches mine, the downtown Jamaica district,
7 where the rezoning was done and they are going
8 back to the Community Boards to involve the
9 Community Boards in the rezoning and to
10 incentivize, hopefully, placing more stores in the
11 area, which hopefully will, as Speaker Quinn said,
12 create competition and lower price.

13 But I think that the idea of it,
14 the desire of it to create more opportunities, to
15 have a quality store in an area that can have a
16 product that hopefully would be cheaper because we
17 would have more grocery stores selling fresh
18 vegetables and fruit and product in the store
19 would consistently, we would hope, bring the
20 prices down. But I do agree with you on trying to
21 give everyone an incentive that is trying to do
22 the right thing and I hope that wherever we are,
23 that we move to make that happen.

24 I just wanted to ask one question
25 before I run back. Did you talk about timeline

2 for the rollout or has a timeline been finalized
3 for the rollout for the program or is it based on
4 individuals that will come to you to select the
5 site? Because you mentioned some sites in your
6 slides here, have all of these locations been
7 designated or given opportunities for people that
8 are starting grocery stores in the slides or what
9 is the rollout time?

10 BARRY DINERSTEIN: Zoning is before
11 the Council right now, the financial incentives
12 are available today.

13 COUNCIL MEMBER COMRIE: The
14 incentives are available today, but [off mic] said
15 that on slide, like you showed a couple slides
16 here on page 5 and have all of those been marketed
17 or presented to chains or grocery stores or people
18 that are in the business of siting grocery stores
19 so that they could be aware of them or were these
20 just possible sites that you looked at?

21 BARRY DINERSTEIN: Well first of
22 all, those are just illustrations to give an idea
23 of how big certain stores are because you had a
24 question of how big say 6,000 feet were.

25 COUNCIL MEMBER COMRIE: Right.

2 BARRY DINERSTEIN: we're in the
3 process as was mentioned earlier, there is a
4 person who's going to be in charge of outreach, a
5 supermarket coordinator who will work with the
6 industry and we're in the process of talking to
7 the industry, we've already spoken to many, many
8 companies about the program, and we hope to talk
9 to more going forward.

10 COUNCIL MEMBER COMRIE: And the
11 feedback that you got from the companies that
12 they're interested in actually siting other
13 stores?

14 BARRY DINERSTEIN: It's been very
15 favorable, yes.

16 COUNCIL MEMBER COMRIE: So you do
17 feel that once this is voted that you will have a
18 lot of interest quickly.

19 BARRY DINERSTEIN: We hope so.

20 COUNCIL MEMBER COMRIE: And also
21 another question that Council Member Felder spoke
22 about was the cost of product. Will there be an
23 opportunity to monitor in this process if they can
24 be competitive in costs with other facilities?
25 Because they're building new facilities, there may

2 be a question of their ability to maintain cost.

3 BARRY DINERSTEIN: I mean part of
4 the program is designed to work in conjunction
5 with the Health Department and their DPHO areas
6 and so we're hoping that the Health Department,
7 which has people on the ground, will actually work
8 with some of the operators of stores in terms of
9 quality produce, price of produce, as well as
10 working with health organizations to work on
11 education of people, what to buy, what not to buy
12 for a healthy diet.

13 COUNCIL MEMBER COMRIE: Okay. Well
14 still I am excited about the program and want to
15 thank you for continuing to do everything you can
16 to make the program better. I think that also
17 once this program is announced, I think you will
18 get a lot of positive response. I'm hopeful that
19 you will get a positive response and the more that
20 we can do to get these options available into
21 communities that don't have them, anything that I
22 can continue to do to be helpful, please don't
23 hesitate to count on me. Again, this started back
24 when you looked at the issues of trying to bring
25 more variety of diet and a variety of product in

2 communities that desperately need it and I think
3 that this is a great opportunity to see that
4 happen. So thank you, thank you, thank you.

5 Thank you, Speaker Quinn. Thank you, Mr. Chair.

6 COUNCIL MEMBER FELDER: Thank you.

7 I think that really that this discussion probably
8 has a lot more to do with the discussion with the
9 Department of Health with regard to neighborhoods
10 that do already have availability and the question
11 of how we allow them or assist them in getting
12 fresh fruit out so that if the City intends on
13 spending millions of dollars on addressing
14 obesity--you know, this is not the type of program
15 that's similar to anti-smoking where you start
16 raising taxes on smokers that in some way helps to
17 pay to fight it. With this type of issue, if the
18 City decides to, in some way, help stores that are
19 already selling FRESH, that's a cost, some sort of
20 cost. For example, giving them the refrigeration,
21 it's a cost to the City and it's not as tangible,
22 but it does wind up saving the city money if we
23 don't have to spend as much money on PR campaigns
24 and television ads if the ultimate goal is to get
25 people to eat healthy, I think the benefit exists,

2 although not in the same way any other questions?

3 Thank you very much for your testimony.

4 The next panel that we have is
5 Patrick Purcell, Matt Ryan, if you're here, raise
6 your hand, please.

7 [Off mic]

8 SPEAKER QUINN: Pat's here.

9 COUNCIL MEMBER FELDER: Matt Ryan?

10 FEMALE VOICE: Matt's not here.

11 COUNCIL MEMBER FELDER: He's not
12 here. If you're not here, don't raise your hand.

13 [Pause] John Tyus. Okay, that's two. Kerry
14 Bernbach, three. James-- [Pause] I owe you one, I
15 was trying to impress the audience by asking Chris
16 how to pronounce the names and then pronounce them
17 correctly. That's four. I think we'll bring up
18 one more chair, so we'll have enough another panel
19 or--

20 [off mic]

21 Male voice: --supposed to be on
22 this panel.

23 COUNCIL MEMBER FELDER: Okay. Lisa
24 Sharon, I think it's Heyer?.

25 FEMALE VOICE: Harper.

2 COUNCIL MEMBER FELDER: Harper, I'm
3 sorry, we have to add--can I ask the Sergeant-at-
4 Arms to add one chair, please? And I have to go
5 to the other hearing now as well, so it's musical
6 chairs, I'd like to ask Councilman Robert Jackson,
7 if you could please Chair it, I apologize.

8 [Off mic]

9 [Pause]

10 COUNCIL MEMBER JACKSON: Good
11 afternoon. Okay, whoever was called first, you
12 may identify yourself and your position and you
13 may begin your testimony.

14 PATRICK PURCELL: Good morning--

15 COUNCIL MEMBER JACKSON: Good
16 morning.

17 PATRICK PURCELL: --Chairman,
18 Members of the Subcommittee, Speaker Quinn. My
19 name is Patrick Purcell and I'm Assistant to the
20 President of United Food and Commercial Workers,
21 Local 1500, and we are New York state's largest
22 local union representing grocery store workers.
23 Local 1500 represents over 23,000 workers employed
24 by Pathmark, Stop & Shop, Shop Rite, King Kullen,
25 Gristedes, Key Food, D'Agostino, Fairway, and many

2 other independent stores.

3 Eighteen months ago, Local 1500
4 started a campaign to raise awareness of the need
5 for more supermarkets throughout New York City.
6 We especially focused on underserved communities.
7 With the assistance of Speaker Quinn and her
8 staff, members of the City Council, members of
9 City Planning, the Bloomberg Administration, and
10 dozens of community groups, we find ourselves here
11 today reviewing the FRESH initiative. We are
12 grateful for everyone's guidance and support.

13 As you know, FRESH has two
14 components: a zoning text change and economic
15 incentives. Local 1500 supports the zoning text
16 changes you find before you today. We believe
17 they are the product of many hours of negotiations
18 between all of the parties. The strength of our
19 united voice has improved the zoning text changes
20 a part of FRESH from its original form. The
21 program now includes key provisions for community
22 involvement and requires participants to apply for
23 EBT and WIC programs.

24 It is the financial incentive tax
25 subsidies that kick in for supermarkets certified

2 under FRESH that prevent us from completely
3 supporting the entire FRESH initiative as of
4 today. And before I explain our issues, I would
5 add that over the past several weeks we have
6 engaged in very constructive negotiations with all
7 the parties involved about our concerns with the
8 financial incentive part of FRESH, and I can
9 happily report that I feel we are making great
10 progress and believe we will resolve our remaining
11 differences. What are those differences we are
12 bridging? Local 1500 echoed the concerns of many
13 New Yorkers who are tired of seeing their tax
14 dollars wasted on subsidy programs that
15 incentivized bad behavior. Zoning incentives and
16 financial subsidies should not go to unscrupulous
17 stores that exploit workers, ignore the voices of
18 the community, and show little respect for the
19 environment.

20 Since others will focus on
21 community involvement and the environment, I will
22 spend a little time on job standards. With job
23 standards an effort can be made to either
24 eliminate or reduce the amount of subsidy that
25 goes to irresponsible employers. To be successful

2 and not wasteful the FRESH initiative must
3 recognize an important fact: supermarket jobs are
4 not all the same. New York City's supermarkets
5 are represented by the good, the bad, and the
6 ugly. Good supermarkets provide living wages,
7 health benefits, opportunities for advancement,
8 and a voice on a job. Working at a good
9 supermarket, a person can make a living, support a
10 family, and work with dignity.

11 Bad supermarkets pay poverty level
12 wages, they do not provide affordable health
13 insurance and force people to rely on government
14 programs. We've actually seen cases where stores
15 provide employees with handbooks that tell them
16 how to sign up for Medicaid. These stores keep
17 people in poverty. They also lack any reasonable
18 grievance procedure and, therefore, often fire
19 people without cause or, worse, because they try
20 to form a union.

21 The ugly stores are the ones that
22 flagrantly break the law. There are too many
23 cases where a supermarket will totally--thank you.

24 COUNCIL MEMBER JACKSON: Continue,
25 please.

2 PATRICK PURCELL: There are too
3 many cases where supermarkets will totally
4 disregard labor laws. Just last June, the New
5 York State Department of Labor found that eight
6 supermarkets in New York City literally did not
7 pay their workers, many baggers at these stores
8 were paid only with tips. Last February, the
9 Department of Labor announced a 1.5 million
10 settlement with a chain called Amish Markets.
11 Amish had violated overtime laws at nine of its
12 stores.

