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SUBCOMMITTEE ON ZONING AND FRANCHISES

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

SUBCOMMITTEE ON ZONING AND FRANCHISES

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February 12, 2020
Start: 10:17 a.m.
Recess: 1:20 p.m.

HELD AT: Council Chambers - City Hall

B E F O R E: Francisco P. Moya,
Chairperson

COUNCIL MEMBERS:
Barry S. Grodenchik
Rory I Lancman
Stephen T. Levin
Antonio Reynoso
Donovan J. Richards
Carlina Rivera

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SUBCOMMITTEE ON ZONING AND FRANCHISES

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A P P E A R A N C E S

Pete Jensen[SP?]
Michael Kelly Inc.

Eric Platnick
Representing Rybak Development

Richard Lobel
Law Firm of Sheldon Lobel PC

Ellie Parente[SP?]
Applicant

Ethel Tyus
Chair of Brooklyn Community Board 8

Cassie Coreo[SP?]
Representative of 32BJ

Jacqueline Scarenchie
Akerman LLP

Nigema[SP?] Rivera
Director of Property Management for HANAC INC

Reverend Gilbert Pickett
Support of 6411 Queens Boulevard

Mark Anthony Espinosa
Cleaner

Elizabeth Bennett
Attorney at Fox Rothschild

Fredericus Siegal[SP?]
Co-Chair of CB2 Land Use Committee

Zach Weinstein
Co-Chair of Save Gansevoort

Ethan Goodman
Fox Rothschild

Nellie Bailey
Founder of the Harlem Tenants Council

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SUBCOMMITTEE ON ZONING AND FRANCHISES

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A P P E A R A N C E S (CONT.)

Jensy Acosta
Community Life Director at the Gathering Harlem

Anthony Harris
Resident

Veronica Glasgo[SP?]
Resident

Emmett Causey
Vice President of Greater Harlem Housing
Development

Cleston Lord
On behalf of the Great Harlem Chamber of Commerce

Jim Fairbanks
Served as Chief of Staff to Council Member
Reverend Wendell Foster and Helen Diane Foster

Alex Fennell
Network Director of Churches United for Fair
Housing

Julius Tagendin[SP?]

Valerie Bradley
President of Save Harlem Now

Michael Adams

Gene Covington
Resident of Lenox Terrace

Cora Pursavell[SP?]
Tenant at Lenox Terrace

Cordell Clear
District Leader in Harlem

Lenn Shebar
President of the Lenox Terrace Association of
Concerned Tenants

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SUBCOMMITTEE ON ZONING AND FRANCHISES

A P P E A R A N C E S (CONT.)

Savanna Washington
Vice President of the Lenox Terrace Association
of Concerned Tenants

Reverend Dedrick Blue
Representative of the New York Interfaith
Commission for Housing Equality

JoAnn Scott
Reading for Paula McCray

Rodney Beckford
Director of Kennedy Center, the Catholic
Charities Community Services

Beatriz Diaz Taveras
Executive Director of Catholic Charities
Community Service

Coloma Cardwell[SP?]

Gary Sales
Resident of Lenox Terrace

2 CHAIRPERSON MOYA: [GAVEL] Good morning and
3 welcome to the meeting of the Subcommittee on Zoning
4 and Franchises. I'm Council Member Francisco Moya,
5 the Chairperson of the Subcommittee and today we are
6 joined by Council Members Grodenchik and Chin and
7 also Council Member Perkins is here.

8 If you are here to testify, please fill out a
9 speaker slip with the Sergeant at Arms indicating
10 your full name, the Application name or LU number and
11 whether you are in favor or against the proposal. We
12 will now begin this meeting with our hearings.

13 We will now hear LU 625, an Application by Cieli
14 Partners, L.P., Trattoria Dell 'Arte for a new
15 revocable consent for an unenclosed sidewalk café
16 located at 900 7th Avenue in Manhattan, in Council
17 Member Power's district. I now open the public
18 hearing on this application and I will now call the
19 first panel. Peter Jensen, thank you.

20 Council, if you can please swear in the panel.

21 COUNCIL CLERK: Please raise your right hand.
22 State your name for the record.

23 PETER JANISON: Peter Jensen.

24 COUNCIL CLERK: Do you swear or affirm that the
25 testimony that you are about to give will be the

1 truth, the whole truth and nothing but the truth and
2 that you will answer all questions truthfully?

3 PETER JENSEN: Yes.

4 COUNCIL CLERK: Just be sure the red light is on.

5 PETER JENSEN: Sure, thank you.

6 COUNCIL CLERK: Thank you.

7 PETER JENSEN: Okay, good morning. My name is
8 Pete Jensen and I'm with Michael Kelly Inc. I would
9 like to first disclose that I am a former City
10 Council employee for over 30 years in the Land Use
11 division. I'm here today representing Cieli
12 Partners, LLP, doing business as Trattoria Dell 'Arte
13 to renew a small unenclosed sidewalk café with seven
14 tables and 28 seats at 900 7th Avenue in Manhattan in
15 Council Member Power's district. Please let me read
16 into the record an agreement order that became with
17 Council Member Powers.

18 Dear honorable Chairperson Salamanca, Council
19 Members Power and Members of the Council. Please
20 accept this letter as confirmation as our agreement
21 with Council Member Powers.

22 We agree to the following: All planters will be
23 removed and never used again. All tables will be
24 flush against the wall. If anything else is
25

2 required, please contact my representative Michael
3 Kelly at 914-632-6036. Sincerely, Sheldon Fireman
4 the President.

5 CHAIRPERSON MOYA: We received the letter.

6 PETER JENSEN: Great.

7 CHAIRPERSON MOYA: IS that it?

8 PETER JENSEN: That's it.

9 CHAIRPERSON MOYA: Great, thank you so much for
10 your testimony today.

11 PETER JENSEN: Thank you.

12 CHAIRPERSON MOYA: Thank you. Just for a quick
13 point of clarification today on Lenox Terrace, it's
14 just the hearing today. We are not voting on that
15 item today, it's just a hearing. So, I just want to
16 make sure those that have come here to testify, know
17 that it's just the hearing process today. Thank you.

18 Okay are there any other members of the public
19 who wish to testify on this item. Seeing none, I
20 will note for our members and for the public that we
21 have received a written comment from the applicant
22 operated dated February 5, 2020 with regards to
23 certain design and layout features and we have that
24 for the record.

1 I will now close the public hearing on this
2 Application. I now note for the record that pursuant
3 to Council rule, rule 7.9 and 11.6, we will be filing
4 LU 624 for the Bluestone Lane sidewalk café revocable
5 consent request to remove it from our calendar. By
6 letter date February 11, 2020. The Council has been
7 notified by the Office of the Commissioner of the
8 Department of Consumer Affairs and its recommendation
9 for approval is withdrawn.
10

11 The letter specifically states the Department of
12 Consumer Affairs is withdrawing its recommendation
13 for approval of BL 117 Amsterdam New York LLC's
14 petition seeking to renew a revocable consent to
15 maintain and operate an unenclosed café at 417
16 Amsterdam Avenue New York, New York. The Department
17 will be conducting a further review of the petition
18 and may submit a recommendation at a later date.

19 We will now hear LU 627 for the 271 Sea Breeze
20 Avenue proposal relating to property in Council
21 Member Deutsch's district. The applicant seeks
22 approval of a Zoning Map amendment establishing a C2-
23 4 overlay district within an R6 District in the West
24 Brighton neighborhood of Brooklyn. If approved, the
25 requested action would allow for commercial use in a

1
2 new mixed use development, as well as enabling an
3 applicant to request a BSA special permit for
4 physical culture establishment or PCE use.

5 I now open the public hearing on this Application
6 and I will now call up the first panel is Eric
7 Platnick.

8 ERIC PLATNICK: Hello, good morning Council
9 Member.

10 COUNCIL CLERK: Please state your name for the
11 record and raise your right hand.

12 ERIC PLATNICK: Eric Platnick.

13 COUNCIL CLERK: Do you swear or affirm that the
14 testimony you are about to give will be the truth,
15 the whole truth and nothing but the truth and that
16 you'll answer all questions truthfully.

17 ERIC PLATNICK : I do.

18 COUNCIL CLERK: Thank you.

19 ERIC PLATNICK: Good morning Councilman Moya.
20 Good morning to the other Council Members. How are
21 you, hello, Margaret Chin and Mr. Grodenchik and
22 Council Member Perkins, good morning.

23 We had a presentation for you, an electronic
24 presentation, which I see is not up on the boards
25 right now. We have some handouts in the back, which

2 I can get for you if you'd like but it's a relatively
3 straight forward rezoning. Is it up there? Thank
4 you.

5 Thank you very much for the time this morning.
6 My name is Eric Platnick and I'm representing Rybak
7 Development who is here today with us with an
8 Application to request a C2-4 Overlay for to allow
9 for a ground floor and second story commercial use in
10 what is now an R6 zoning district in Coney Island.
11 And the property, it goes through it a little bit.
12 This give you a good visual for it, I don't know if
13 you can see it from your angle, I see they have the
14 TV a little angled away from you.

15 But the property is on a block that historically
16 has had mostly community facilities and parking for a
17 Trump housing development. The parking lot you can
18 see is on West 5th Street on the left of your screen.
19 The site is in the middle of the block where it's
20 just site and right now, there's a 20 story building
21 on the site. That picture is rather old, but that
22 gives you good outline for it.

23 To the right of us is a six story multiple
24 dwelling that's a pre-1961 probably a pre-War as they
25 used to call them multiple dwelling. To the left of

1
2 us are a series of community facilities who is
3 historically a Jewish neighborhood and those are two
4 synagogues. The synagogue to the left of us, we've
5 purchased 10,000 square feet of development rights
6 from and obviously Rybak development has constructed
7 the existing R-6 building that's on the property
8 right now. It's a beautiful building, it's 20
9 stories tall.

10 The ground floor and the second story is what
11 we're here for. We're here to ask you permission to
12 put a C2-4 overlay at the ground floor and it will
13 facilitate local retail and like we have been saying,
14 things that you can't buy on Amazon, that's what
15 we're trying to provide here.

16 The Application was well supported at Community
17 Board 13 where it was unanimously supported with, I
18 think one person did not vote. It was well supported
19 at the City Planning Commission and it's also been
20 well supported at the Brooklyn Borough Presidents
21 Office.

22 I'll walk you through the proposals, you can see,
23 you can probably notice, Sea Breeze Avenue in front
24 of us and then the ocean is at the four ground and
25 you can't see it in the picture there but there is

1 Asser Levy Park in front of us which is a gem of
2 Coney Island. The former Brooklyn Borough President
3 and the current Brooklyn Borough President are doing
4 concerts there during the summer in the band shells
5 and it's really the hub of Coney Island. This
6 building will activate that park and really add some
7 liveliness to the streets.

9 There are other commercial uses around us and
10 I'll flip through here and show you in a second.
11 This is the site, you can see there in all of these
12 pictures, you see the building and scaffolding,
13 that's the building under construction right now.

14 Of important note, while we're talking is West
15 Brighton Avenue, which is on, I'm going to flip
16 through a picture in a second, has the elevated rails
17 on it. So, what we're proposing to do and here is
18 the elevated train, you can see right here on the top
19 right picture, our building in front is right up
20 against it.