13 I would also call special attention
14 to Whole Foods Market, a supermarket that recently
15 said that the passage of FRESH might increase
16 their interest in moving into underserved
17 communities. This is a supermarket that
18 completely disgusts my organization. This is a
19 company who was aggressively fought against health
20 care reform and the use of taxpayer dollars to
21 help uninsured people, yet feels it would be okay
22 to accept tax dollars to expand their narrow-
23 minded kingdom. Whole Foods President of the
24 North East region said this about FRESH, it's
25 definitely enticing for us, incentives might help

1 Whole Foods move into areas they might not
2 normally look into because Whole Foods stores need
3 a certain concentration of people that live our
4 lifestyle, which includes a concern for what
5 they're putting in their bodies. That comment is
6 deplorable and the company's views are
7 hypocritical. If the only way they would consider
8 going to a neighborhood that doesn't necessarily
9 live their lifestyles with tax subsidies that they
10 do not want used to provide healthcare to these
11 same people, then I say that communities are
12 better off without them.
13

14 If FRESH subsidizes these
15 kind of stores, the program will be an
16 embarrassment for the City and a waste our tax
17 dollars. We have offered many mechanisms that
18 would include standards in FRESH. One possible
19 avenue that we're exploring is a scorecard that
20 would be part of the existing Vendex, the City
21 currently uses Vendex to grade a business
22 eligibility before the business can receive City
23 subsidies. We believe that we should look at a
24 way for Vendex to be expanded and more focused on
25 the supermarket industry because it is the Vendex

2 that does not take into consideration the
3 important differences between supermarkets and
4 other types of business. In particular, the
5 Vendex should score stores based on their ability
6 to provide good food and good jobs.

7 So to conclude, the 23,000 members
8 of Local 1500 do support the zoning text changes
9 in so much as that we can apply standards to the
10 financial incentives that will kick in. And,
11 again, we're making great progress negotiating
12 with everybody and we're very excited. And I want
13 to thank you for allowing the extra time.

14 SPEAKER QUINN: Thank you, and
15 thank you, Chair Jackson. I just want to jump in
16 because I'm going to have to leave to go to
17 another hearing, but, one, I want to again thank
18 Pat and everybody at UFCW--

19 PATRICK PURCELL: Thank you.

20 SPEAKER QUINN: --for all their
21 work and just--I hope it was clear in my opening
22 statement, but if not, I just want to make it very
23 clear that the proposal has made great progress
24 that we are here today--

25 PATRICK PURCELL: Yeah.

2 SPEAKER QUINN: --but it is not
3 100% done and we share many of the concerns that
4 Pat just raised, and the day the story was in the
5 Times, we didn't know it was going to be in the
6 Times, I called Pat, I made it very clear that I
7 was also troubled by some of what was reported in
8 the papers. And our job here is--my belief, our
9 job here is to help New Yorkers who do not have
10 supermarkets get supermarkets in their
11 neighborhoods that they can afford and help them,
12 both from a nutritional, hunger, and economic
13 development perspective, and I believe we can do
14 that, whether the scorecard or whatever, we'll
15 figure out the mechanism, but the--

16 PATRICK PURCELL: We'll work on it,
17 yeah.

18 SPEAKER QUINN: --goals that Pat
19 articulated are ones that we share as we move to
20 the completion of this process. So I just wanted
21 to make that very, very clear.

22 PATRICK PURCELL: Thank you. And
23 we are all working very, very closely, and I would
24 say to you my comment on Whole Foods might be a
25 little more editorializing than anything else, I

2 just--

3 [Crosstalk]

4 SPEAKER QUINN: [Interposing] Pat
5 Purcell editorializing--

6 PATRICK PURCELL: Yeah, who would
7 have thought, right?

8 SPEAKER QUINN: --oh my God.
9 Right?

10 PATRICK PURCELL: But I think it's
11 worth noting in response to their comments in the
12 paper.

13 SPEAKER QUINN: Okay. Thank--

14 [Pause]

15 COUNCIL MEMBER JACKSON: Thank you.
16 Next, please. So if John--I'm sorry, just
17 identify yourself and your position and you may
18 begin your testimony.

19 KERRY BERNBACH: Good morning, my
20 name is--

21 COUNCIL MEMBER JACKSON: Press the
22 button again, please.

23 KERRY BERNBACH: Good morning, my
24 name is Kerry Bernbach and I work as the
25 Interfaith Voices Against Hunger Coordinator at

2 the New York City Coalition Against Hunger.

3 NYCCAH represents over 1,200 food
4 pantries and soup kitchens in New York City, as
5 well as the 1.3 million people who use them.
6 Thank you for letting me testify today.

7 The FRESH program holds great
8 potential in reducing food insecurity and
9 providing healthy food access to underserved
10 neighborhoods, but it cannot do this or reduce
11 obesity and diabetes without adding standards
12 regarding good food and good jobs that will
13 eventually help to alleviate poverty in these
14 neighborhoods. To ensure that FRESH stores
15 accommodate their communities, NYCCAH would like
16 to see stronger language beyond a statement of
17 intent that requires stores to apply and accept
18 SNAP food stamp benefits. We want to thank the
19 Mayor and the Speaker's office for considering
20 this standard and encourage them to make it
21 stronger.

22 As the demand for these benefits
23 increased almost 30% since January 2008, 1.6
24 million New Yorkers are now on the SNAP rolls
25 FRESH stores need to be aware of this and

2 accommodate people receiving SNAP benefits by
3 accepting them.

4 In addition, I strongly urge that
5 the price of food at FRESH stores be taken into
6 consideration--there is no point to building a
7 supermarket that a majority of a neighborhood
8 cannot afford to shop at. One study of
9 supermarket chains in Seattle found that a market
10 basket of goods outlined by the USDA Thrifty Food
11 Plan costs twice as much in gourmet stores as it
12 does in other stories. We need to work on
13 developing some form of cost metric to assess food
14 costs and quality in FRESH stores.

15 Neighborhoods with the highest
16 rates of obesity and diabetes also have the
17 highest rates of food insecurity and poverty. We
18 cannot improve the health of these communities
19 without assisting them out of poverty. To do
20 this, workers need living wages so they can afford
21 to buy healthy food from the stores they work in.
22 As it stands, the FRESH program can reduce food
23 insecurity, but it will not reduce poverty or
24 obesity and diabetes without supporting the
25 surrounding community and adding additional

2 standards. We support the modifications made so
3 far that incorporate Community Boards into this
4 conversation.

5 Lastly, FRESH stores should be
6 required to participate in the Pride of New York
7 program which supports local farmers, local food,
8 and local workers. As many steps should be taken
9 to ensure that FRESH stores bring money into the
10 local economy through good food and jobs.

11 Thank you for this opportunity to
12 testify.

13 COUNCIL MEMBER JACKSON: Thank you.
14 Next please.

15 JOHN TYUS: Good afternoon, my name
16 is John Tyus and I am a member of FUREE, Families
17 United for Racial and Economic Equality, we are a
18 grassroots organization committed to the economic
19 and political empowerment of low income people who
20 are poor and people of color.

21 As a FUREE member, I've taken on
22 the responsibility to gain and share knowledge of
23 FRESH, this is the basis for my involvement with
24 the coalition--to improve the standards on FRESH.
25 I would like to begin by thanking you for your

2 efforts to improve the quality of food distributed
3 in the poorest communities of New York City. It
4 is my understanding that you have made significant
5 progress in establishing standards for FRESH,
6 however, it is also clear that there is much work
7 regarding good jobs and good job standards that
8 still needs to be done. I can tell you point
9 blank that my organization, although we approve of
10 FRESH as a concept, we do need to have good jobs
11 in order to fully support this initiative.

12 Presently, I have been forced to
13 shop outside of my neighborhood. Me and many of
14 my neighbors drive to New Jersey because the food
15 quality in my community, which is Crown Heights,
16 is just not effective. Additionally, the tactics
17 and practices of some of the store operators in my
18 community are just in pursuit of profits, they're
19 not looking at the long-term damage being
20 inflicted on the community. Bravos is a
21 representation that I put together of what I
22 consider a bad store and you can see from the
23 printout that I provided you what that store
24 actually functions like. Those pictures were
25 taken with my cell phone just this past weekend.

2 The practice must not continue of
3 stores not paying good living wages to their
4 employees, it just doesn't make sense to have the
5 operator of a store directing their employees to
6 apply for food stamps or go to family services or
7 other subsidies that exists within the City's
8 infrastructure. Paying living wages and better
9 benefits are certainly going to go a long way to
10 addressing and eliminating poverty in our city.

11 Finally, as you review the pros and
12 cons of our standards, understand that you need to
13 think about the fact that any supermarket chain
14 that receives public subsidies in New York City
15 should not have a business model that does not
16 allow them to price food--healthy food at a price
17 that is for the existing community in these
18 depressed areas. It should not be looking to
19 price food at a level for the consumer they're
20 looking to bring into these communities through
21 the development of new condos and other types of
22 properties.

23 So we just really need you to
24 consider long and hard other factors, other than
25 just the zoning changes, but these things are very

2 important that our community be safe from being
3 poisoned in the richest city and the richest
4 country in the world because that would just not
5 be acceptable. Thank you.

6 COUNCIL MEMBER JACKSON: Thank you.

7 Next, please.

8 JAMES SUBUDHI: Good afternoon,
9 Council and Chair, my name is James Subudhi, I'm
10 the Environmental Policy and Advocacy Coordinator
11 at WE ACT for Environmental Justice. We are a 20-
12 year-old community-based organization in northern
13 Manhattan that empowers people to fight
14 environmental racism and advocate for public
15 health. I specifically work on food justice
16 issues and food insecurity in northern Manhattan.
17 And I want to thank the Council for giving me an
18 opportunity to speak today.

19 I'd like to begin by thanking the
20 City agencies that created the FRESH program on
21 the changes that they recently made to it,
22 particularly involving community residents and the
23 process. The program is moving in the right
24 direction, however, it falls short of some of the
25 important markers that our coalition and the UFCW

2 and NYCCAH and FUREE have--those are providing
3 living wages, targeted hiring, providing locally
4 grown food, and including a supermarket scorecard.
5 Our coalition's negotiations with the Mayor's
6 office are going well, but they have not
7 concluded. As such, we would ask City Council to
8 work with the Mayor's office to address the
9 concerns that we have for the program to make it a
10 home run for the community, the environment, and
11 business.