21 So, the as of right scenario for the development
22 is to have parking at the ground floor and the second
23 floor, which really does not do much to enhance the
24 street scape especially on the elevated train side.
25 On the Sea Breeze side, the building, City Planning

1 brought to them for a preliminary meeting. They
2 asked if we would set the building back 15-20 feet on
3 the Sea Breeze side, so that we could create almost a
4 plaza area. And the developers who are here today,
5 graciously agreed to do that.
6

7 So, the development you are about to see and I'm
8 proposing to you, includes a couple of amenities that
9 weren't necessarily required under zoning. And I
10 think I lost my signal here. Oh, there we go. You
11 must have the same tech person who helps me. There
12 we go, it's back up. So, here's the rezoning, you
13 can see we're proposing a C2-4 overlay over the
14 entirety of the block and I'll click through here.

15 This is what I was talking about before, this is
16 what's filed at the Department of Buildings right
17 now. That's what is allowed to be at the ground
18 level. We don't want this. This is the allowable
19 condition, it's where the parking would be. This is
20 again, I was explaining to you before how we're
21 really livening up underneath the elevator train.
22 This is the as of right condition, this is what
23 should be built without a rezoning.

24 This is what will be built. This is the plaza
25 area that I was talking about. This is on the other

1 side, on the Sea Breeze side but it shows you, this
2 is what we spoke about with City Planning and the
3 developers, the local developer, like I said, they
4 are here. They do a lot of developments in this
5 specific area, Brooklyn and they're very sensitive to
6 needs and what people want and they were happy to
7 provide this plaza area at City Planning request,
8 which isn't a part of the rezoning at request at all.

9
10 This is what we're proposing to do. The
11 commercial overlay that we're requesting will
12 facilitate the creation of ground floor or retail,
13 which you are seeing right here as well as a gym at
14 the second floor and then some light medical and
15 community facility at the third floor. This gives
16 you some more perspectives of what it will look like.
17 This is on the elevated train side and this just
18 gives you all the plans and what not.

19 What's important to see here, you can notice here
20 when I show you the floor plan for the commercial use
21 that we're asking for, is even though the rendered
22 images showed you commercial at the first floor and
23 it gave the appearance. The whole first floor was
24 commercial. In reality, it's like a donut and the
25 inside of the donut, the donut hole here is parking.

1 So, the commercial that we're providing is a very
2 small amount of commercial space, 12,000 square feet,
3 broken up into small spaces. So, you can get small
4 local community oriented retail and space and we're
5 not going to have any destination retail there.

6 That's what the community board, the only discussion
7 that occurred there was are we going to be bringing
8 people into the community with this retail? And when
9 they saw how small it was, they understand that we're
10 going to have coffee shops and things of the like.

11 So, that is the building. This shows you the
12 building sitting on top of a four story pedestal,
13 it's obviously compliant with all of the flood
14 regulations and everything like that. They actually
15 just got gas connected back on, they were out of gas
16 for awhile when ConEd was not issuing gas permits and
17 they are about six months away from getting a TCO.

18 These plans show you the upper floors. You can see
19 the commercial, this is the second floor where the
20 commercial space I was talking about. You can see
21 this parking still, the parking ramps go up on the
22 side, so the entire interior of the building, the
23 parking as well. Nobody on the street, if you took
24 my wife there, who has no idea what I do for living
25

1 and you brought it to this building, she would have
2 no idea there's parking in the building. The parking
3 is screened, it's not visible from the street and
4 it's all inside the building.

5 So, that's what you're seeing here on the top
6 right, you see the ramp areas here, and the same
7 thing here. You see the parking is up on the third
8 floor here and again, it's all screened on the
9 outside. You won't be able to tell from the outside
10 that there's parking on the third floor.

11 And that's the development in a rendered image
12 for you, showing you what everything looks like and I
13 think we have more of these and I think we had a
14 beautiful rendering at the end somewhere.

15 This gives you an idea of the plaza area, of the
16 materials they are going to be using. Again, it's a
17 voluntary plaza, it's not part of the Pop's program
18 and I guess we didn't have the image I thought we
19 did, but that's the presentation and I'd be happy to
20 answer any questions you may have.

21 CHAIRPERSON MOYA: A -

22 One more thing, I didn't want to cut you off, but
23 I know it's important to you. There is an affordable
24 component to the development. It's not being built
25

1
2 pursuant to an MIH program. The building isn't an R6
3 predated MIH, but because it is a 421 or affordable
4 New York tax abatement, there are approximately 35
5 affordable units out of the 114 units that are
6 proposed for the building.

7 CHAIRPERSON MOYA: Great, thanks. Just one quick
8 question.

9 ERIC PLATNICK: Sure.

10 CHAIRPERSON MOYA: In addition to the Borough
11 President's recommendations regarding climate
12 resiliency and green design, what are the measures
13 have you considered or incorporated in the project
14 design? I know you spoke a little bit about that.

15 ERIC PLATNICK: As far as green effects go?

16 CHAIRPERSON MOYA: Yeah.

17 ERIC PLATNICK: There will be a white roof, there
18 will be on the trees, there will be the sidewalk, I
19 forget the term for it where they collect the water
20 in the trees at the basins of the trees. They'll
21 have of course energy efficient ratings on the
22 windows. All the windows will be triple glazed and
23 things of the like. Insulation, there's a high
24 insulation and Sir Drybeck[SP?] is right here, he is
25 the developer, if you could speak. And he's telling

1
2 me, I didn't know this, it's the first in South
3 Brooklyn of a lead platinum building. So, he's
4 giving me more information than I know.

5 CHAIRPERSON MOYA: I'm sorry, can you say that
6 again?

7 ERIC PLATNICK: It's a lead platinum building and
8 it's the first in South Western Brooklyn. So, I was
9 not aware of that.

10 CHAIRPERSON MOYA: Thank you very much.

11 ERIC PLATNICK: Thank you for your time.

12 CHAIRPERSON MOYA: Thank you for your time to.

13 ERIC PLATNICK: Good luck today.

14 CHAIRPERSON MOYA: Thank you. Any other member
15 of the public who wish to testify. Seeing none, I
16 now close this public hearing on this Application and
17 it will be laid over.

18 We will now hear LU 630 for the 8118 13th Avenue
19 Rezoning proposal relating to property in Council
20 Member Brannan district in Brooklyn. The Application
21 seeks approval of a Zoning Map amendment establishing
22 a C1-3 commercial overlay in an R5B District in the
23 Dyker Heights neighborhood of Brooklyn. If approved,
24 the proposal would facilitate the legalization of an
25

2 existing commercial office use in an existing
3 building in the project area.

4 I now open the public hearing on this Application
5 and I will call up the first panel. Richard Lobel.

6 COUNCIL CLERK: Please raise your right hand and
7 state your name for the record.

8 RICHARD LOBEL: Richard Lobel.

9 COUNCIL CLERK: Do you swear or affirm that the
10 testimony that you are about to give will be the
11 truth, the whole truth and nothing but the truth and
12 that you will answer all questions truthfully?

13 RICHARD LOBEL: I do.

14 COUNCIL CLERK: Thank you.

15 RICHARD LOBEL: Chair Moya and Council Members
16 good morning. Once again Richard Lobel from the Law
17 Firm of Sheldon Lobel PC, representing the applicant
18 here for rezoning of 8118 13th Avenue in Brooklyn.

19 The property as you can see from the circled area
20 is located along a stretch of 13 Avenue, which is
21 zoned R5B. What's fairly unique about the property
22 is that the property on the western side of 13th
23 avenue is one of 16 block fronts on 13th Avenue, 15
24 of which include a commercial overlay in the form of
25

1 a 613 overlay immediately adjacent to the property
2 and this is the only one that does not.

3
4 So, the character of 13th Avenue in this area is
5 very much a mixed use with commercial presence for
6 retail uses such as groceries, restaurants, salons
7 and such. So, what this would do in providing a C13
8 overlay on this plot frontage would be to cause this
9 block to be in conformance with the commercial
10 overlay of the surrounding 16 blocks.

11 I would also add that on the eastern portion of
12 13th Avenue here, there is a commercial overlay of I
13 believe 12 blocks. So, there's really a strong
14 commercial presence and this is why this rezoning
15 makes a lot of sense. You can see here from the
16 highlighted area; the rezoning would encompass three
17 lots. The lot highlighted in red is the applicants
18 lot and the two other lots are two, two story, three
19 family buildings which pursuant to the environmental
20 diligence would not be intended to be redeveloped.

21 The applicants lot itself is a one story
22 commercial office. The office was originally built
23 in 1955 pursuant to a BSA variance which way of lock
24 coverage and since that time, after serving as a
25

1 democratic club for years, it has now been a legal
2 office for about 30 years.

3
4 You can see from the land use map here, the
5 colored areas along 13th Avenue demonstrate that
6 there is indeed a sporadic if not continuous
7 commercial use along 13th Avenue.

8 This is the zoning change map, where you can see
9 the relatively minor change offered by the rezoning.
10 This would enable a long standing use that benefits
11 many of the surrounding community members to be
12 established and obtained for the legal use.

13 And again here, picture of the site. You can see
14 in the upper left portion the one story commercial
15 building. Again, built as a commercial or non-
16 commercial political club and now used for several
17 different lawyers offices.

18 So, I think the only thing I would add is that as
19 we page through the zoning calculations and plans, is
20 that that local area has been supportive of the
21 Application. We achieved a unanimous vote with one
22 abstention at Brooklyn Community Board 12. We have
23 the approval of the Brooklyn Borough President. We
24 have the unanimous support of City Planning and have
25

1
2 had discussions with Council Member Justin Brannan,
3 who has indicated his support as well.

4 Again, a very straight forward rezoning to
5 legitimize this longstanding use and I'm happy to
6 answer any questions.

7 CHAIRPERSON MOYA: Great, thank you. Just one
8 quick question. How likely of it all is this
9 Application to trigger new development or changes in
10 the zoning area or the conversion of existing space
11 to commercial use?

12 RICHARD LOBEL: So, the answer would be highly
13 unlikely other than the existing commercial law
14 office, which would now be able to remain at the
15 site.

16 Particularly the two adjacent parcels, those are
17 long and well established buildings at the site and
18 more importantly, while there is community facility
19 use along 13th Avenue, such community facility use
20 would be legal today.

21 So, to the extent that either of these buildings
22 wanted to convert to either a religious use, doctors
23 office, dentist office, those actually exist on 13th
24 Avenue along this frontage. So, given the duration
25 that those homes have been there as well as the

2 physical layout of those homes, it was deemed very
3 unlikely in the environmental assessment that those
4 would be converted and the real benefit of this would
5 be to the applicant to be able to legitimize this
6 longstanding commercial use.

7 I would add Council Member Moya, that the
8 underlying R5B Zoning remains unchanged. This is not
9 effecting the bulk of the buildings at all; this is
10 merely for use.

11 CHAIRPERSON MOYA: Okay, thank you.

12 RICHARD LOBEL: Thank you Chair.

13 CHAIRPERSON MOYA: Thank you for you testimony.
14 Are there any other members of the public who wish to
15 testify? Seeing none, I now close the public hearing
16 on this Application and it will be laid over.

17 Before we continue with our hearings, I would now
18 note for the record pursuant to Council Rule 7.90 and
19 11.60, we will be filing LU 636 for the C7 Baychester
20 Avenue Rezoning proposal to remove it from our
21 calendar by letter dated February 12, 2020 and signed
22 by the Department of City Planning Bronx Office
23 Director. The City Council has been notified by the
24 Department of City Planning that its Application is
25 withdrawn and it states that the Department of City

2 Planning is withdrawing the Application for Rezoning
3 Map Amendment C 200088 ZMX to rezone to Block 5141,
4 Lots 101, 102 and a portion of Lot 110 and C7 to C82.