12 While we support the zoning
13 incentives, our support for FRESH in terms of the
14 economic incentives is contingent on attaching
15 community environmental standards to it, including
16 good jobs. In addition, language needs to be
17 strengthened to the changes that have already been
18 made particularly to the food stamp and WIC
19 changes, and to make sure that the agencies are
20 held accountable to ensure that these changes are
21 realized.

22 So what is the exact issue that's
23 being addressed? Well the Health Department has
24 already given a presentation on that, but the one
25 of the other [off mic] race and class. Many

2 studies show that communities of color and low
3 income have less access to grocery stores and
4 other food retail outlets for fruits and
5 vegetables compared to white affluent communities.
6 One study found that middle income communities in
7 Los Angeles County had 2.3 times as many
8 supermarkets per capita as low-income communities,
9 and multi-state study found that wealthy
10 neighborhoods had three times as many supermarkets
11 as low wealth communities.

12 COUNCIL MEMBER JACKSON: You could
13 go ahead, continue--

14 JAMES SUBUDHI: [Interposing] Thank
15 you.

16 COUNCIL MEMBER JACKSON: --
17 conclusion.

18 JAMES SUBUDHI: Access also varied
19 by race with predominantly white neighborhoods
20 having four times as many supermarkets than
21 predominantly black neighborhoods. A New York
22 City study found that one-third of its
23 supermarkets that it has lost in the last five
24 years were mostly in low income, low opportunity
25 neighborhoods. The areas targeted by FRESH are

2 predominantly low income areas in Council
3 districts that are included in the New York City
4 Black and Latino Caucus--and I have a list of
5 those specific Council districts with me.

6 As a result of the lack of access
7 to healthy food in these neighborhoods, they have
8 dire health outcomes, particularly for children
9 when we're talking about obesity and diabetes.

10 And FRESH is an innovative way to offer incentives
11 for supermarkets to locate in these underserved
12 communities when having them fit into the built
13 environment but also to prop up their profit
14 margins.

15 However, if FRESH doesn't ensure
16 that the freshest, most affordable food is
17 provided, it will not achieve its goal of
18 providing quality food at an affordable price to
19 achieve an increase in quality of living.

20 According to the New York State Health
21 Commissioner, locally grown food should be a part
22 of every New Yorker's diet. Fruits and vegetables
23 grown locally have to travel the shortest distance
24 from farm to your home and are the freshest.

25 Indeed, New York City Office of School Food

2 realizes that local food is the freshest, however,
3 FRESH does not include locally grown food into the
4 program.

5 Another provision that it does not
6 include is providing living wages. Living wages
7 is extremely important in making food available
8 because people of color have the most need in
9 terms of affordability when accessing
10 supermarkets.

11 As such, I believe that the program
12 can move in the right directions if it follows the
13 policy prescription that our coalition lays out;
14 that is, providing living wages and health
15 benefits, providing 10% locally grown food, and
16 participating in the New York State Pride program,
17 using targeted hiring and using a supermarket
18 scorecard, much like the Ven index, but can also
19 be like the lead certification process for green
20 buildings when receiving zoning and financial
21 incentives. Thank you.

22 COUNCIL MEMBER JACKSON: Good,
23 thank you. Next please.

24 LISA SHARON-HARPER: Hello, Mr.
25 Chairman and members of the Subcommittee, my name

2 is Lisa Sharon-Harper and I am the Executive
3 Director and co-founder of New York Faith and
4 Justice. We are a collaborative network of
5 individuals, organizations, churches that are all
6 dedicated to ending poverty in New York through
7 collaborative efforts like this.

8 New York Faith and Justice stands
9 with the coalition of labor unions, food justice
10 advocates, and community-based organizations
11 today, which are calling for good food and good
12 jobs to be attached as standards of the FRESH
13 program participation.

14 In 1984 the City passed Local Law
15 71, which created ICIP and ICAP and hope for
16 benefits included the creation of jobs in low
17 income areas. Fast food establishments, though,
18 took advantage of this program and now line the
19 corridors of low income communities. Supermarkets
20 were ineligible for ICAP. The 1984 City Council
21 had good intentions, but history has revealed a
22 plethora of problems in its wake. The Council
23 provided jobs, but demonstrated no concern for
24 these communities' access to healthy food, the
25 results you've heard today. But what's worse is

2 that ICAP strategy only brought a marginal number
3 of good jobs to these targeted neighborhoods and
4 the current economic downturn has created an
5 exacerbated situation of unemployment and a
6 disparity between white and black unemployment in
7 New York.

8 Who is being hit the hardest? It
9 is the people who live in residential
10 neighborhoods that are targeted by the FRESH
11 program. Consider this, consider the Whole Foods
12 fiasco in that New York Times article when they
13 said that this is actually going to be a great
14 idea for them if they can get this incentive. I
15 ask you, without good jobs guaranteed, will the
16 residents of the FRESH program targeted
17 neighborhoods, will they really have access to
18 high-priced fruits and vegetables offered by
19 stores like Whole Foods?

20 May I proceed?

21 MALE VOICE: Sure.

22 LISA SHARON-HARPER: Thank you. I
23 say, no, they will not. With no job standards
24 attached to the FRESH program there's no guarantee
25 that these stores will hire from the community.

2 Good food without good jobs is not
3 enough. At best it's charity; at least, at the
4 worst actually, it's a tease and it's a Trojan
5 horse for gentrification and accelerated
6 displacement of the most vulnerable citizens of
7 New York City. The Council has to go beyond
8 charity with this measure. You have an
9 opportunity here. Supermarkets naturally employ
10 large numbers of staff, good food with good jobs
11 attached can empower more people in FRESH
12 communities and lay the groundwork for a
13 transformational kind of development, the kind
14 that stabilizes at-risk communities from the
15 inside out.

16 By attaching good food and good job
17 standards to FRESH, you have the opportunity to
18 keep families in their homes while lifting the
19 health and buying power of entire neighborhoods.
20 Cardinal Roger Mahony echoed Gandhi when he said,
21 any society is judged on the basis of how it
22 treats its weakest members--the last, the least,
23 the littlest. History will look back on this City
24 Council, she will judge you, not by your good
25 intentions, but by the effect of your policies on

2 the last, the least, and the littlest.

3 The 1984 Council had its watch,
4 this is your watch. Take this opportunity, we
5 urge you, we stand in favor of FRESH with these
6 standards attached. Make things right. We are
7 praying for you, and we are watching.

8 Thank you.

9 COUNCIL MEMBER JACKSON: I want to
10 thank the panel for coming in, all of you are in
11 favor of the proposed rezoning, is that correct?
12 Yes. Okay. Well thank you very much and look
13 forward to working with you. And next we're going
14 to hear from a panel in opposition to the proposed
15 zoning.

16 [Off mic]

17 MALE VOICE: Text change.

18 COUNCIL MEMBER JACKSON: Text
19 change, I'm sorry [off mic]. [Pause]

20 CHRISTIAN HYLTON: Avi Kaner,
21 Richard Lipsky, and John Hathaway.

22 [Pause]

23 COUNCIL MEMBER JACKSON: If you
24 have any testimony, please give it to the
25 Sergeant-at-Arms and, whoever was called first,

2 you can identify yourself and what position you're
3 with, and may begin your testimony.

4 AVI KANER: Thank you, Acting
5 Chairman Jackson. I appreciate the opportunity to
6 speak in front of you today. My name is Avi
7 Kaner, I'm one of the owners of Morton Williams
8 Supermarkets, the President of Morton Williams
9 Supermarkets is Morty Sloan who's in the audience
10 as well. I'm here to talk to you today about our
11 perspectives on the FRESH initiative program.

12 We own 12 stores in the New York
13 City area, we have 750 employees, all of our
14 employees are full-time union members with
15 benefits--health insurance, dental, pension, etc.
16 Over half of them live in the Bronx, where we're
17 headquartered.

18 First of all, we do applaud the
19 FRESH initiative because it's a wonderful goal to
20 add supermarkets and distribution of fresh foods
21 into poor areas. It's a wonderful, wonderful
22 thing to do, however, there are some drawbacks on
23 this resolution or plan as it stands.

24 Most significantly, is it doesn't
25 fully address the retention of existing

2 supermarkets, not only in poor areas, but all over
3 the city. One thing you have to realize, you're
4 looking at this from a development perspective of
5 where developers want to build buildings and
6 trying to incent them to put in supermarkets.
7 Developers are building buildings in more affluent
8 areas like in Manhattan, and in Manhattan you see
9 there's a complete loss of supermarkets in
10 Manhattan. Developers do not want supermarkets
11 because drug stores and banks can pay a lot more
12 than supermarkets.

13 The city has lost 300 supermarkets
14 over the past 10 years and the question is, why
15 has this happened. Number one, it's the high cost
16 of doing business in the city and number two, it's
17 because of the entrance of the big-box stores.

18 And I'll speak very, very briefly,
19 I know my time is running out, very briefly on
20 each one.

21 The high cost of doing business in
22 the city. Number one, city agencies, whether it's
23 sanitation, consumer affairs, fire department,
24 building department, go out and target
25 supermarkets as a way to generate additional

2 revenue. Just a few weeks ago we had Department
3 of Sanitation go to all of our stores and issue
4 violations for all of the stores. Obviously
5 someone was told you have a quota, we need this
6 extra money and these fines are basically an
7 additional tax that we have to pay.

8 Number two, we mentioned the fruit
9 peddlers before, you issue these licenses to fruit
10 peddlers, but the fruit peddlers go to where they
11 can sell the most fruits and vegetables, which is
12 directly in front of every single one of our
13 supermarkets and in front of every Gristedes, Food
14 Emporium, D'Agostinos, every single one has a
15 fruit peddler directly in front of our store--how
16 does that help anything?

17 Number three, delivery trucks. So
18 many of our delivery trucks get ticketed for
19 parking outside our stores. So many vendors have
20 chosen not to supply fresh food in New York City
21 because they get ticketed by New York City.

22 The second one, I'll speak very
23 briefly about is the big-box stores. In the outer
24 boroughs we've seen big boxes like BJ's and
25 Costco's come in. In Manhattan, we see big boxes

2 like Whole Foods come in and they go to every
3 artery. If you look in Manhattan, Whole Foods has
4 gone into or signing a lease on Houston Street,
5 14th Street, 57th Street, 86th Street, etc., each
6 of these stores does over \$1 million a week in
7 business. So now if you have a Costco on 57th
8 Street, you have one on 86th Street, guess what
9 happens to the supermarkets in between--the
10 supermarkets in between shut down. When their
11 leases come up, they can't afford to renew their
12 leases because so much of their business has gone
13 away.

14 And I don't know if you remember, I
15 mean you're the Chairman of Education, there used
16 to be bookstores all over Manhattan, there are no
17 bookstores anymore, they're all destination big-
18 box stores in major arteries. That's what's
19 happening to grocery stores now, you can download
20 books, you cannot download groceries. And so
21 what's going on in Manhattan is also going on in
22 the Bronx and in other areas, we have BJ's and
23 Costco's opening up and other big-box stores.
24 Local neighborhoods lose their character and they
25 leave. BJ's opened up in the Bronx, which is

2 maybe eight subway stops away from us, our weekend
3 business has been depleted because people on the
4 weekends are now getting on the train and going to
5 BJ's, doesn't mean they're buying fruits and
6 vegetables at BJ's, it means that their going to
7 buy--who knows what is being bought, but it
8 changes a character of the city neighborhoods.

9 And finally, my final point is, our
10 headquarters, we've been in business for over half
11 a century, our headquarters is directly across the
12 street from the Kingsbridge Armory. New York City
13 now has a plan to use government-subsidized tax
14 money to put a 60,000 square foot supermarket
15 directly across the street from us in a sweetheart
16 deal with a mega-developer related which will put
17 us out of business, will put our store two blocks
18 away out of business. There are 14 supermarkets
19 within a quarter-mile radius, half of them will
20 probably close, our hiring office across the
21 street will cease to exist, resulting in a loss of
22 450 full-time union jobs because New York City's
23 using tax subsidies to help developers circumvent
24 zoning laws to go into areas where they shouldn't
25 be using taxpayer money.

2 Thank you.

3 COUNCIL MEMBER JACKSON: Thank you.

4 Next, please.

5 RICHARD LIPSKY: Thank you, Mr.

6 Chairman. My name is Richard Lipsky and it's nice
7 to see a proposal that I had advocated probably
8 for the last 10 years coming to fruition and in a
9 way though that I can't say I'm 100% happy with,
10 but I was the one who brought the food trust to
11 the attention of some of the local unions, as well
12 as to some of the city officials, and sometimes
13 the things that we develop don't turn out exactly
14 as we had hoped. But I'd like to say that I am
15 glad that the City is looking at supermarkets and
16 looking at ways to improve the supermarket
17 industry.

18 I just don't think that the way
19 that you're going about it is the right approach
20 because what you're doing, and Avi mentioned this
21 in his testimony, what you're doing is looking at
22 how to bring new ones in ,but you really haven't
23 come up the right plan to make sure that the cost
24 of doing business for existing stores is lowered
25 so that these stores can stay in business.

2 If you have a situation, as Avi
3 mentioned, where 300 supermarkets have left the
4 city over the last decade, you need to ask
5 yourself why are they leaving. The effort to put
6 new supermarkets into these underserved areas
7 looks at the situation and kind of ass backwards.
8 I don't think you're going to get 300 new
9 supermarkets coming in over the next decade
10 because of the FRESH program.

11 So the idea here is, and the thing
12 that's missing in the City's approach, is looking
13 at taxes and regulations on existing markets. Avi
14 mentioned some of that, he only touched the
15 surface of the kind of regulations that make the
16 cost of doing business so expensive for, not only
17 supermarkets, for other stores in New York City.

18 The City Council has come up with a
19 regulatory plan that looks to reduce the
20 regulatory costs and we applaud that as well. But
21 let's not forget, Mr. Chairman, that in 2002, the
22 Council and the Mayor raised the commercial real
23 estate tax by upwards of 25%, which was the
24 effective rate on these stores--that's in essence,
25 a 25% rent increase on all the stores in the city.

2 So what we need to do is look at,
3 okay, how do we reduce the tax burden on these,
4 what I call public health facilities, because we
5 had eloquent testimony from the City about how
6 supermarkets are the linchpin for healthy eating
7 in the city. If that's the case, why aren't we
8 creating zones in these underserved areas where if
9 a supermarket exists in that zone, they shouldn't
10 pay commercial real estate tax, they should be
11 exempt as a not-for-profit would be exempt because
12 of their importance in the delivery of healthy
13 food to these neighborhoods. That's something
14 that needs to be addressed and we're hopeful that
15 once the Council starts looking at how to help
16 existing stores as a companion to the FRESH
17 initiative they'll be looking to do that.

18 And lastly, and I won't burden some
19 of the misconceptions on price and affordability,
20 but the key here is always demand. And that we
21 met with the Commissioner of Health a few years
22 ago, the previous Commissioner, and he said what
23 do I do, what can we do to get people to eat more
24 fresh fruit and vegetables? And the store owner
25 who was with me at the time said, when you find

2 that out, let me know. Because if you go into any
3 local supermarket in the city of New York, you
4 turn right, and there is the fresh fruit and
5 vegetables, they want you to buy that because they
6 make money selling that. The fact that not enough
7 people do may be a function of cost to some
8 extent, but it's also a function of perceptions
9 and education. The more we can do on that front,
10 the more demand there is, the likelihood of
11 lowering the price will come from that.

12 Thank you, Mr. Chairman.

13 COUNCIL MEMBER JACKSON: Thank you.
14 And Mr. Lipsky, you were there, who are you here
15 representing yourself or--

16 RICHARD LIPSKY: [Interposing] I'm
17 resenting Morton Williams and also Gristedes
18 supermarkets.

19 COUNCIL MEMBER JACKSON: Thank you.
20 Next, please.

21 JOHN HATHAWAY: Thank you. My
22 name's John Hathaway, I'm a resident of Community
23 Board 6 in Brooklyn, which is not affected by this
24 proposal, but I do have a concern about the zoning
25 aspect of this proposal because I think that it

2 has citywide implications.

3 I think it's a bad precedent. The
4 city is essentially trying to promote good
5 education without affecting the budget by giving
6 developers an additional incentive to create space
7 for supermarkets, but there's no stipulation that
8 the rent for this space for the supermarkets is in
9 any way affected or benefited by this incentive
10 that the City is willing to give out. The City is
11 giving more [off mic], the developer makes more
12 money, but does any of that actually translate
13 into a more affordable space for the grocery
14 operator. I don't see anything that causes that.

15 And I'm certainly concerned about
16 the cost of compliance in this thing. They say
17 there will only be a few applications regarding
18 this, but the intention is, of course, to make
19 this very widespread, and so ultimately there's a
20 substantial cost associated with administering
21 this program and it relates back to the Department
22 of Buildings, which is no easy administration to
23 deal with. And I think that that cost of
24 compliance would be better given back to the
25 operators of these grocers through tax incentives.

2 And most importantly, this is an
3 incentive--the zoning aspect of this is an
4 incentive that, once given, cannot be taken back.
5 You build a bigger building then what happens?
6 The owner doesn't comply, the city isn't going to
7 force the building to be vacated, we're not going
8 to throw people out of their house. It's
9 ultimately something that will be used as a tool
10 by developers to build bigger buildings and then
11 somehow circumvent the intention of this zoning
12 text amendment.

13 Thank you very much.

14 COUNCIL MEMBER JACKSON: Well let
15 me thank you all for coming in. As I said before,
16 if you have suggestions, I'm sure that you put
17 them on the record, but also submit them in
18 writing so that everything can be considered.

19 Thank you very much.

20 Our next panel--do we have anybody--
21 -is this person here? Is the representative from
22 Borough President Marty Markowitz of Brooklyn, is
23 he present? Please come forward, identify
24 yourself, and your position and you may begin your
25 testimony.

2 And you're speaking in favor of the
3 text amendment, is that correct? Okay.

4 CARLOS MENCHACA: Yes, in favor.

5 Hi, my name is Carlos Menchaca, Capital Budget and
6 Policy Coordinator for the Brooklyn Borough
7 President. I want to thank the Council Members
8 and the Subcommittee and the Members of the
9 Subcommittee for giving me this opportunity to
10 speak on his behalf today.

11 Fighting obesity has always been a
12 top priority of the Brooklyn Borough President's
13 office. This is only possible if all
14 Brooklynites, no matter what neighborhood they
15 live in, have an affordable, fully stocked
16 supermarket nearby, a place that offers a wide
17 array of healthy foods, including plenty of fruits
18 and vegetables. It has always been his ULURP
19 policy to seek the inclusion of a supermarket as
20 part of his discretionary Land Use review, which
21 is why he applauds DCP and EDC for supporting
22 these efforts.

23 It is simply unbelievable that in
24 the 21st-century in the greatest city of the
25 world, there are neighborhoods where residents

1
2 have to travel far and wide to get a piece of
3 fruit or some vegetables or any other healthy
4 wholesome foods that people need to live a healthy
5 and productive life. In a city of so much
6 abundance, how is it possible that there are
7 somebody barren food deserts? How is it possible
8 that in this Big Apple, there are actually
9 neighborhoods where it is difficult to buy an
10 apple?

11 Fortunately, with this FRESH
12 initiative, we are setting the table for a future
13 when each of tomorrow's food deserts is
14 transformed into a food oasis, one that is surely
15 not a mirage.

16 But although he strongly believes
17 that these new FRESH supermarkets will have a
18 positive impact on communities, he also has some
19 suggestions for modifications to the initiative
20 that were not incorporated as modifications by
21 this City Planning Commission that warrant some
22 consideration by the City Council, and they've
23 also been talked about during this hearing. When
24 considering which stores should receive financial
25 incentives, the Industrial Development Agencies

2 should favor those who use local building
3 contractors and those who purchase locally
4 produced food. The operators of these stores must
5 be required to accept food stamps and WIC to make
6 this food affordable for consumers of low and
7 moderate income levels. They should staff their
8 stores with residents from the neighborhood, and
9 they should pay their employees a living wage with
10 health benefits. The IDA should closely monitor
11 stores that receive financial assistance to make
12 sure they are adhering to these standards.

13 There is always a possibility that
14 a new supermarket may impact smaller neighborhood
15 stores--mom-and-pop retail. For this reason,
16 eligibility for financial incentives should be
17 expanded to existing stores, including those that
18 are under 6,000 square feet, this will give these
19 stores the opportunity to expand and increase
20 their healthy food options. We should also
21 consider the possibility that some landlords may
22 decide to prematurely opt out of the FRESH
23 initiative in order to take advantage of
24 escalating rents, and this was just recently
25 talked about it. If landlords who receive

2 financial assistance under the program renege on
3 their promise, they should be forced to return any
4 funds they received.