5 Thank you.

6 We will now hear LU 628 and 629 for the Grand
7 Avenue and Pacific Street Rezoning proposal relating
8 to property in Majority Leader Cumbo's District. The
9 applicant seeks approval for a Zoning Map Amendment
10 changing an M1-1 District to an R7D, C2-4 District,
11 as well as a Zoning Text Amendment establishing an
12 MIH area utilizing Option 1 and Option 2 in the Crown
13 Heights neighborhood of Brooklyn.

14 If approved, the requested actions would
15 facilitate the development of a new nine story mixed
16 use building with approximately 64 dwelling units
17 including approximately 16 permanent affordable
18 housing units.

19 I now open the public hearing on this
20 application. I now call up the first panel, Richard
21 Lobel and Ellie Parente[SP?].

22

23 COUNCIL CLERK: Please raise your right hands and
24 state your names for the record.

25 RICHARD LOBEL: Richard Lobel.

1 ELLIE PARENTE: Ellie Parente.

2 COUNCIL CLERK: Do you swear or affirm that the
3 testimony you are about to give will be the truth,
4 the whole truth and nothing but the truth and that
5 you answer all questions truthfully?
6

7 PANEL: I do.

8 COUNCIL CLERK: Thank you.

9 RICHARD LOBEL: Chair Moya, Council Members,
10 again, Richard Lobel for Sheldon Lobel PC joined by
11 Ellie Parente the Applicant.

12 So, the Application which is before the Council
13 Subcommittee this morning is the Grand Avenue and
14 Pacific Street Rezoning and as you can see from the
15 circled area, this is currently an M11 Zone property.
16 This is within the area designated the Community
17 Board 8 M Crown area and has been the subject of a
18 number of rezoning applications.

19 Prior to this time, as you could see from some of
20 the circled area on the maps, the applicants have
21 achieved rezoning's. Along Pacific Street as R7A
22 with commercial overlays and also as an M14R7A mixed
23 use district. The Rezoning as proposed would be an
24 R7DC2-4. Hello, Council Member Cumbo, and the
25 applicant is proposing that because there is a desire

1
2 on behalf of the applicant as well as expressed
3 members of the community to see many of these M1
4 properties rezoned.

5 So, in prior city sponsored rezoning's much of
6 the surrounding area was rezoned from non-contextual
7 to contextual residential districts, but many of the
8 M1 properties remained zoned manufacturing leading to
9 commercial uses and vacant lots.

10 So, what we are proposing here would be an R70
11 with a C2-4 which would result in this instance in a
12 mixed use building. There would be as stated a nine
13 story building with ground floor commercial uses and
14 residential units above, totaling roughly 64 units.

15 The Rezoning is currently proposed for the
16 northeast and southwest corners of Grand Avenue and
17 Pacific Streets and as you can see from the land use
18 map, the density in the area is similar to what is
19 being proposed. There is R70 the northeast of the
20 property. There is R7A around the property and so,
21 as members of the Community Board can attest to, this
22 is part of the study area that was put forth by the
23 community board and there were resolutions that were
24 issued with regards to what they wanted to see in
25 this area.

1 SO, there's been quite a collaborative process
2 which we can talk about but the end result would be
3 the zoning map that you see before you, which would
4 map the R7 C2-4 overlay on both of these corners.
5 With the R7A along Pacific Street, the R7D would seem
6 to be more appropriate at this intersection given
7 that Grand Avenue generally offers greater street
8 access and would allow for slightly higher density.

9 So, you can see from picture here, you've got an
10 unused vacant lot which would be developed under the
11 proposal to produce the building as seen before you
12 here. This is a nine story building with again,
13 ground floor commercial. Importantly, with regards
14 to the discussions with the Community Board, the
15 Community Board resolutions as well as the Brooklyn
16 Borough President's resolutions and report, dictate
17 that they wanted to see M Crown uses in the area.

18 And so, M crown uses are defined uses as pursuant
19 to the Community Board's resolutions which include
20 use groups 3 and 4 and then various uses between use
21 groups 9 and 16 and 17, which are circumscribed and
22 which appear in the Community Board's resolutions.
23 So, part of the support of the Community Board was
24 conditioned upon the ability of the applicant to
25

1 SUBCOMMITTEE ON ZONING AND FRANCHISES 28
2 enter into a binding agreement with the Community
3 Board which would be recorded against the property
4 and which would mandate that for in perpetuity that
5 the ground floor commercial uses be devoted 25
6 percent of the lot area to M Crown uses.

7 And so, in what has been a phenomenally
8 collaborative effort, the CBA Chair who is with us
9 today Robert Witherwax, who is a member of the
10 Community Board and [INAUDIBLE 48:04], the Land Use
11 Chair have all contributed greatly to this process.
12 Have spent hours and hours of their time on this in
13 meetings, in emails and phone calls. And so, through
14 this, what is just an amazingly collaborative
15 process, we have actually this morning, signed and
16 transferred an agreement to the Community Board which
17 memorializes the applicants willingness to maintain
18 these M Crown uses.

19 Prior to answering any questions and Ellie is
20 available to questions as well. I'd say that at this
21 point, I've been at this for quite some time and the
22 efforts that have been forth by members of the
23 Community Board have been nothing short of
24 phenomenal. They have been truly giving of
25 themselves and their time in an effort to see their

2 area improved in a way that they feel is going to
3 benefit most Community Board members to the greatest
4 extent possible.

5 So, we're extremely thankful for everything they
6 have done. I'm sure that they will have their own
7 comments on the application and we'd be happy to
8 answer any questions.

9 CHAIRPERSON MOYA: Great thank you and I just
10 want to note that we've been joined by Majority
11 Leader Cumbo. Thank you for joining us.

12 Just a couple of questions here. How did you
13 determine the R7D 5.6 FAR and what was the
14 appropriate density here?

15 RICHARD LOBEL: So, first and foremost, given the
16 experience that many applicants have had in this
17 area, we consulted with the Community Board and their
18 M Crown resolutions which dictated a floor area ratio
19 of roughly four to five FAR on this block frontage.

20 Having been at the Community Board for many
21 meetings and hearings, both within the context of
22 this Application and just generally, we were aware
23 that this was a general guideline. The land use
24 rational for this was such that, a mixed use
25 development here would make sense. There is

1
2 currently a vacant lot, there was a desire for more
3 housing including affordable housing and so, given
4 the R7A and the appropriateness of that on Pacific
5 Street, the fact that you have Pacific Street and
6 Grand Avenue here, that you know, you're relatively
7 close, a block away from Atlanta Avenue, kind of
8 merited a greater density. And so, 5.6 FAR for the
9 R7D was what was deemed appropriate in that
10 application.

11 CHAIRPERSON MOYA: Are there other examples of
12 R7D on narrow streets in Brooklyn?

13 RICHARD LOBEL: So, when we look at this Zoning
14 Map in particular in some of the prior city sponsored
15 rezoning's, you've got R7D to the northeast and we
16 did submit to City Planning that we have other areas
17 where not just R7D but even R8A was deemed
18 appropriate on streets and on side streets, so for
19 example, South Portland Avenue, there was a rezoning
20 that was deemed to be appropriate at a greater
21 density than R7D.

22 So, we did submit those examples to City Planning
23 and I think probably given not only the land use
24 patterns on Grand Avenue but also, the relative
25 nature of transportation in the area. The fact that

1
2 it's well served by transportation and the fact that
3 these properties being Zoned M1, that there is a
4 desire to incentivize developers to develop at that
5 bulk. It was deemed by City Planning and eventually,
6 hopefully the Community Board and the City Planning
7 Commission to be appropriate.

8 CHAIRPERSON MOYA: And my last question is, why
9 does the building design as presented not use the
10 full height?

11 RICHARD LABEL: Well, actually that was a subject
12 of discussion with the Community Board as well. The
13 building plans as presented, which is what the
14 applicant intends to build, demonstrate a nine story
15 building. That is actually a provision, which is now
16 written into the restrictive declaration, which it
17 would be recorded against the property and is an
18 exhibit to the agreement with the Community Board.

19 CHAIRPERSON MOYA: Great, thank you.

20 RICHARD LABEL: Thank you Chair.

21 CHAIRPERSON MOYA: I now turn it over to Majority
22 Leader Cumbo for questions.

23 COUNCIL MEMBER CUMBO: Thank you so much Chair
24 Moya and I want to first begin by thanking Community
25 Board 8 for all of their leadership. I see our Chair

1 Ethel Tyus and I know that many of the members of
2 Community Board 8 are here today as well as Giv
3 Aconey[SP?] and collectively the Board has really set
4 a precedent for how rezoning's and responsible
5 organic development is happening.
6

7 So, my role as the City Council Member in this
8 position, is really to follow the recommendations of
9 the Community Board and to essentially allow them to
10 lead the way in terms of what our community will look
11 like and how to do it organically.

12 So, I thank you all so much for your leadership
13 and what you've brought here today. You are
14 certainly setting a precedent throughout the City of
15 New York in terms of how partnerships can be stronger
16 with our elected leadership.

17 So, today, we are hearing a private rezoning
18 application in Crown Heights at 979 Pacific Street.
19 The development site is within the M Crown study
20 area, where for over five years and I'm going to say
21 even longer, Community Board 8 has been working
22 together with my office, the Brooklyn Borough
23 President and the Department of City Planning on a
24 proposal to create a dynamic new mixed use
25 neighborhood.

1 Since the proposal will help set the precedent
2 for the wider area, we must ensure that it is
3 consistent with the M Crown plan. I look forward to
4 hearing from the applicant on how they believe their
5 proposal will meet the goals of the M Crown vision
6 and from my constituents and the public on this
7 important development for the future of Crown Heights
8 and I think what's so important is that rezoning's
9 usually come down from City Planning and it's brought
10 to a community, where this Community Board took the
11 initiative and the effort to plan out what they think
12 a rezoning should look like and then brought it to
13 City Planning. And I think that the reversal in
14 terms of how the proposal came about is really
15 exciting and certainly precedent setting.

17 I wanted to know in terms of the housing options,
18 which MIH Option are you proposing for this
19 development? I'm just curious what your thoughts are
20 because the Community Board has also stated what they
21 would like to see in this and I just want to have on
22 the record which proposal you're looking at.

23 RICHARD LABEL: Yeah, Council Member, so the
24 intention would be to develop this at Option 1. So,
25 with the current iteration at 64 units, it would

1
2 produce roughly 16 units of mandatory inclusionary
3 housing units.

4 This was discussed in the process; we understand
5 the Community Boards view on this and we're happy to
6 acquiesce to that request.

7 COUNCIL MEMBER CUMBO: Are you proposing to
8 partner with a local not-for-profit organization to
9 be the administering agent for the affordable
10 housing?

11 RICHARD LABEL: Yes, we'd be happy to do so. I
12 know that in the past, the Council Member has
13 circulated lists of preferred non-profit agents in
14 the area and we've, being familiar with those, we'd
15 be happy to select one of those and after
16 consultation to select a local non-profit.

17 COUNCIL MEMBER CUMBO: We're going to do our due
18 diligence on this, but I think that as I've seen more
19 of these housing lottery organizations that assist
20 community members, I think it's also going to begin
21 to be up rooted for all parties involved to see the
22 track record of how these different housing
23 organizations are actually attracting individuals
24 from the existing community into the proposed
25 development site, because what we're seeing is that,

2 the marketing efforts within communities of color are
3 not as strong as they should be and that's also
4 leading to issues around gentrification.

5 So, it will be important on both parties side,
6 our and yours to make sure that the administering
7 agent has a proven track record and it's easy for
8 that to be achieved in terms of stats, figures, where
9 are the individuals that are being approved for the
10 housing lottery? Where are they actually coming
11 from?

12 I also wanted to talk about the M Crown space in
13 terms of the ground floor. What are some of the
14 options that you all are looking at on the ground
15 floor space?

16 ELLIE PARENTE: Hi good morning Council Member,
17 my name is Ellie Parente. I figured I would answer
18 the question myself.

19 As discussed before, we're a little bit early in
20 the process but so far, the feedback that we've
21 received is that the most likely tenants will be
22 either PreK, early -

23 COUNCIL MEMBER CUMBO: I new you were going to
24 say that because you have two children, right?

25 ELLIE PARENTE: Well, three now.

1
2 COUNCIL MEMBER CUMBO: Three now, wow, you've
3 been busy since we last met.

4 ELLIE PARENTE: Exactly, thank God. So, yeah, so
5 from what I understand, from the local brokers in the
6 market, pre-K, any of these type of tenants are very
7 much in the market. Another type of uses that also I
8 know would please the Community Board, the M Crown
9 uses is like wholesale kitchen or wholesale
10 production, establishment to you know, to produce
11 mass deliveries from the location but we really
12 couldn't approach tenants and negotiate with tenants
13 until the plans get approved because we don't really
14 have, you know, we don't really know what to offer
15 but we've had a few meetings with these tenants. We
16 have an idea of you know, who they are and you know,
17 how long they've been in the market and as soon as we
18 get approved - because we really have to design the
19 ground floor in that particular space in order to
20 accommodate those uses.

21 So, once the ULURP gets approved hopefully, we'll
22 look to sign up the tenants sooner than later so that
23 we can build to fit, so to say. Because they will
24 mostly likely need not only 25 instead of the ground
25 floor but most of these uses need a significant

1
2 portion, if not all of the basement. Like a pre-K
3 for example, you know, they'll use 25 percent of the
4 ground floor but then they'll most likely ask for you
5 know, other space above in a you know, basement so,
6 depending on who it is, we'll have to sign them up
7 early.

8 COUNCIL MEMBER CUMBO: I do like both concepts
9 that you're looking at. The ability to expand UPK3
10 and UPK4 all throughout the City of New York is
11 important, so that's really a usage that as a mom as
12 well, that I'm also in favor of, as well as the
13 opportunity for there to be as you said open kitchens
14 where people can prepare food and to have businesses
15 and also there's a popularity with culinary cooking
16 programs that teach many individuals how to utilize
17 skills that they may just use for friends and family
18 and how to actually turn that into a profession. So,
19 that would also be very exciting.

20 I wanted to also ask you from looking at the,
21 this is something that I'm very, you're from France
22 if I remember correctly, right.

23 ELLIE PARENTE: Yeah, I'm sorry about that.

24 COUNCIL MEMBER CUMBO: Uhm, one of the things
25 that I want to see, the design of the building is

1 fine. It's a nice solid building, it's fine but what
2 I really want to see is when I do have the rare
3 opportunity to travel, public art is a really
4 important concept that many European countries grasp.
5 When you go there, people come to many of those
6 countries specifically for the purpose of seeing the
7 design and the architecture because it's so unique,
8 because it's so different. They're reading about it
9 in tourist books. They are seeing it, so my interest
10 would be, would you be interested in working
11 potentially with a public artist to bring another
12 level of I guess interest or panache or something
13 that is attractive about the building other than its
14 - because the design is fine, but as I always say
15 with everything, I want people to fly into to see my
16 building, right. I want them to write about it,
17 heard about it, see about it. I got to come see the
18 building and I think that throughout Brooklyn New
19 York, a trend that I would like to see is that people
20 are seeing that our architecture and our style is so
21 unique that it brings the level of the community up
22 in a way that local residents can see beauty in their
23 everyday lives but that also people can come to see
24 it as well.
25

1 ELLIE PARENTE: So, I'm not quite sure - I mean,
2 there is two aspects to it, right, there is the
3 architectural aspect. This is you know, because of
4 the boundaries we've been given and the height and
5 all that, you know, this is pretty close to what we
6 think we can build. You know, we also are trying to
7 be respectful of the manufacturing history of the
8 neighborhood. That why also you can see the canape
9 here, which also will make the retail much more
10 prominent but I think the significant way to really
11 enhance the building and get people to travel to it
12 to see it is on the arts side.

14 As I think we've discussed before, we're
15 definitely doing this 50 by 80 mural which you know,
16 this doesn't really look like it but it's quite
17 significant, especially because they will directly
18 visible from Atlantic Avenue.

19 So, the amount of visibility that it will get on
20 a daily basis is really tremendous and we did consult
21 with a few artists, as you know, we had gotten your
22 recommendations for some of them.

23 COUNCIL MEMBER CUMBO: Oh, I apologize I didn't
24 see that you had actually taken my suggestions that I
25 didn't recall that I gave you.

2 ELLIE PARENTE: yeah, so if you remember, we had
3 three artists. One of them, I forget the name but
4 literally in the six months or year between your
5 recommendation and the time I met you.

6 COUNCIL MEMBER CUMBO: Oh, I like you.

7 ELLIE PARENTE: Thank you. Between your
8 recommendation and time, I met him, he like blew up
9 and became like this super famous artist you does
10 things for Pepsi.

11 COUNCIL MEMBER CUMBO: That's what happens when I
12 recommend people.

13 ELLIE PARENTE: Oh, is that what is, okay. So,
14 he literally became I don't know, like a really super
15 star which didn't really give me the — I mean, that
16 wasn't really what we were looking to accomplish.
17 You know, if I wanted to do that, I would have
18 brought like you know, like a fancy artist. So, what
19 we did after that is, we consulted with this company
20 called the Bushwick Collective who sort of gathers
21 all local artists. We give them a mandate of like
22 the vision we have you know, that we want local
23 artists and then we you know, it would be a hard to
24 do an actually competition but we basically want to
25 get proposals or like ideas from different artists on

1 what they plan on putting up and then we'll be happy
2 to consult with you or the Community Board on what
3 you guys think is the most appropriate and then put
4 it up.

5 COUNCIL MEMBER CUMBO: High five.

6 ELLIE PARENTE: The other idea is that what I
7 might do is, we have 100 feet of frontage on both
8 sides. So, it's actually, you know, when you take a
9 12 foot construction fence on both sides, it's 200
10 feet of art space, so we can use that in the meantime
11 to like bring the street to life and then if it looks
12 good, then we can use that artist or transfer some of
13 that art into the building. So, that's the idea.

14 COUNCIL MEMBER CUMBO: High five, definitely, I'm
15 excited about that. I wanted to jump into local
16 hiring and MWBE participation.

17 This is something that's been really important to
18 this entire administration that we have greater local
19 hiring as well as MWBE participation. How have you
20 gone about the process of securing, introducing
21 yourself and creating the opportunities for MWBE's to
22 bid on this project?

23 ELLIE PARENTE: Yeah, I mean we haven't gotten to
24 that part yet. We met with 32BJ as far as the union
25

2 for the building and we know from you and the
3 Community Board that there needs to be this type of
4 labor once we do run the building.

5 Again, we're about two years away from getting
6 there. So, it's sort of wastes people time to
7 approach them when the site in questions is an M1
8 zone. Because as far as they are concerned, they are
9 going to look it up and say, you know, you have
10 nothing to build here, so it's a little bit
11 preemptive to be reaching out to those people.
12 Although, 32BJ has been signed up because they are
13 aware of the rezoning.

14 COUNCIL MEMBER CUMBO: Got it. I think that is -
15 is there an opportunity to have any sustainability or
16 resiliency measures incorporated into the buildings
17 designs, such as blue, green, white roof treatment,
18 passive house rain gardens, solar panels or wind
19 turbines. Those sorts of things, are there any?

20 ELLIE PARENTE: 100 percent. So, it's a shame
21 that the architect is not here today, but I'm not as
22 well educated to discuss it but I do know that we
23 have - that now, with new regulations that were
24 passed just six months ago, we have to comply with
25 many of our mental measures and because of the many

2 incentives that go along with it, we're most likely
3 doing a significant amount of solar panels on the
4 roof. Not only for the tax credit but also to supply
5 part of the energy in the building. So, yeah, it's
6 very much a plan for the building.

7 COUNCIL MEMBER CUMBO: I don't have any further
8 questions. I just want to say that I'm excited that
9 through the meetings and the discussions that we've
10 had that you've taken the feedback from the Community
11 Board in terms of how they want to see the density in
12 the Community Board even though the zoning allows for
13 more. You've respected their desires and visions for
14 the M Crown District, working with 32BJ is really
15 important. The environmental and I look forward to
16 working with you on the local jobs and the MWBE's
17 work because we also have suggestions in that way and
18 I'm super excited about the art component and look
19 forward to meeting and discussing it with you
20 further.

21 ELLIE PARENTE: Thank you and I forgot to
22 mention, I obviously just like as Rich said, I want
23 to thank the Community Board because although I don't
24 have that much experience with it, I can always see
25 that this is extraordinary. We were literally going

2 back and forth with twelve people on email thread
3 until midnight last night, with their commitment
4 being extraordinary to finalize this agreement.

5 So, I mean the level of commitment that I'm
6 seeing from their side, is really refreshing and I'm
7 really happy to be a part of it.

8 COUNCIL MEMBER CUMBO: Thank you so much. Thank
9 you.

10 RICHARD LOBEL: Thank you Council Member.

11 CHAIRPERSON MOYA: Thank you. I just want to
12 acknowledge that we've been joined by Council Member
13 Levin and Council Member Reynoso and Council Member
14 Rivera.

15 Thank you, thank you very much for your testimony
16 today. I'd like to call up the next panel Ethel Tyus
17 and Cassy Coreo[SP?].

18 ETHEL TYUS: Good morning.

19 CHAIRPERSON MOYA: Good morning.

20 ETHEL TYUS: My name is Ethel Tyus, I'm Chair of
21 Brooklyn Community Board 8. I'm accompanied by a
22 fellow community board member Robert Witherwax, who
23 has acted as our attorney in this matter and I have a
24 prepared statement on the conclusion of the Council's
25 hearing on this matter.

2 I'm so happy to all of the many Council Members
3 that are present today. Leader Reynoso in addition
4 to Majority Leader Cumbo, Mr. Moya, Ms. Chin, Mr.
5 Perkins, Mr. Grodenchik and Mr. Levin, thank you all
6 for being here.

7 We are very happy to announce as was reported
8 earlier, that we have reached an agreement on the
9 execution of a community benefits agreement for the
10 Grand Pacific Rezoning. The Rezoning under
11 consideration today is within an area of northwestern
12 Crown Heights known as the M Crown District for which
13 Community Board 8 has expressed a vision that
14 includes mixed use development, encouraging the
15 creation of good paying accessible jobs and
16 affordable apartments for local community members. A
17 plan to move forward with this vision in conjunction
18 with the Department of City Planning was affirmed by
19 the Community Board on September 12, 2019.