5 Eating healthy is a necessary
6 component to being healthy, and the only way to
7 eat healthy is to make sure Brooklyn has access to
8 affordable, healthy, wholesome food--the kind that
9 can only be found in full-service supermarkets. I
10 know that the FRESH food initiative is a step in
11 the right direction toward creating a city where
12 good food is never far away.

13 Thank you.

14 COUNCIL MEMBER JACKSON: Well thank
15 you, thank you on behalf of the Borough President,
16 appreciate you coming in.

17 Our next panel in favor of the text
18 amendment, Patricia Brodhagen, Food Industry
19 Alliance of New York, Pat Gillespie, the Great
20 Atlantic and Pacific Tea Company, Jack Zumba,
21 White Rose Foods, Jerry Cesaro Key Food Stores
22 Cooperative, Inc. Please come forward give the
23 Sergeant of Arms any testimony you may have. And
24 I'm going to ask all of the individuals that are
25 testifying that I'm going to try to keep you

2 within the two minute time frame, obviously, if
3 you go a little bit, it will be allowable, but I'm
4 going to ask not to repeat what everyone else has
5 said, especially if it's in your written
6 testimony. So if you can summarize your written
7 testimony rather than reading it, it would be
8 greatly appreciated.

9 Okay and with that, please identify
10 yourself, the first person I called, your name and
11 your title and your company and you may begin your
12 testimony.

13 PAT BRODHAGEN: Thank you, Mr.
14 Chair. Let me just indicate that we're here
15 together as representatives of the Food Industry
16 Alliance, so the gentlemen with me are here to
17 identify themselves, they'll answer your
18 questions, we're not necessarily all submitting
19 individual--

20 [Crosstalk]

21 COUNCIL MEMBER JACKSON: Okay,
22 that'd be good--

23 PAT BRODHAGEN: --testimony.

24 COUNCIL MEMBER JACKSON: --hold on
25 one second, please?

2 [Pause]

3 COUNCIL MEMBER JACKSON: Okay. So
4 if the other ones are not going to testify, maybe
5 you can identify the other partners up there.

6 PAT BRODHAGEN: And they will as
7 well.

8 COUNCIL MEMBER JACKSON: Okay.

9 PAT BRODHAGEN: Okay.

10 COUNCIL MEMBER JACKSON: And just
11 move your mic directly in front of your mouth so
12 we can hear a little louder.

13 PAT BRODHAGEN: Can you hear it
14 now?

15 COUNCIL MEMBER JACKSON: Yeah.

16 PAT BRODHAGEN: Okay. My name is
17 Pat Brodhagen, and I'm the Vice President of
18 Public Affairs for the Food Industry Alliance of
19 New York State, which is a statewide trade
20 association of the grocery industry. These
21 comments were going to be delivered by our
22 Chairman Nicholas D'Agostino the third, who is the
23 owner and operator of D'Agostino supermarkets, but
24 he, unfortunately, was taken ill overnight and was
25 not able to come. So I am here, I work on the

2 staff and I'm here in his place and he co-chaired
3 the Supermarket Commission and he is also the
4 chairman of our organization.

5 With me are other representatives
6 from Key Food, from A&P, and from White Rose
7 Foods, also members of our board and participants
8 in the Supermarket Commission. So I will read
9 what Mr. D'Agostino was going to say.

10 And just to give you an idea of who
11 our members are they include banners such as Ames
12 stores, Bravo, C-Town, D'Agostino, Fairway, Food
13 Basics, Food City, Food Emporium, Food Town,
14 Gristedes, Key Food, King Kullen, MET Food,
15 Pathmark, Pioneer, PSK, Shop Rite, Stop and Shop,
16 and Waldbaum's.

17 And we do appear in support of the
18 zoning text amendments.

19 Improved access to healthy food
20 choices as an overall strategy to improve health
21 outcomes has emerged as a key policy priority in
22 New York City, and as you've already heard a large
23 number of us have been working on this now for
24 several years. Because supermarkets are an
25 essential component of the infrastructure for

2 assuring access to a wide variety of nutritious
3 affordable food, Mr. D'Agostino was pleased to co-
4 chair the Supermarket Commission charged with
5 identifying the barriers to opening and
6 maintaining a successful food store in the city
7 and recommending policy changes the city can
8 implement to encourage, support, and promote
9 grocery stores in underserved neighborhoods. This
10 proposed zoning text amendment relates directly to
11 those recommendations.

12 Most companies are actively looking
13 for sites for new stores but face obstacles
14 related to site availability, unaffordable rent,
15 cumbersome and time-consuming approval processes,
16 the cost of land, of site preparation, of building
17 renovation and navigating and negotiating that
18 process itself, and the overall regulatory climate
19 in New York City. Grocery retailing is a penny on
20 the dollar net profit margin business. It is also
21 a business with significant labor and energy
22 costs. It is a business that trades in highly
23 perishable products that must be carefully and
24 safely handled. It is a business that is consumer
25 driven and whose customers now, more than ever,

2 are shopping by price. Every requirement has a
3 cost and every cost ultimately manifests itself in
4 price.

5 Permitting grocery stores up to
6 30,000 square feet as-of-right in M1 districts
7 will provide more development opportunities and
8 significantly reduce the time it takes and thus
9 the upfront financial investment to open new
10 stores. Obtaining the special permit currently
11 required for food stores in excess of 10,000
12 square feet--and I'm just about through--in M1
13 districts, but curiously that requirement does not
14 apply to all categories of retail. That process
15 can take years. It is not an overstatement to say
16 that a project will cost-- [clears throat] pardon
17 me--hundreds of thousands of dollars in direct
18 project-related costs, carrying costs, and lost
19 income during the period it takes to complete
20 ULURP, and there is no guarantee that a store will
21 be built at the end of the process. Removing the
22 uncertainty for neighborhood supermarkets up to
23 30,000 square feet will address this critical
24 barrier to new projects.

25 Also, the provision of additional

2 floor area in mixed-use buildings that
3 incorporates a FRESH food store provides an
4 incentive to developers to include a much-needed
5 grocery by offsetting any potential revenue
6 disparity between a retail food store and other
7 types of retail that are willing and able to pay
8 higher rents. And easing parking requirements is
9 also helpful as it reduces the space required and
10 permits more space to be devoted to revenue-
11 generating activity.

12 We view these amendments as a good
13 first step and we do hope that they are adopted.
14 Although driven by the compelling correlation
15 between access to healthy food and improved health
16 outcomes, support for neighborhood supermarkets is
17 also support for jobs, expansion of the tax base,
18 access to food assistance programs, increased
19 traffic for adjacent businesses, participation in
20 neighborhood events and causes and a stable
21 community anchor. If they're adopted, our group
22 will work with the City Council as we have in the
23 past with the Mayor's office and City planners and
24 others to encourage our members to take advantage
25 of these incentives.

2 And we thank you for your
3 leadership and for your attention to this
4 important initiative. Thank you.

5 COUNCIL MEMBER JACKSON: Thank you.
6 Next?

7 PATRICIA BRODHAGEN: If you all
8 just want to--

9 COUNCIL MEMBER JACKSON: Anyone
10 speaking?

11 PATRICIA BRODHAGEN: --introduce
12 yourselves and then they are available to answer
13 your questions, they might want to [off mic]

14 JACK ZUMBAS: I'm Jack Zumbas,
15 Senior Vice President, White Rose Foods. I also
16 served on the Supermarket Commission, and I am the
17 Board of Directors of FIA. My only comment, very
18 simply, is that this is a first step and the
19 supermarket industry is just asking for one basic
20 thing through this amendment, that is that they
21 have the same right as pet stores and sports
22 stores to open up a facility between 10,000 and
23 30,000 square feet without going through some
24 special handling. Thank you.

25 COUNCIL MEMBER JACKSON: Anyone

2 else?

3 PAT GILLESPIE: Good afternoon, my
4 name is Pat Gillespie, I'm Senior Manager of Real
5 Estate for the Great Atlantic and Pacific Tea
6 Company, which operates supermarkets--

7 COUNCIL MEMBER JACKSON:
8 [Interposing] It's commonly known as what A&P or
9 what?

10 PAT GILLESPIE: Yes, operates
11 supermarkets under multiple banners--A&P,
12 Pathmark, Walbaum's, Food Emporium, Food Basics,
13 Super Fresh, and Super Foodmart. I'm here in
14 support to represent A&P's support of the FRESH
15 initiative and be happy to answer any questions.

16 COUNCIL MEMBER JACKSON: Thank you.
17 Just identify yourself for the record--

18 [Crosstalk]

19 JERRY CESARO: Yes, my name is
20 Jerry Cesaro, I'm Vice President for Key Food Co-
21 ops, I'm part of the FIA Board, I'm also part of
22 the Commission, and I'm here to support the FRESH
23 program and also here to answer any questions that
24 you would like answered over these issues.

25 COUNCIL MEMBER JACKSON: Well let

2 me thank you all for coming and representing your
3 industry. Clearly, if all of you agree with the
4 statements that was read in the record by the
5 representative that you have here and also you're
6 board members yourself of FIA. So we thank you
7 for coming in and obviously you've listened to
8 some of the testimony, those that were in favor of
9 it, those that presented by the Administration,
10 and there was one panel that was in opposition, so
11 you had the opportunity to hear what those that
12 oppose the text amendment had to say also. So
13 hopefully we'll come up with a workable plan.
14 Thank you for coming in.

15 JERRY CESARO: Thank you.

16 COUNCIL MEMBER JACKSON: Okay.
17 Next panel? You know their names better than me.

18 CHRISTIAN HYLTON: Next panel,
19 Azalea Kim, Moraninki Dogbo [phonetic], and Paul
20 Sun.

21 [Pause]

22 COUNCIL MEMBER JACKSON: Is Paul
23 here?

24 FEMALE VOICE: He had to leave--

25 [Off mic]

2 COUNCIL MEMBER JACKSON: Okay, this
3 is his testimony? Okay. Thank you. [Off mic]

4 CHRISTIAN HYLTON: Joyce Tajadeen
5 [phonetic].

6 [Pause]

7 COUNCIL MEMBER JACKSON: Okay. You
8 may begin your testimony, identify yourself, your
9 position, and you may begin your testimony. I'm
10 going to ask you, if at all possible, not to read
11 your testimony if you've submitted it, but just
12 summarize it, especially if many of what you have
13 to say has been said already. Thank you.