20 The Board's resolution called for floor area
21 ratio of four to five for lots along Grand Avenue.
22 On November 14, 2019, Brooklyn Community Board 8
23 voted to without support for the Grand Pacific
24 Rezoning as the density is greater than that
25 expressed in the Board's September 12 Resolution.

1
2 However, the Board left the door open to supporting
3 the rezoning should the applicant be willing to make
4 a binding commitment that at least 0.25 far of the
5 ground floor of the building be constructed at 979-
6 985 Pacific Street be dedicated to preferred M Crown
7 job creating uses, and that the applicant limit the
8 development at the site to no more than nine stories.

9 I am happy to report that Community Board 8 has
10 negotiated an agreement with the applicant and the
11 applicant has executed it and it provides the
12 commitment sort and the Board's November 14th
13 Resolution with respect to building height and
14 restricted use at the ground floor.

15 Per its November 14 Resolution, the Board's
16 support for Grand Pacific rezoning also requires that
17 lots south of Pacific Street be rezoned to R7A/624,
18 consistent with the guidelines in its September 12 M
19 Crown Resolution. I therefore ask the City Council
20 to amend the requested zoning accordingly.

21 Finally, Brooklyn Community Board 8 has
22 consistently expressed a desire to see affordable
23 apartments created in the M Crown District that would
24 be affordable to families earning the median income
25 for Brooklyn Community District 8.

1 Unfortunately, the application as it was
2 presented to us earlier, requested mapping to both
3 MIH options 1 and 2 as we heard earlier. The
4 applicant has now committed to mapping to MIH Option
5 1. We support that completely and we ask that the
6 City Council map Grand Pacific Rezoning to MIH Option
7 1 only, which will ensure a range of affordability
8 levels between 40 and 80 percent AMI accessible to
9 the range of residents in our district who need
10 affordable housing.
11

12 Thank you for your support in this matter. Any
13 questions? No questions, thank you. Next

14 CASSIE COREO: Good morning Chair Moya, Majority
15 Leader Cumbo and Members of the Subcommittee. My
16 name is Cassie Coreo and I'm a representative of
17 32BJ. I'm here on behalf of over 3,000 32BJ members
18 who live and work in Community District 8 to show our
19 support for this project.

20 We believe that in order to create a more
21 equitable New York, developers should commit to
22 providing prevailing wage building service jobs.
23 Historically, these jobs have allowed working
24 families from diverse backgrounds, upward mobility
25 and security. We estimate that this development will

1 generate about five new property service jobs. These
2 jobs will be good jobs that help uplift working
3 families because of the credible commitment that the
4 developers have made for this project to prevailing
5 wage building service jobs.
6

7 We respectfully request that you approve this
8 project. Thank you.

9 CHAIRPERSON MOYA: Thank you. Thank you both for
10 your testimony today.

11 Any other members of the public who wish to
12 testify? Seeing none, we now close this hearing and
13 it will be laid over. We will pause our hearing
14 agenda for a moment for this meeting to continue with
15 our votes.

16 Today, we will vote to approve with modifications
17 Pre-considered LU 614 for the 2513-2523 Avenue O
18 Rezoning proposal relating to property in Council
19 Member Deutsch's District. The Application seeks
20 approval for a Zoning Map Amendment to change an R2
21 Zoning District to an R3-2 on Avenue O between
22 Bedford Avenue and 26th Street in the midway section
23 of Brooklyn which would facilitate the legalization
24 of an existing ground floor medical office use, as
25 well as bring the existing semidetached residents

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2 within the zoning area into conformance with the
3 zoning. Our modification will be to change the
4 proposed R3-2 District to an R3-1 District.

5 The R3-1 use and bulk regulations would address
6 the same goals related to legalization and overall
7 zoning conformance with respect to existing
8 conditions while adhering more closely to the
9 prevailing character of surrounding blocks and
10 addressing community concerns related to a potential
11 increase in neighborhood traffic volume.

12 Council Member Deutsch is in support of this
13 proposal as modified and we will also vote to approve
14 LU's 606 through 608 for the GO Broome development
15 proposal relating to property in Council Member
16 Chin's District. The Application includes requested
17 approvals for a zoning special permit to allow
18 certain bulk waivers within a large scale residential
19 development. A Zoning Map amendment to change an R8
20 District to a R9-1/C2-5 District and a Zoning Text
21 amendment to allow quality housing development within
22 a large scale residential development and to
23 establish an MIH area utilizing Option 1.

24 The requested actions would facilitate the
25 development of two new mixed use buildings in the

1 lower east side neighborhood of Manhattan including
2 approximately 488 dwelling units of which
3 approximately 43 percent will be income related
4 community facility space and office and ground floor
5 retail. Council Member Chin is in support of this
6 proposal.
7

8 We will also vote to approve LU 609 for the 503
9 Broadway Zoning special permit relating to property
10 in Council Member Chin's District. The Application
11 for a special permit to allow large retail use in an
12 M1-5B Zoning District, would facilitate the
13 legalization of a multistory retail establishment
14 within the existing building in the SoHo neighborhood
15 of Manhattan. Council Member Chin is in support of
16 this proposal.

17 We will also vote to approve LU 610 for the
18 Bridge Park South Mapping proposal relating to
19 property in Council Member Gibson's District. The
20 Application seeks approval of an amendment to the
21 City Map to de-map portions of Exterior Street and
22 West 171st Street and together with three adjacent
23 vacant city owned lots to Map such areas as park
24 land.
25

1 These actions would facilitate the expansion
2 Bridge Park and Harlem River Greenway in the High
3 Bridge neighborhood of the Bronx. Council Member
4 Gibson is in support of this proposal.
5

6 We are also voting to approve LU 625, the
7 Trattoria Dell 'Arte Application for a revocable
8 consent to maintain, operate and use an unenclosed
9 sidewalk café at 900 7th Avenue in Council Member
10 Powers District in Manhattan which we heard this
11 morning. Council Member Powers is in support of this
12 application.

13 And I just want to quickly turn it over to
14 Council Member Chin for some remarks before we take
15 our vote.

16 COUNCIL MEMBER CHIN: Thank you Chair Moya and
17 thank you for allowing me to speak on two projects in
18 my district.

19 You know, the scarcity of affordable housing in
20 New York City is nothing sort of a crisis. Everyday
21 we are challenged to come up with ideas and ways to
22 solve this issue. For thousands of New Yorkers who
23 are housing insecure, especially our senior, it is
24 our duty to rise up to the challenge and fight for
25 relief.

2 This project we are voting on today will bring
3 affordable senior housing and community programming
4 and case services and a dedicated space to preserve
5 the legacy and services of the Beth Hamedrosh Hagadol
6 on the same ground and synagogue suffers a
7 devastating fire almost three years ago.

8 We have heard from residents when they weigh in
9 through out this process with concern about
10 affordability and traffic mitigation and as a result,
11 of rounds of community meetings and recommendation, I
12 want to highlight some of the commitments that we
13 were able to secure. 488 residential units, an
14 average of 53 percent of the area median income, 43
15 percent of which will be permanent affordable
16 housing, that's 208 units. At the end of this
17 process we secure deeper affordability and lower AMI
18 from 57 percent to 53 percent. We also push for more
19 affordable units adding additional 27 senior housing
20 units.

21 The two buildings will have 115 affordable
22 independent residents for seniors at a household
23 income at levels of 30 to 80 percent of area median
24 income. 93 percent of the mandatory inclusionary
25 housing unit with income level at 40, 50 and 100

1
2 percent of the area median income. There will be a
3 space for the Chinese American Planning Council to
4 establish a home base in the community to more
5 effectively expand their services for seniors,
6 immigrants, people with special needs and youth.
7 They've been doing this for over 50 years.

8 One component that means a lot to me and the
9 lower east side community is the return of the
10 historic Beth Hamedrosh Hagadol Jewish Culture
11 Heritage Center to this site. The site will have
12 programming events that will include classes and
13 lectures for the public and a synagogue service for
14 bases and special holidays.

15 You know, working with HPD, we will provide 30
16 percent set aside for formerly homeless seniors and
17 family. HPD will also develop an outreach plan to
18 give former site tenants in the Stewart Park Urban
19 renewal area a change to apply. We are also actively
20 engaging multiagency to look at solutions around
21 traffic congestion in the neighborhood, both in the
22 immediate and in the long term. We are going to look
23 at parking regulation, construction mitigation and
24 the impacts of policies like congestion pricing.

1 SUBCOMMITTEE ON ZONING AND FRANCHISES 54
2 We have also secured a commitment from the Gotham
3 organization to contribute to an independent area
4 wide traffic study led by the Community Board to
5 study the traffic impact and create a comprehensive
6 vision for planning. The process leading up to today
7 was not easy, but I'm proud of the commitment we
8 fought for and today's vote is an important step
9 forward in creating desperately needed affordable
10 housing while preserving the legacy of institutions
11 like the BHA synagogue and Chinese American Planning
12 Council. I wanted to thank the development team for
13 working with us and all who shared their inputs and
14 support. I also wanted to thank our Land Use staff
15 especially Raju Man, Chelsey Kelly and also my Chief
16 of Staff Gigi Li and the Land Use Director Anthony
17 Drummond working on this GO Broome project.

18 The other project 501 Broadway, today's vote on
19 the 503 Broadway special permit Application located
20 in lower Manhattan Soho area has been a culmination
21 of extensive community engagement with both resident
22 and the local community. Soho has been a vibrant
23 mixed use neighborhood that has defined and continue
24 to redefine the coexistent of arts and culture
25 commercial use and residential needs. This

1
2 Application has highlighted challenges between
3 commercial use and residential quality of life.

4 Over the years, residents have seen a
5 proliferation of big box retail. Many of these
6 operators have been bad neighbors and unresponsive to
7 the communities concern. There is also no question,
8 there needs to be a comprehensive plan to balance
9 both economic and residential need. This is one case
10 where we have been able to get strong commitments
11 from the applicant to address this need and I have
12 ben very clear in my concern about noise, traffic and
13 transparency and I want to highlight some of the
14 commitments that Sara has committed to.

15 They have committed to reduce off our deliveries
16 from 12 per week to 10 per week. They will restrict
17 the hours of all pickups and delivery on Bursa[SP?]
18 Street between 7:00 a.m. and 7:00 p.m. and have off
19 hour deliveries in a store entrance on Broadway
20 between 10:00 p.m. and 7:00 a.m. They will mitigate
21 noise by eliminating the use of mechanical lifts,
22 having all boxes hand carried from the trucks into
23 the stores and having truck engines turn off while
24 they are parked.

2 They will continue to address community concern
3 through a dedicated community liaison who will
4 respond to phone calls, text messages and emails and
5 have corporate headquarter provide assistance where
6 needed. They are also a strong union shop. So, I
7 wanted to thank Chair Moya for the hearing that you
8 had before, it was a long hearing. I want to thank
9 all the members of the Subcommittee on Zoning and
10 Franchise who will vote on this item today. I thank
11 all my constituents who have engaged throughout this
12 process and of course, our Land Use staff Raju Man,
13 Chelsey and my staff for really working thoughtfully
14 throughout this whole process and I urge my
15 colleagues on this Committee to vote in support on
16 both of these projects.

17 Thank you.

18 CHAIRPERSON MOYA: Thank you Council Member. I
19 now call for a vote to file LU 624 and LU 636 to
20 approve LU's 606, 607, 608, 609, 610 and 625 and to
21 approve with the modifications I've described Pre-
22 considered LU 614. Council, please call the roll.