14 AZALEA KIM: Hello, my name's
15 Azalea Kim and I'm here on behalf of the East
16 Harlem Community Health Committee--

17 COUNCIL MEMBER JACKSON: Okay, push
18 the mic a little further down so we can catch--
19 there you go.

20 AZALEA KIM: --to provide the
21 following testimony about the FRESH proposal. I'm
22 also a medical student learning and working in
23 East Harlem.

24 First, let me share briefly about
25 the East Harlem Community Health Committee. We

2 are a 35-year-old membership organization
3 comprised of health care providers and consumer
4 representatives in East Harlem. Our purpose is to
5 provide a platform for providers and consumers to
6 share information on health trends, issues, and
7 programs and to advocate for access to convenient
8 and quality health care for the residents of our
9 community.

10 We commend the efforts of the City
11 Planning Commission to prioritize access to
12 healthy foods for the people of East Harlem who
13 have [off mic] suffered a disproportionate burden
14 of morbidity and poor health outcomes, including
15 obesity and diabetes. We feel that the FRESH
16 proposal has the potential to achieve its stated
17 goal to improve New Yorkers quality of life and
18 health. Generally, we support the recommendations
19 of the Harlem Food and Fitness Consortium and the
20 United Food and Commercial Workers, as endorsed by
21 Community Board 11, but with the following
22 provisions.

23 Making sure that food is
24 affordable, including cultural food items. The
25 proposals should clearly delineate a mechanism to

2 guarantee that the food provided by FRESH stores
3 is affordable to residents of East Harlem.

4 Furthermore cultural food items should not only be
5 available, but should be sold at a price
6 competitive with other sellers of cultural foods
7 in upper Manhattan.

8 Don't forget about the existing
9 stores. The proposal should provide more support
10 incentives for the improvement of existing stores.
11 In addition to the issue of crowding out our
12 current retailers, it also has a negative impact
13 on our community, including rising unemployment
14 and vacated retail space.

15 Requiring community engagement.
16 The developers of FRESH food stores should ensure
17 that all communications, including signage include
18 the languages of our community. Stores should
19 also be required to engage the local community
20 programs dedicated to healthy eating and living,
21 including school-based programs. Communication of
22 the community is critical to achieving the mission
23 of the proposal.

24 Creating careers not just jobs. We
25 feel that the key to success in spurring economic

2 development requires not only hiring locally, but
3 hiring with the intent to encourage building of
4 careers. Employers should provide benefits,
5 development opportunities, and resources.

6 One more thing, ensuring that the
7 housing remains affordable. The proposal is
8 intent to spur economic development and private
9 sector investment in our community, but it will
10 have the unintended effect of making housing for
11 our current community members unaffordable. We'd
12 like to see additional provisions made to ensure
13 fair, affordable housing, which is really integral
14 to good health care for our residents of East
15 Harlem. Thank you very much.

16 COUNCIL MEMBER JACKSON: Thank you.
17 Next, please. Just identify yourself and your
18 position and who you're with, and you may begin
19 your testimony.

20 Press the button and bring the mic
21 down closer to your mouth. There you go.

22 MORNING DAGBO: Good morning
23 Committee Council Members.

24 COUNCIL MEMBER JACKSON: Good
25 afternoon.

2 MORNING DAGBO: Good afternoon. I
3 thank you very much for having me here today and
4 giving me this wonderful opportunity to speak on
5 behalf of UFCW Local 1500 members. My name is
6 Morning Dagbo [phonetic] and I am a Local 1500
7 member and employee of Pathmark.

8 I would like to speak to you today
9 about the food retail expansion to support health
10 proposal. I feel that any company receiving
11 public subsidies should not put their employees at
12 an economic disadvantage, but they should work
13 towards increasing their employees betterment.
14 Therefore, public subsidies to go to employers
15 that will promote a better well-being for their
16 employees. These employers should be required to
17 provide a large spectrum of essential benefits,
18 ranging from stability to better nutrition, which
19 in turn will create a better livelihood for them
20 and their families.

21 So how will they do this? Well
22 they would provide healthier food choices for
23 families in urban communities that do not have
24 adequate access to fresh food. In addition, they
25 would provide job opportunities that might not

2 have been available in the past. In today's
3 struggling economy, companies should be able to
4 improve the lives of the communities in which they
5 thrive. Thank you very much.

6 COUNCIL MEMBER JACKSON: Well thank
7 you. Next, please identify yourself and you may
8 begin your testimony.

9 JULIUS TAJADEEN: Julius Tajadeen,
10 I'm a Harlem resident. I'm not opposed to FRESH
11 food or any incentive to bring fresh food to a
12 community that lacks such food. The problem I
13 have with this particular zoning text amendment is
14 that it includes the 125th Street Special
15 District, that should be removed.

16 And why do I object to that? I
17 object to it because it allows approximately two
18 to four bonus floors as an incentive to build
19 markets providing such foods on top of an already
20 contentious rezoning that claimed it was being
21 done in part to protect the community from
22 developers who wanted to build in that area with
23 no height restrictions. The core of the
24 subdistrict was recently rezoned to allow 195 feet
25 on the north side of the street and 160 feet on

2 the south side of the street. This rezoning was
3 done against the advice of CB 10, where the
4 highest density is, and against the will of the
5 majority of the CB 10 community, as well as the
6 greater Harlem community.

7 Moreover, the rezoning increased
8 the residency in the special district by 750%.
9 With that type of residency, which more than
10 likely will consist mainly of white, wealthy
11 residents, so we're not talking about these
12 markets really serving the present community, what
13 makes anyone think that an amenity such as a FRESH
14 food market won't be in abundance in that area?

15 City Council also enacted a law
16 that allows an additional 1,000 fresh produce cart
17 permits to serve such deprived neighborhoods of
18 fresh fruits and vegetables, and plan to issue
19 1,000 more. Central Harlem now has plenty of
20 these green carts despite the flaws in that
21 legislation, and this has caused other markets and
22 bodegas to step up their game.

23 No Council Member, and for the
24 record, after the previous zoning text amendment,
25 the inclusionary housing bonus one, where the

2 bonus floor incentive allows for four additional
3 stories, which also included the 125th Street
4 Special District and was done after the 125th
5 Street rezoning mind you, I'm inclined to believe
6 that the addendums to these zoning text
7 amendments, and by addendums being the inclusion
8 of the 125th Street Special District is part of a
9 plan to have the core of the subdistrict of the
10 125th Street Special District to be as close to
11 the original zoning plan of such district as
12 possible. That is, 295 feet on the north side of
13 the street and 220 feet on the south side of the
14 street. For the record, CB 10 voted this
15 application down as it pertains to the 125th
16 Street Special District.

17 And that's my position as it
18 pertains to the 125th Street Special District,
19 that should be removed from this application.

20 COUNCIL MEMBER JACKSON: Well let
21 me thank you all for coming in. Julius, I'm going
22 to ask you, if you don't mind, when you get back,
23 can you submit that even though it's on the
24 record, as you know--

25 JULIUS TAJADEEN: I'll put it in

2 writing.

3 COUNCIL MEMBER JACKSON: --it takes
4 a little time for us to get the transcript, you
5 should submit that to the Zoning Committee for
6 consideration.

7 JULIUS TAJADEEN: I'll do it ASAP.

8 COUNCIL MEMBER JACKSON: Okay.
9 Well thank you all for coming and representing
10 yourselves and your organizations in which you are
11 either employed or representing. Thank you.

12 JULIUS TAJADEEN: Thank you.

13 [Pause]

14 CHRISTIAN HYLTON: Stephanie
15 Maraisy.

16 COUNCIL MEMBER JACKSON: Stephanie,
17 are you here? Next, okay, go ahead.

18 CHRISTIAN HYLTON: Amy Anderson.

19 COUNCIL MEMBER JACKSON: Amy, okay.

20 CHRISTIAN HYLTON: Maietta Moon
21 [phonetic].

22 COUNCIL MEMBER JACKSON: Maietta,
23 are you here? Okay, next.

24 CHRISTIAN HYLTON: Karen Guinness.

25 COUNCIL MEMBER JACKSON: Karen.

2 Okay, not here.

3 CHRISTIAN HYLTON: Brian Lang.

4 COUNCIL MEMBER JACKSON: Brian
5 here? Okay, Brian, come up please.

6 CHRISTIAN HYLTON: Anna Garcia or
7 [off mic]

8 COUNCIL MEMBER JACKSON: Anna, are
9 you here?

10 ANNA GARCIA: Yes.

11 COUNCIL MEMBER JACKSON: Come on
12 up, that's four. Okay, [off mic] one more, one
13 more.

14 CHRISTIAN HYLTON: Paula Crespo.

15 COUNCIL MEMBER JACKSON: Is Paula
16 here? Come on, Paula. Thank you. Okay. Going
17 to ask you, if what you're testifying to, if you
18 can summarize rather than read we'd appreciate
19 that, especially if everything has been said.
20 Obviously, if you have something new, we want to
21 hear from you. So the first person I called or
22 that Christian called, you may identify yourself
23 and your organization and you may begin your
24 testimony. And just speak loud and clear in the
25 mic, so everyone can hear you.

2 STEPHANIE MARAISY: Good afternoon,
3 my name is Stephanie Maraisy, and I'm a fellow at
4 Citizens Housing and Planning Council. Thank you
5 for the opportunity to testify.

6 We actually previously submitted
7 comments to DCP on this matter and we're very
8 happy that they responded by eliminating the
9 minimum required ceiling height of 8 feet 6
10 inches, which would have added six inches to the
11 eight foot minimum under the Building Code and
12 would have detracted from the additional 15 feet
13 provided by the zoning incentive.

14 We applaud DCP's efforts to
15 incentivize the creation of these markets, but we
16 don't think that the incentives go far enough. To
17 ensure that the program is actually used, we
18 recommend the following modifications: one, allow
19 an extra 15 feet for the maximum base height, in
20 addition to the 15 feet for the maximum building
21 height. Floors that are above the setback usually
22 have inefficient layouts and are costlier to build
23 than floors along the street wall.