23 COUNCIL CLERK: Chair Moya?

24 CHAIRPERSON MOYA: Aye.

25 COUNCIL CLERK: Council Member Levin?

2 COUNCIL MEMBER LEVIN: Aye.

3 COUNCIL CLERK: Council Member Reynoso?

4 COUNCIL MEMBER REYNOSO: Permission to explain my
5 vote? Can I just ask, we're voting on Land Use items
6 Numbers 618 through 622? I guess I'm asking
7 Committee Council. Are we?

8 COUNCIL CLERK: Sorry, which numbers did you say?

9 COUNCIL MEMBER REYNOSO: Land Use Numbers 618
10 through 622 that's in [INAUDIBLE 1:39:44].

11 COUNCIL CLERK: No, not today.

12 COUNCIL MEMBER REYNOSO: Okay, then I vote aye on
13 all. Thank you.

14 COUNCIL CLERK: Council Member Grodenchik?

15 COUNCIL MEMBER GRODENCHIK: With congratulations
16 to Council Member Chin, aye on all.

17 COUNCIL CLERK: Council Member Rivera?

18 COUNCIL MEMBER RIVERA: I vote aye.

19 COUNCIL CLERK: A vote of five in the
20 affirmative, zero in the negative and no abstentions,
21 the items are approved and referred to the full Land
22 Use Committee.

23 CHAIRPERSON MOYA: We will now here LU 631 for
24 the Queens Boulevard MIH Text Amendment proposal
25 relating to property in Council Member Holden's

2 district and Van Brammer's district in Queens. The
3 Application is for a Zoning Text Amendment to
4 establish two mandatory inclusionary housing areas,
5 both utilizing Option 1 and Option 2 along Queens
6 Boulevard generally between 64th Street and 73rd
7 Street in the Maspeth woodside neighborhood of
8 Queens. If approved, the Application would
9 facilitate the development of two mixed use
10 buildings. One within each proposed MIH area with a
11 total of approximately 218 dwelling units including
12 between 56 and 57 affordable units.

13 I now open the public hearing on this
14 Application. Jacqueline Scarenchie[SP?] and Nigema
15 Rivera, did I get it right? Okay, thank you.

16 COUNCIL CLERK: Please raise your right hands and
17 state your name for the record.

18 JACQUELINE SCARENCHIE: Jacqueline Scarenchie.

19 NIGEMA RIVERA: Nigema Rivera.

20 COUNCIL CLERK: Do you swear or affirm that the
21 testimony you are about to give will be the truth,
22 the whole truth and nothing but the truth and that
23 you will answer all questions truthfully?

24 PANEL: Yes.

25 COUNCIL CLERK: Thank you.

JACQUELINE SCARENCHIE: Good morning Chair Moya and Council Members, Jacqueline Scarenchie of Akerman LLP for the Applicant 6411 QB Owner and I'm joined today by Nigema Rivera of HANAC. The projects affordable housing administering agent.

To provide you some contacts, this proposal will have two project areas that span two neighborhoods within Queens Community District 2. Project area one is in the woodside neighborhood and spans the two block fronts between 64th Street and 65th Place.

And project area 2 is located in Maspeth and spans the two block fronts between 70th Street and 73rd Street.

So, the Applicant here is not requesting a rezoning. The existing zoning is an R7XC-3 with voluntary inclusionary housing that was passed in 2006. This application seeks to take advantage of the mandatory inclusionary housing text that would allow a 6.0 FAR, when providing onsite affordable housing.

Currently, today, no affordable housing would be required. You would be able to build a 3.75 FAR with the Text Amendment, any new residential development

1 would be required to provide onsite affordable
2 housing and utilize the 6.0 FAR.

3 So, just to provide the first project area,
4 currently, in this area there are a mix of hotels, R
5 site used to be a hotel and it's currently vacant
6 property but there is also a hotel located on 65th
7 street. A lot of the new residential development
8 that's being built in this area on Queens Boulevard
9 is actually just as of right market rate housing and
10 not providing affordable, just building up to the
11 30.75 FAR.

12 And then, just to show the other project area
13 between 70th and 72nd Street, our development site 2
14 is this triangular lot between 72nd and 73rd Street.
15 It's currently livery cab licensing lot and also,
16 it's a used car sales lot.

17 So, the proposed development at 6411 Queens
18 Boulevard will be a new 13 story mixed use building
19 with 140 residential units, approximately 42
20 permanently affordable units and they'll be 1600
21 square feet of ground floor retail, 75 parking
22 spaces.

23 And then, the second proposed development at 7212
24 Queens Boulevard will be a 12-story mixed use
25

2 building with 78 residential units, 23 permanently
3 affordable units and 5,481 square feet of ground
4 floor retail.

5 This is the site plan. At the request of Queens
6 Community Board 2, the section of our lot where you
7 see is the very narrow portion, they had asked us to
8 make that open space rather than at Grey Parking and
9 the developer, they are accommodating the request.

10 And then, just to turn it over now to Nigema who
11 will be working with the teams affordable housing.

12 NIGEMA RIVERA: Good morning, my name is Nigema
13 Rivera and I am the Director of Property Management
14 for HANAC INC.

15 For those of you who are unfamiliar with HANAC,
16 HANAC is a multifaceted social service nonprofit
17 organization founded in 1972 in Astoria New York and
18 was developed to serve the needs of a vulnerable
19 population throughout the city.

20 For the past 20 years, HANAC has played an
21 everlasting role as an affordable housing developer
22 throughout the City of New York.

23 HANAC now owns and operates four fully service
24 senior residences and one multifamily residence, all
25 totaling well over 600 units within Astoria, Corona

1 and Flushing Queens. HANAC is fully committed with
2 the development of affordable housing especially for
3 seniors and we support any effort towards that goal.
4 Speedy Management, HANAC's property management
5 company will be working on this project as the
6 administrating agent and managing company for the MIH
7 units.
8

9 Speedy Management will be doing all the marketing
10 on reaching out to the Community Boards, advertising
11 the project in local newspapers and processing all
12 the application, as well as providing other types of
13 community based services. HANAC's trained HPD
14 housing ambassadors would assist with applicants,
15 with the application process any forms and referrals
16 for counseling.

17 As the managing agent, we will ensure compliance
18 and regulatory agreement as followed. Our overall
19 objective is to provide effective management and
20 assist with providing housing for all.

21 Thank you.

22 CHAIRPERSON MOYA: Thank you. Just a couple of
23 questions. Just going back to the MIH, how did you
24 decide the two MIH options proposed in this
25 application?

1
2 JACQUELINE SCARENCHIE: So, we're proposing
3 Option 1 and Option 2. This, I pointed out in the
4 beginning, there's two project areas, so they are
5 both in Community District 2 but they definitely span
6 to different areas, Maspeth and Woodside, so
7 providing both options but proposing Option 2.

8 CHAIRPERSON MOYA: Okay, could you speak to the
9 reasons you chose the boundaries of the proposed MIH
10 areas? For example, like why not a smaller or larger
11 geography?

12 JACQUELINE SCARENCHIE: Sure, so, for project
13 area one, these development sites, they are both
14 vacant hotels. So, in working with the Department of
15 City Planning, we believe this was an appropriate
16 project area because it would encompass sites that
17 were - they're along Queens Boulevard. It's a wide
18 street and these were areas that were looking to
19 redevelop.

20 And then, on the 7212 this site actually, in
21 developing the MIH rational for this, is just
22 directly adjacent to 6902 Queens Boulevard which was
23 just recently approved by the City Council. So, our
24 development site is between 72nd and 73rd and the
25

2 block between us would also be mapped, so this entire
3 track between 73rd and 69th street would now be MIH.

4 CHAIRPERSON MOYA: Thank you. Just lastly, I
5 just want to just confirm that you did say during
6 your testimony that you were abiding by the
7 recommendations from the Community Board for the
8 conditions of approval, correct?

9 JACQUELINE SCARENCHIE: Yes. One of the
10 conditions was to provide –

11 CHAIRPERSON MOYA: The street scaping and
12 parking?

13 JACQUELINE SCARENCHIE: Yes.

14 CHAIRPERSON MOYA: Okay, great. Thank you very
15 much for your testimony today.

16 PANEL: Thank you.

17 CHAIRPERSON MOYA: Now, I'd like to call up the
18 next panel Reverend Gilbert Pickett and Mark
19 Espinosa.

20 REVEREND GILBERT PICKETT: Good morning.

21 CHAIRPERSON MOYA: Good morning Reverend, good to
22 see you.

23 REVEREND GILBERT PICKETT: Good to see you to my
24 Council Member.

25 CHAIRPERSON MOYA: Yeah, absolutely, thank you.

2 REVEREND GILBERT PICKETT: Those who are a part
3 of the Council -

4 CHAIRPERSON MOYA: Just before you begin
5 Reverend, I just want to let you - we put the two
6 minute clock on for everyone when it comes to
7 testifying.

8 REVEREND GILBERT PICKETT: Two minutes for a
9 preacher, okay.

10 CHAIRPERSON MOYA: Exactly.

11 REVEREND GILBERT PICKETT: Alright.

12 CHAIRPERSON MOYA: A preacher, a politician, you
13 know, you name it but go ahead. You can take your
14 time.

15 REVEREND GILBERT PICKETT: I'm here in support of
16 6411 Queens Boulevard along with Pastor Patrick Young
17 of First Baptist Church, Pastor Corin Mason of the
18 Community Church of Astoria, and then I have a letter
19 of support from the Woodside Tenants Association and
20 Ann Cotton could not be here today because of
21 sickness and of course, I'm here with Bishop Mitchell
22 G. Taylor, the Pastor of Center of Hope also the CEO
23 of Urban Upbound and we are here in support of this
24 project at 6411 Queens Boulevard, due to the fact
25 that of course this will bring much needed housing

1 especially one third of it has been set aside for
2 affordable housing, which is hard to find of course
3 in Queens.

4
5 And so, we thank God for the fact that also we
6 bring about a job opportunities as well. And so, I'm
7 representing not only those who are a part of the
8 Hope Church but those who are part of Eastern Baptist
9 Association where I serve as moderator. We have 110
10 churches and we are very interested in this project
11 moving forward.

12 Thank you.

13 CHAIRPERSON MOYA: Great, thank you, thank you
14 Reverend.

15 MARK ESPINOSA: Good morning Chair Moya and
16 members of the Subcommittee. My name is Mark Anthony
17 Espinosa, I'm a cleaner and I have been a member of
18 32BJ SEIU for 12 years. I'm here today on behalf of
19 my union and the 3,000 members who live and work in
20 Community District 2.

21 New York's economy is hard on working families
22 and we believe that in order to create a more
23 balanced New York, new developments should come with
24 commitments to create prevailing wage building
25 service jobs. We are pleased to tell you that the

1
2 developer for this project has made a credible
3 commitment to provide prevailing wage jobs to the
4 future property service workers at this site.

5 32BJ sees this as an example of responsible
6 development, private development that includes MIH is
7 important for creating a more equitable New York. We
8 believe that this development team has a vision to
9 invest in this community and we are happy to support
10 this plan. We respectfully request that you approve
11 this project.

12 Thank you.

13 CHAIRPERSON MOYA: Thank you, thank you both for
14 your testimony today.

15 PANEL: Thank you.

16 CHAIRPERSON MOYA: Are there any other members of
17 the public who wish to testify? Seeing none, I now
18 close the public hearing on this Application and it
19 will be laid over.

20 We're just going to take a brief pause for one
21 minute and we'll be right back.

22 Thank you, we're going to continue. We will now
23 move on our hearing, on our other hearings. We will
24 now hear LU 626 for the 46-74 Gansevoort Street

1 Application relating to property in Speaker Johnson's
2 District in Manhattan.

3 The applicant seeks approval of a proposed
4 amendment to Restrictive Declaration D-94, which has
5 been previously amended twice since its original 1984
6 approval. The proposed amendment would modify the
7 applicable use provisions to allow Use Group 3 and 4
8 community facilities and Use Group 6B offices.

9 The property which is the subject of the
10 Restrictive Declaration generally includes the
11 southside frontage of Gansevoort Street between
12 Washington Street and Granite Street in the west
13 village neighborhood of Manhattan.

14 I now open the public hearing on this
15 application. I will call the first panelist,
16 Elizabeth Bennett.

17 COUNCIL CLERK: Please state your name and raise
18 your right hand for the record.

19 ELIZABETH BENNETT: Elizabeth Bennett.

20 COUNCIL CLERK: Do you swear or affirm that the
21 testimony you are about to give will be the truth,
22 the whole truth and nothing but the truth and to
23 answer all questions truthfully?
24 answer all questions truthfully?

25 ELIZABETH BENNETT: I do.

1 COUNCIL CLERK: Thank you.

2 ELIZABETH BENNETT: Good morning Chair Moya and
3 Council Members. My name is Elizabeth Bennett and I
4 am an Attorney at Fox Rothschild representing the
5 applicant.
6

7 As you mentioned, we're seeking a modification to
8 a 1984 rezoning to amend a restrictive declaration to
9 add permitted uses within Use Groups 3 and 4, which
10 are community facility uses and Use Group 6B which is
11 office use.

12 After extensive discussions with the community,
13 Community Board 2 and the Speakers Office, the
14 applicant has committed to operational bulk and
15 community benefit space here and we're very happy
16 with how those discussions have gone and I'll get to
17 more detail on that in a moment.

18 The City Planning Commission recently approved
19 the application, which brings us before you today.
20 The site is located at 46-74 Gansevoort Street
21 between Washington and Granite Streets. It's within
22 the Gansevoort Market Historic District, which is
23 best known for its history in meat packing and meat
24 market uses which weaned in the 1970's. The site is
25 located within an M1-5 Zoning District and the

1 surrounding area is predominantly commercial in
2 character.
3

4 The site is subject to a Restrictive Declaration
5 which dates back to a 1984 rezoning, which limits the
6 permitted uses at the site. The Declaration as
7 initially placed on the property in conjunction with
8 a 1984 rezoning, which disclosed that the rezoning
9 could potentially result in adverse environmental
10 impacts. The meat production related uses in the
11 area.

12 So, in order to mitigate those potential impacts,
13 the Declaration was put in place to require certain
14 uses at this site and various other sites in the
15 area, including 95 Horatio Street, which was before
16 the Council a few years ago.

17 The Declaration has been amended multiple times
18 over the years, but the current declaration is the
19 second amended declaration which allows the permitted
20 uses which are in Use Groups 11, 16, 17 and 18. Use
21 Groups 6 and 9 except no Use Group 6B offices. No
22 eating and drinking establishments with entertainment
23 uses and no eating and drinking establishments in the
24 rear yards or on the roof.

1 The modification before you today, seeks to add
2 Use Groups 3, 4 and 6B to those which are currently
3 permitted and the restrictions on eating and drinking
4 in rear yards and eating and drinking with
5 entertainment uses would remain in place.

6 As I mentioned, this is in an M1-5 zoning
7 district and a variety of uses are permitted on an as
8 of right basis including uses in Groups 3 to 14, 16
9 and 17.

10 The 1984 Restrictive Declaration which was
11 originally placed on the property in conjunction with
12 the original rezoning, limited the site to the what
13 they call the permitted uses at the time which were
14 uses in Groups 11, 16, 17 and 18 and required best
15 efforts to maintain the site for meat related uses in
16 Use Groups 17A and 17B.

17 The Declaration was amended in 1998 to expand the
18 permitted uses to include Use Group 6 at 46 to 50
19 Gansevoort Street. It was later amended in 2003 to
20 add additional uses in Use Group 6 and 9 to all sites
21 at the property, and the Council later modified that
22 City Planning's approval on that matter to prohibit
23 Use Group 6B offices, eating and drinking
24

1 establishment in rear yards and eating and drinking
2 establishments with entertainment.
3

4 So, at the time I'll note that the Council, I
5 believe made that modification in response to
6 community concerns. We've spent a great deal of time
7 working with the community to allay those concerns
8 and to make sure everyone is comfortable with the
9 proposal that is before you today. So, we are back
10 here to seek Use Groups 3 and 4 and 6B to be added to
11 the permitted uses.

12 As I mentioned, we've had extensive discussions
13 with the community and in the context of those
14 discussions, the applicant has agreed to many
15 restrictions that benefit the quality of life for the
16 surrounding neighbors and the community. Including
17 restrictions on the number of liquor licenses, the
18 building height, the use of floor area and the use of
19 the outdoor areas at the site, which includes
20 restrictions on the hours of operation for the
21 outdoor areas and prohibits music and amplified sound
22 in those outdoor areas and that was in direct
23 response to discussions with the community.

24 Additionally, the applicant has agreed to provide
25 on site community benefit space in the amount of

1
2 1,775 rentable square feet on the lower level of 68
3 Gansevoort to be rented to a nonprofit arts
4 organization for a \$1 a year and off site community
5 benefit space in the amount of 4,000 rentable square
6 feet of community benefit space at a site that's at
7 Weehawken and Christopher Street and this would
8 allocated between an arts nonprofit user and a
9 service nonprofits user. The rent would be below
10 market rent at \$25 per rentable square foot and the
11 community benefit space for the service organization
12 could be exchanged for funding at the election of the
13 service organization or owner and no more at 50
14 percent of all of these spaces would be below grade.

15 From a land use perspective, this application
16 makes a lot of sense. The proposed uses actually fit
17 better within the context of the surrounding area
18 than some of the uses that are currently permitted
19 today and the uses that we're seeking are otherwise
20 permitted by the underlying M1-5 zoning district and
21 office use predominate in the area.

22 So, we feel that this proposal is in good context
23 within the surrounding area and the applicant is very
24 happy to have reached agreements with the Community
25

1 Board and is thankful for the Community Board's
2 collaboration on this.

3 I'm happy to answer any questions you may have.

4 CHAIRPERSON MOYA: Great, thank you. Just one
5 question. Do you have agreements in place or plans
6 in mind or have had any discussions in terms of
7 perspective tenants for the office space should this
8 amendment be approved?

9 ELIZABETH BENNETT: We do not have any leases in
10 place. We have had discussions with potential
11 tenants but there are no leases in place for the
12 potential office spaces. As you may or may not know,
13 there are currently tenants, ground floor tenants
14 [INAUDIBLE 2:17:13] on the ground floor of two of the
15 buildings, which are currently permitted.

16 CHAIRPERSON MOYA: Thank you very much. Thank
17 you for your testimony today.

18 ELIZABETH BENNETT: Thank you.

19 CHAIRPERSON MOYA: Thank you. We're going to
20 move onto the next panel. Fredericus[SP?], Zach
21 Weinstein and Donna Rafitty[SP?].

22 FREDERICUS SIEGAL: Good morning, my name is
23 Fredericus Siegal[SP?], I'm the Co-Chair of CB2 Land
24 Use Committee.
25

1 Human babies have been conceived and born in less
2 time than it took to hammer out the details of CB2's
3 approval of this application.
4

5 Nonetheless, it's an example of the public
6 process at its best. After years of controversy and
7 litigation over this development, the neighbors
8 started out in almost complete opposition to the
9 developers request for a change of use.

10 One ensued was months of negotiation, a stalemate
11 and then a friendly intervention by the Community
12 Board. Ultimately, a compromise was worked out and
13 unanimity prevailed. The terms of the agreement
14 include carefully crafted quality of life protections
15 for the neighbors and a significant public benefit
16 for the community at large.

17 What you have before you is a win win, thanks to
18 Eric Botcher and Pat Comerford in the Speaker's
19 office for their diplomacy. To Chelsey Kelly of the
20 City Council's Land Use Committee for her guidance
21 over many months and to the neighbors and the
22 developers for their willingness to evolve.

23 Thank you.

24 ZACH WEINSTEIN: Good morning. Thank you for
25 this opportunity to testify. My name is Zach

1
2 Weinstein, I'm Co-Chair of Save Gansevoort, a
3 community organization which mobilized to oppose this
4 development project.

5 The purpose of the 2003 amendment to the
6 restrictive declaration, which you are considering
7 today, the prohibition on office use was something
8 that we negotiated with Chris Quinn when she was our
9 City Council person back in 2003 and the purpose of
10 that restriction was to remove the economic incentive
11 for development on this block.

12 This block at that time and up until recently was
13 an iconic block of intact one and two story market
14 buildings. It was essentially the poster child for
15 the Gansevoort Market Historic District.

16 Unfortunately, that plan failed. Economics
17 changed, the prohibition on office use was
18 insufficient to prohibit development on that block.
19 There has been a massive development on the west side
20 of that block. It was extremely contentious; we are
21 unhappy that we lost it to Landmarks Commission but
22 that's water under the bridge.

23 And moving forward, as Frederica mentioned, there
24 was a long process to negotiate community benefits
25 that could be exchanged for allowing office use on

1 this block. We believe that the package that was put
2 together is fair and reasonable. We thank Speaker
3 Johnson's Office and Community Board for all of their
4 work in negotiating that package.
5

6 We just have two concerns that I'd like to
7 briefly mention. First of all, the side agreements
8 must be memorialized in a legally binding and
9 enforceable agreement of some sort simultaneous with
10 the passing of the amendment to allow office use.

11 Second of all, there is some ambiguity in the
12 Community Board Resolution, which we would like to
13 very briefly mention. In that resolution, whereas
14 Claus Number 11, states that space will be made
15 available to a nonprofit service organization at 711
16 Weehawken Street at a rent of \$25 per square foot
17 with an increase every ten years, every five years.

18 May I have an extra? Thank you. The resolution
19 goes on to say, in lieu of space, the service
20 organization and/or Aurora may opt for an annuity or
21 lump sum in an amount of approximately commensurate
22 with the value of the rent, exact amount to be
23 negotiated by Aurora and the organization.

24 There's some ambiguity there because it's our
25 understanding that that lump sum should represent the

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value of the rent subsidy to the nonprofit organization, not the rent itself. The rent is presumably less than -

CHAIRPERSON MOYA: Thank you, because we have a long list of people waiting to testify, so thank you for your testimony.

UNIDENTIFIED: Can I yield my time? I'm really just here to support what he is saying, so that you know there are more people in the community that are here on part of Save Gansevoort?

ZACH WEINSTEIN: In 20 seconds I can finish up.

CHAIRPERSON MOYA: Okay.

ZACH WEINSTEIN: Anyway, we do ask that the Council clarify whether that lump sum should represent the amount of the rent subsidy being donated by Aurora to the nonprofit organization and finally, that we will of course support whatever Speaker Johnson's Office and Community Board 2 end up determining on this matter.

Thank you.

CHAIRPERSON MOYA: Great, thank you all for your testimony today. Thank you.

1
2 Are there any other members of the public who
3 wish to testify? Seeing none, I now close the public
4 hearing on this Application and it will be laid over.