24 Two, allow modifications to the
25 maximum building or base height as-of-right or, at

1
2 the very least, by certification. The extra time
3 and cost of the authorization process at the
4 inception of the project would discourage
5 developers from participating in the FRESH
6 program.

7 Three, allow an owner to, as-of-
8 right, change the use to a compliant use if there
9 is no noncompliance. The amendment must allow for
10 the natural fluctuation of uses over time by
11 making it easier to convert the site to another
12 use.

13 And four, include a sunset
14 provision with an option to extend in the text
15 amendment.

16 Finally, we do think it's important
17 to consider that the zoning resolution may not be
18 the appropriate tool to address social problems
19 such as this. By doing so, DCP runs the risk of
20 making the zoning resolution more confusing for
21 the public and too burdensome to enforce.

22 We hope you consider our opinion as
23 you review this amendment. Thank you.

24 COUNCIL MEMBER JACKSON: Thank you.

25 Okay, next.

2 AMY ANDERSON: Hi, my name is Amy
3 Anderson, and I am a Project Manager for
4 Sustainable Initiatives at the New York Industrial
5 Retention Network. NYIRN is a citywide
6 organization that supports the manufacturing
7 sector with a goal of retaining and creating blue-
8 collar jobs while supporting sustainable
9 development.

10 NYIRN is in favor of the FRESH
11 initiative and supports the City on this.
12 However, we are concerned with the siting stores
13 within the manufacturing zones. And just a couple
14 of points concerning this.

15 By encouraging the supermarket
16 development in the M zones through the
17 department's as-of-right approach creates a
18 conflicting policy for a few reasons. For
19 instance, creating even more competition for
20 manufacturing space that is already seeing a
21 shortage in decrease opportunities to grow the
22 green collar jobs.

23 It destabilizes industrial areas by
24 establishing new retail clusters anchored by new
25 supermarkets. It undermines existing neighborhood

2 shopping areas by drawing away consumers. And,
3 finally, wastes scarce public resources by
4 subsidizing conflicting uses in manufacturing
5 areas.

6 While we appreciate the imperative
7 in planning to balance competing public needs and
8 policies, we do support the existing special
9 permit process for siting supermarkets in M zones.
10 The review process not only creates an opportunity
11 to assess the specific impacts, including
12 displacement, diversion from existing commercial
13 areas, traffic, etc., but by being site-specific,
14 it avoids sending a message that manufacturing
15 zones remain open to speculation and alternative
16 uses.

17 So we urge the City Council to
18 modify the current proposal by removing the M
19 zones as an as-of-right location and incorporating
20 community and good job standards as well. Thank
21 you.

22 COUNCIL MEMBER JACKSON: Thank you.

23 Next, please.

24 BRIAN LANG: Good afternoon,
25 Members of City Council. My name is Brian Lang,

2 I'm an Associate Director at the Food Trust where
3 my organization works to ensure that people have
4 access to affordable and nutritious--

5 COUNCIL MEMBER JACKSON:

6 [Interposing] I'm sorry, Brian, you're finished
7 your time is up

8 BRIAN LANG: That may be the
9 fastest two minutes I've ever gone through and I'd
10 like to see that sort of frame of time pass that
11 quickly in other moments of my life.

12 COUNCIL MEMBER JACKSON: I hear
13 you. Go ahead, I'm sorry.

14 BRIAN LANG: Quite all right, sir.
15 As I was saying, my organization, the Food Trust
16 works across the country with folks in community
17 groups, nonprofits, and policy makers to help
18 advocate for and develop tools that governments
19 can use to encourage healthy food retailing. With
20 a generous grant from City Council, as well as
21 from the Friedman Foundation, we wrote a report on
22 the need for more supermarkets in New York, which
23 I've distributed to you today, and we helped to
24 staff the New York Supermarket Commission that was
25 tasked with developing a set of policy

2 recommendations that would encourage supermarket
3 investment in New York City. I've also submitted
4 our recommendations here and you can see at the
5 front of the report a list of everyone that
6 participated in the New York Supermarket
7 Commission, so I won't call out everybody by name.

8 To your request that I sort of
9 summarize my testimony, I think people have said a
10 lot today about the connection between
11 supermarkets and health. I think it's important
12 that kids grow up in communities where they have
13 access to affordable nutritious food if they're
14 going to grow up healthy and strong.

15 Secondly, I think we've heard quite
16 a lot about the need for more supermarkets in New
17 York, compared to national per capita averages New
18 York has too few supermarkets, and a number of
19 folks have mentioned that New York has lost
20 hundreds of supermarkets over the past 5 or 10
21 years.

22 I just want to speak a little bit
23 about the work of the Commission and our
24 recommendations. We started out by researching
25 the barriers to supermarket investment here in New

2 York, we found a confluence of high rents, a
3 scarcity of suitable parcels of land, the need for
4 adequate business financing, and a complex
5 regulatory environment as the issues that were
6 driving the problem. And two of the
7 recommendations, and several more really, that we
8 sort of put forth are explicit in the FRESH
9 proposal: making existing economic development
10 programs available to the industry and creating
11 bonuses in the zoning code to encourage
12 supermarket investment and I applaud that effort.

13 Furthermore, I just want to say
14 with my final few seconds that these efforts
15 should best be understood in a national context.
16 Governments like Washington, DC, Illinois,
17 Louisiana, and Pennsylvania have all taken steps
18 to encourage supermarkets to invest in communities
19 where it's hard to find a bag of apples and this
20 work I think really will ensure that kids have a
21 chance to grow up healthy. Thank you very much
22 for your time.

23 COUNCIL MEMBER JACKSON: Thank you.
24 Next, please. Do you mind allowing the other
25 representatives to get to the table, if you don't

2 mind? Thank you very much.

3 PAULA CRESPO: Good afternoon. I'm
4 Paula Crespo, I'm a Planner at the Pratt Center
5 for Community Development. We've been around for
6 over 45 years advocating for the needs of low and
7 moderate income communities. And we're here today
8 because, in general, we strongly support the FRESH
9 program, we support its goals of increasing access
10 to higher quality, affordable foods and creating
11 the potential for it to create good jobs in
12 underserved and underinvested neighborhoods.

13 I just want to state that we have
14 two major objections with the proposal as it
15 stands today. The first one is the fact that
16 supermarkets will be allowed to be created as-of-
17 right in M zones, and our second major issue is
18 the fact that the proposal lacks job quality
19 standards.

20 So I'm going to run through the
21 reasons that we have about disagreeing with the
22 fact that M zones are included in the provision,
23 and they're similar to the reasons that Ms.
24 Anderson, to my right, gave, but I'm going to go
25 through them quickly. The first one regards

1 displacement. The City has rezoned over 20
2 million square feet of industrial space during the
3 Bloomberg Administration, so there's almost no
4 vacant available industrial space these days. So
5 adding supermarkets to industrial areas will
6 inevitably lead to the direct displacement of
7 manufacturing firms.
8

9 The second is we're concerned about
10 land speculation in new retail clusters. Even
11 though the proposal narrowly defines what a FRESH
12 supermarket is, the big picture message is that
13 more retail uses are going to be encouraged in M
14 zones and we're concerned that this is going to
15 fuel real estate speculation.

16 We're also concerned that
17 underserved households don't even live close to M
18 zones and they tend not to own cars. So they'll
19 have to take a car service to a new supermarket in
20 an M zone, and this is only going to undermine the
21 Mayor's sustainability goals.

22 It's also an overly broad proposal.
23 DCP states that it only expects to build about 10
24 to 15 new supermarkets due to this proposal in the
25 next five or so years, and this includes stores in

2 newly constructed buildings in residential areas
3 and on city-owned land, so we're concerned that--
4 so very few stores may ultimately be developed in
5 M zones, but the fact that they're included in the
6 proposal means that these areas might be
7 destabilized by speculation.

8 And then finally, and a lot of
9 other organizations spoke to this, is our concern
10 about the lack of job standards in the provision.

11 So in summary, I encourage the
12 Council, I strongly encourage the Council to
13 remove the manufacturing zones from the provision
14 and to include job quality standards. Thank you.

15 COUNCIL MEMBER JACKSON: Thank you.
16 And we've been joined by colleague Letitia James
17 from Brooklyn.

18 COUNCIL MEMBER JAMES: Where
19 there's too many food--

20 [Pause]

21 COUNCIL MEMBER JACKSON: Okay.
22 Good. Next, please.

23 ANNA GARCIA: Hello, I'm Anna
24 Garcia with the New York Academy of Medicine. The
25 Academy of Medicine supports the FRESH program,

2 but we do have one concern. We encourage you to
3 ensure implementation of the program will result
4 in a net increase in the availability of healthy
5 food retailers at the neighborhood level. We need
6 to be careful to add to the existing array of
7 shopping options and avoid driving out smaller
8 stores. Neighborhoods can best serve their
9 residents, particularly their older residents, if
10 they offer a variety of easy to reach food
11 shopping options. During the 45-day review period
12 recently added to the FRESH program design,
13 Community Boards should complete a brief impact
14 study to confirm that the new supermarket will
15 result in a net gain in food options for
16 residents. We're particularly concerned just with
17 the availability of bodegas and corner stores.

18 The chronic disease rates affecting
19 our low income communities are dire, but NYAM is
20 encouraged by City Council's interest in promoting
21 access to healthy foods. The FRESH program is an
22 appropriate complement to the recent green market
23 and green cart initiatives. We hope it will be
24 supported with additional healthy zoning efforts,
25 like complete streets and health impact

2 assessments for our most disadvantaged
3 neighborhoods. Thank you.

4 COUNCIL MEMBER JACKSON: Well let
5 me thank you all for coming and representing
6 yourselves and your organizations and your
7 comments will be considered. Thank you very much,
8 thank you. Next panel, please.

9 CHRISTIAN HYLTON: Walter Houston.

10 COUNCIL MEMBER JACKSON: Walter,
11 are you here? Okay, go ahead.

12 CHRISTIAN HYLTON: Robin Vitale.

13 COUNCIL MEMBER JACKSON: Robin,
14 please come down.

15 CHRISTIAN HYLTON: Kristen
16 Mancinelli.

17 COUNCIL MEMBER JACKSON: Christian,
18 are you here? Okay, come on.

19 CHRISTIAN HYLTON: Riata Stompas
20 [phonetic], I think she left. Liz Gilbert.

21 COUNCIL MEMBER JACKSON: Liz
22 Gilbert, are you here? Go ahead, next, please.

23 CHRISTIAN HYLTON: Danielle
24 Marchione.

25 COUNCIL MEMBER JACKSON: Danielle,

2 are you here? That's you, Danielle? Okay [off
3 mic] Anyone else?

4 CHRISTIAN HYLTON: Gina Lovasi.

5 COUNCIL MEMBER JACKSON: Is Gina
6 here?

7 FEMALE VOICE: Yes.

8 COUNCIL MEMBER JACKSON: Gina,
9 you're coming down? Okay. And you have one more?

10 CHRISTIAN HYLTON: There would be
11 one more.

12 COUNCIL MEMBER JACKSON: Go ahead.

13 CHRISTIAN HYLTON: Jenny He
14 [phonetic].

15 COUNCIL MEMBER JACKSON: Is Jenny
16 here? Is there anyone else in the audience that
17 wishes to testify today? That has not been
18 called. Okay, then this is the last panel.

19 So the individual that was called
20 first, please identify yourself and your position
21 and you may begin your testimony. And I'm going
22 to ask all of you that, if you have written
23 testimony, please try not to read it, you can
24 summarize it, we'd appreciate it very much, okay?
25 Okay.

2 WALTER HOUSTON: My name is Walter
3 Houston, and I am the Chief Executive Officer of
4 the Local Development Corporation of the West
5 Bronx. And I support FRESH 100%, but I also
6 represent communities, and these communities, like
7 Highbridge or Mott Haven or Morrisania, or
8 Melrose, are like other communities throughout the
9 city that FRESH has identified, like Harlem,
10 Washington Heights, East New York, Canarsie, South
11 Jamaica, or the Rockaways.

12 COUNCIL MEMBER JACKSON: Thank you.

13 WALTER HOUSTON: All of these
14 communities are of color, all of these communities
15 have astronomical health problems, all of these
16 communities have great poverty rates, all of these
17 communities have great unemployment rates. The
18 whole idea behind FRESH is to help these
19 communities be more healthy, be more productive,
20 have a better quality of life. And anything that
21 government or the private sector can do to enhance
22 this quality of life that we have been trying to
23 have for so long is greatly appreciated. So the
24 Local Development Corporation of the West Bronx
25 and all the neighborhoods that it represents,

2 especially in the southern portion of the Bronx,
3 which happens to be the poorest, highest jobless,
4 sickest borough in the city, supports FRESH. So
5 thank you very much for [off mic] me saying that.

6 COUNCIL MEMBER JACKSON: Well thank
7 you for coming and representing your Local
8 Development Corp.

9 Next, please. Robin, I believe
10 Robin was called next, it doesn't matter, but just
11 identify yourself, your position, and you may
12 begin your testimony.

13 ROBIN VITALE: Hi, thank you.
14 Robin Vitale, Senior Director of Advocacy for the
15 American Heart Association, and American Stroke
16 Association. I'll be brief since you have my
17 written testimony, but the AHA is the largest
18 voluntary health organization in our nation,
19 dedicating to building lives free of
20 cardiovascular disease and stroke.

21 We are here today to speak out on
22 the FRESH initiative as a public health proposal.
23 Clearly, there's a lively dialogue on this
24 initiative that will continue beyond today and,
25 obviously, it's been a great education to listen

2 to the various concerns.

3 From our perspective, this is an
4 obesity prevention initiative. One of the
5 components I do want to emphasize, we heard a lot
6 about diabetes earlier today, when you're speaking
7 of diabetes, you're speaking of heart disease and
8 stroke; when you're speaking of obesity, you're
9 speaking of heart disease and stroke, they are
10 completely intertwined with our mission.

11 Another statistic that I wanted to
12 make sure is reference is, not only do we already
13 have a very concerning rate of obesity in the
14 city, but we are unfortunately getting fatter at a
15 faster rate than the rest of the country. In a
16 two-year study, the City escalated at identifying
17 new obese patients at 17%, compared to only 6%
18 nationally--that's a very alarming statistic and
19 obviously something that we consider a call to
20 arms here in New York City.

21 Again, I do not want to reiterate
22 all of my testimony, I encourage you to look at
23 the science that we presented as a way to confirm
24 why we're here at the table and why we do strongly
25 support the FRESH proposal. But in closing, the

2 AHA will strongly support any appropriate
3 incentive that can be provided to retailers to
4 encourage access to healthier food options in New
5 York City. So thanks very much for your time.

6 COUNCIL MEMBER JACKSON: Well thank
7 you. Next, please.

8 KRISTEN MANCINELLI: Good
9 afternoon, my name is Kristen Mancinelli, and I am
10 Manager of Policy and Government Relations for
11 City Harvest, I'm also a registered dietitian and,
12 on behalf of City Harvest and the hungry New
13 Yorkers we serve, we thank you for convening the
14 hearing, and we do support the FRESH proposal.

15 COUNCIL MEMBER JACKSON: Push your
16 mic down a little bit more, push your mic down a
17 little bit more.

18 KRISTEN MANCINELLI: Yeah. I just
19 wanted to bring up two points that have been
20 mentioned earlier today. One, we'd like to urge
21 the Subcommittee to require FRESH stores to accept
22 EBT and WIC. Under the current proposal,
23 applicants must state their intention to apply to
24 participate as vendors and City Harvest would like
25 to see the requirement made more stringent than

2 stating an intention.

3 As more and more people are forced
4 to rely on these benefits, food stores need to be
5 able to redeem them quickly, so requiring FRESH
6 stores to be functional EBT WIC vendors within 30
7 days of opening would be a stronger step towards
8 ensuring residents have access to the food in
9 these stores.

10 And we want to also mention that we
11 support the modification of the zoning proposal to
12 provide a 45-day referral period to the affected
13 Community Board when a developer applies for FRESH
14 incentives.

15 And other than that, we are in
16 support, and we thank you.

17 COUNCIL MEMBER JACKSON: Well thank
18 you. Next, please.

19 DANIELLE MARCHIONE: Good
20 afternoon, my name is Danielle Marchione, I'm the
21 Director of Communications and Government
22 Relations at Citizens Committee for Children, we
23 are a 66-year-old child advocacy organization.
24 Thank you for this opportunity to testify.

25 We would like to express our

2 support for FRESH. As you know, escalating rates
3 of obesity and diabetes plague New York City
4 children. We believe that healthy eating is
5 neither solely a matter of personal responsibility
6 nor a matter of personal taste, it is also a
7 matter of making healthy and affordable food
8 accessible and available in all New York City
9 communities. Providing incentives to bring new
10 supermarkets and improve existing food retail
11 stores in high-need communities will provide
12 healthier options and bring jobs to these
13 communities.

14 We are pleased that suggestions
15 provided during the City Planning Commission
16 process have been incorporated, such as the 45-day
17 referral period to allow affected Community Boards
18 to review and give feedback, and the new reporting
19 mechanism that ensures that stores remain in
20 designated areas. We also support the City's
21 commitment to designate appropriate city-owned
22 land for supermarket development and that FRESH
23 stores state their intention to apply and
24 participate as vendors in the WIC and food stamp
25 program.

2 We urge you to support this vital
3 piece of legislation to create a healthier New
4 York. Thank you.

5 COUNCIL MEMBER JACKSON: Well thank
6 you. Next, please.

7 Is there anyone else that wishes to
8 testify this afternoon?

9 GINA LOVASI: Hi, I'm still--

10 COUNCIL MEMBER JACKSON: Okay,
11 then, Gina, you're last--

12 GINA LOVASI: Yes.

13 COUNCIL MEMBER JACKSON: --but not
14 least.

15 GINA LOVASI: Thank you very much.

16 COUNCIL MEMBER JACKSON: You're
17 welcome.

18 GINA LOVASI: My name is Gina
19 Lovasi and I am an Assistant Professor of
20 Epidemiology at Columbia University's Mailman
21 School of Public Health. I am testif--

22 [Off mic]

23 GINA LOVASI: Oh, yes, thank you.

24 I am testifying today on behalf of Andrew Rundle,
25 who couldn't be here, he is an associate professor

2 in the same department. And I've submitted for
3 the record a paper recently published in
4 Environmental Health Perspectives that Andrew
5 Rundle and I co-authored, and I'll just summarize
6 briefly our findings, since I realize that I am
7 the last person, so thanks for bearing with me.

8 We looked at two populations: one
9 of 13,102 adults across New York City, and a
10 second population of approximately 200,000
11 pregnant women across New York City, and in each
12 of these populations obesity rates were assessed
13 and the surrounding neighborhood
14 environment was characterized in terms of access
15 to healthy foods and access to unhealthy foods.
16 We classified the food sources and the environment
17 as healthy if they were based on the literature
18 expected to decrease BMI by providing fresh fruits
19 and vegetables. So large supermarkets were
20 classified as healthy, as were fruit and vegetable
21 markets and fruit and vegetable stands; classified
22 as unhealthy were fast food locations and
23 convenience stores, among others.

24 So what we found in each of these
25 studies was that the density of healthy food

1 sources near the home was associated with lower
2 rates of obesity and lower Body Mass Index, we
3 didn't find a parallel association with unhealthy
4 food access. But it appeared from our studies
5 that healthy food was less prevalent across the
6 city, approximately 84% of our--82%, pardon me--of
7 our subjects had access to healthy foods, while
8 99% had access to unhealthy foods in their
9 immediate neighborhood. What we found was that
10 the healthy foods seemed to have the impact on
11 obesity.
12

13 Thank you.

14 COUNCIL MEMBER JACKSON: Let me
15 thank you all for staying the course of this
16 hearing and hearing what everyone had to say. And
17 I don't know if you sat through the entire hearing
18 process, almost everyone spoke in favor of this
19 text amendment, there was one panel that spoke in
20 opposition and they gave their specific reasons,
21 and the staff and representatives from the City of
22 New York that are involved, we're going to take
23 everything under consideration as we move forward.
24 So thank you very much for coming in. So this is
25 it?

2 [Pause]

3 [Off mic]

4 COUNCIL MEMBER JACKSON: Okay.

5 This--

6 MALE VOICE: This hearing is--

7 [Crosstalk]

8 COUNCIL MEMBER JACKSON: --hearing
9 of October 26, 2009 of the Zoning and Franchise
10 Committee is hereby adjourned.

C E R T I F I C A T E

I, Tammy Wittman, 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 Tammy Wittman

Date November 4, 2009