5 We will now here LU 632 through 635 for the Lenox
6 Terrace proposal relating to property in Council
7 Member Perkins's District. The application seeks
8 approval for a Zoning Map amendment, a changing in
9 R7-2 District with partial C1-2 Overlays to an R8
10 District with partial C1-5 Overlays. A Zoning Text
11 Amendment to establish an MIH area utilizing Options
12 1 and 2. A Zoning Special Permit for a large scale
13 general development and another zoning special permit
14 to allow a reduction in required parking spaces to
15 facilitate a proposed new development in the Lenox
16 Terrace superblock site in the central Harlem
17 neighborhood of Manhattan.

18 If approved, the proposal would permit the
19 development of five new approximately 28 story
20 residential buildings with ground floor retail, a new
21 central open space and 525 off street parking spaces,
22 494 of which would be provided below grade.

23 I now open the public hearing on this application
24 and I would like to turn it over to Council Member
25 Perkins for his remarks.

2 COUNCIL MEMBER PERKINS: Thank you very much for
3 this opportunity to share with you the concerns that
4 the residents from my district have with regard to
5 this proposal.

6 Of those who don't know, my name is Bill Perkins,
7 I'm the Councilman that represents the 9th Council
8 District in the Village of Harlem.

9 The 9th District that I represent is a very
10 diverse community. The residents represent the
11 entire spectrum of New York City from "Harlem born
12 and bred" to the Harlem dreamers. From river to
13 river east central and west Harlem, I represent and
14 have represented this community for 30 years. The
15 Lenox Terrace ULURP proposal represents a unique
16 opportunity to "test case" if you will, others have
17 an eye on Lenox Terrace as goals Lenox Terrace. Some
18 in the neighborhood are very concerned that the
19 future of the Lenox Terrace will also represent the
20 demise of the neighborhood.

21 Very rarely has a project of this magnitude
22 received such attention as exhibited here today and
23 today, I express my continued opposition to the
24 Lennox Terrace ULURP application. For almost a
25 decade I have supported the residents of Lenox

1 Terrace and the communities opposition to this
2 application. I have held dozens of meetings over the
3 course of my tenure and in the New York State Senate
4 and in the New York City Council.
5

6 Over the years, I have met with consultants,
7 housing, labor and environmental advocates. My
8 colleagues in government and the organization and the
9 development team and I have not changed my position
10 that this project is not good for our community.

11 The scale of this project tends to drastically
12 change the landscape quality of life of the residents
13 and the numerous issues not addressed by
14 organizations.

15 Since 2013, the community and Lenox Terrace
16 residents have not only opposed the up zoning but
17 have asked the ULURP applicant organization to
18 downscale the height and the scope of even as the as
19 of right development plan. How can you say to over
20 1600 units of new housing, how can you say no to over
21 1600 units of new housing? I was asked by a
22 journalist. I can say no, because it effects my
23 community. The new luxury housing and businesses
24 will displace thousands of residents, small business
25 owned and shoppers.

1 SUBCOMMITTEE ON ZONING AND FRANCHISES 82
2 If allowed this project will have a ripple effect
3 throughout this community. The impact will be seen
4 in many ways; air quality, loss of open space,
5 adverse shadow impact, lack of sun for all the
6 buildings 470 Lenox Avenue, 40 west on 35th Street
7 and 45 west on 32nd Street in particular.

8 Overcrowded schools, transit systems, subway
9 platforms, pedestrian and vehicular byways, parks,
10 libraries and hospitals. The neighborhood will have
11 to undertake the burden of this project, which is ill
12 conceived for a community that already lacks
13 efficient resources.

14 In 2013, a survey was conducted amongst the
15 residents of Lenox Terrace. The 2013 survey concluded
16 that over 78 percent of the residents were opposed to
17 the redevelopment and rezoning plan.

18 Today, seven years later, the consensus has not
19 changed. Further, the organization has shown itself
20 to be a bad player in this community for years. Not
21 just since this zoning change was conceived over a
22 decade ago. Residents have endured lack of services
23 ranging from broken elevators, leaking ceilings,
24 mice, bed bug infestations. Only with the refusal
25 over the years to make any upgrades to aging units

1 has nurtured animosity and distress from tenants.

2 Current residents have seen of their rents in the
3 development increase steadily with each year.

4 Current residents who have lived in the Terrace for
5 over 30 years have on average seen increases in their
6 rents 300 to 500 percent.

7
8 In addition, the five year construction impact
9 and all of the above mentioned and unmentioned issues
10 raised by this project, I emphatically request that
11 my colleagues join me but with President Gale Brewer,
12 Community Board Number 10 and the residents of Lenox
13 Terrace in voicing a definitive no to this project.

14 Building as of right is still wrong. Yours
15 Truly, Councilman Bill Perkins.

16 Thank you.

17 CHAIRPERSON MOYA: Please, please, I know you're
18 all excited but please, we just need to keep it down.
19 Thank you, thank you very much.

20 I'd like to call up the first panel. Thank you
21 to Council Member Perkins for your remarks. Ethan
22 Goodman, Edward Applebaum and Chris Grabe.

23 ETHAN GOODMAN: This is Ethan Goodman with Fox
24 Rothschild, we're a Land Use Council to the Olnick
25 Organization and I'm joined with Chris Grabe from

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Davis Brody Bond, the Project Architect and Ed Applebaum, our Environmental Consultant.

Thank you, Chair Moya.

CHAIRPERSON MOYA: One second, they are going to swear -

ETHAN GOODMAN: Sure.

COUNCIL CLERK: Do you swear or affirm that the testimony you are about to give will be the truth, the whole truth and nothing but the truth and that you will answer all questions truthfully?

ETHAN GOODMAN: I do.

COUNCIL CLERK: Thank you.

ETHAN GOODMAN: Thank you Chair Moya and I'd like to thank the local council member for giving us his words to open. Hopefully, what we're about to present can respond to some of that and provide some additional details as to how this project has evolved as we've moved through this process.

So, just briefly, to take you through a little bit the history here. The Olnick Organization began considering how to take property into the 21st Century in the early 2000's. One of the first things Olnick did is examined what zoning would really allow to happen here under the current regulations and the

1 regulations that exist today. And that current
2 project, the as of right project, that project that
3 they could move forward with, has got about four
4 towers that exceed 200 feet in height, about 500
5 market rate apartments with about a six to seven year
6 construction period. But unfortunately, and contrary
7 to the goals of the Olnick Organization that built
8 Lenox Terrace in the late 50's, what the as of right
9 would not let us do is substantially improve the
10 existing property. It wouldn't let us bring a lot of
11 the amenities we feel are vital to bring this complex
12 into the 21st Century.

14 It wouldn't let us build onsite consistent retail
15 presence on the street front and most importantly, it
16 would not let us build hundreds of affordable units
17 to address the city's crisis and affordability. So,
18 instead, we move forward to the plan that will do
19 something different and something much more
20 beneficial. We've moved forward with a plan that
21 will both strengthen the core of the existing Lenox
22 Terrace by building over six acres of open space,
23 improving exiting apartments, renovating existing
24 buildings and lobbies and corridors, providing new

1 building amenities for all residents, all with no
2 corresponding rent increases for existing residents.

3
4 What it will also do is enliven the streets
5 around Lenox Terrace by building five new buildings
6 at the corners of the property and new street level
7 retail throughout. What's most important here is
8 that the new development and the improvements to
9 existing, must and will happen together.

10 Unfortunately, building an as of right project
11 tomorrow according to the regulations, cannot make
12 the substantial upgrades and improvements and
13 affordability that we can if we can build some
14 additional density and height.

15 Upgrades to the existing buildings just can't
16 happen without some new development. However, we
17 will also commit the development of the new buildings
18 will not happen without the concurrent upgrades and
19 we stand ready and have for years stood ready to
20 memorialize all of those commitments in a binding and
21 enforceable tenant benefits agreement with the
22 existing residents.

23 What the project could bring is indeed one
24 additional new tour over what we could do today.
25 Buildings at about 280 feet but no higher than the

1 height of Harlem Hospital. The project originally
2 had a low rise building along Lenox Avenue, Malcolm X
3 Boulevard in the center; I'll talk about that more in
4 a second. Every building is a minimum of 60 feet
5 away from every existing building which is the width
6 of a city street. Over 1600 units of new housing and
7 most importantly, between 400 and 500 units of much
8 needed affordable housing with the potential to house
9 over 160 families earning the minimum wage.
10

11 We believe this to be the largest privately owned
12 and funded development of affordable housing in
13 Harlem, which we believe is vitally important to both
14 the community and the city.

15 With respect to the evolution of this project, we
16 have considered concerns that have raised in the
17 course of this process and before it and we have made
18 some substantial modifications. First of all, there
19 have been concerns about the historic entrance to the
20 driveway at 470 Lenox Avenue. There was a low rise
21 six story building that we had originally proposed
22 there. We've eliminated that building and opened up
23 the entrance to 470 Lenox, so that it's even wider
24 than it exists today, 175 foot opening that improves
25 and sustains the original historic driveway into 470

2 and opens up views westward from 470 Lenox. One
3 significant modification and if you look at this in
4 summary, our five buildings with a max height to 280
5 feet as one additional tower and it is 80 feet higher
6 than we would likely build as of right.

7 But it does bring 400 to 500 units of new
8 affordable housing compared to a market rate as of
9 right development. Again, households earning as
10 little as \$30,000 a year, which is the minimum wage
11 would be able to live in the new units that are
12 occurring here.

13 What's infeasible to provide if we only go as of
14 right, is the substantial amenity package that would
15 consider modern amenities for all existing residents
16 at Lenox Terrace and those include kids playrooms,
17 yoga studios, community rooms, gyms, all built with
18 the new buildings and all open to everybody on Lenox
19 Terrace.

20 Improving the retail environment by building a
21 uniform and consistent retail street wall, built into
22 the new building on Lenox Avenue, 5th Avenue, 135th
23 Street and 132nd Street.

24 This would be neighborhood retail development.
25 About 150,000 square feet in total, small to mid-size

1 local retailers and here is where the second major
2 modification in response to community concerns comes
3 in. There was a lot of concern at the outset of this
4 project that this was a high density commercial
5 rezoning. We have removed the commercial rezoning
6 and we have reverted back to a residential zone with
7 the same C1 Commercial Overlay that exists today.
8 Large retail establishments would not be permitted.
9 Smaller local retailers on the first floor would. We
10 believe this is going to retain and enhance the
11 existing local community retail orientation of the
12 project and improve the retailers that have been
13 there for 60 years.

14
15 The open space plan, most of the interior of the
16 property is currently paved and asphalt. What we can
17 do is transform that paved space without reducing
18 parking to any residents by moving the parking
19 underground, to garages one level below that are
20 handled by valet. We can develop over six acres of
21 new green space, add hundreds of new trees on the
22 interior of the property.

23 Large central parking lots can become large
24 central lawns for passive recreation. Driveways and
25 parking spaces can become pathways, pocket parks and

1 benches. In addition, our proposals commit to
2 renovations to the existing property that would go
3 inside the existing building with renovations to all
4 of the six lobbies of the existing Lenox Terrace
5 buildings and most importantly with upgrades to
6 existing residential units.
7

8 Now, I want to make it clear that the upgrades
9 we're talking about are not general maintenance, they
10 are not repairs, they are not things that we are
11 obligated and must do in are committed to doing every
12 day to keep up the habitability of every unit here.
13 That's not what we're talking about.

14 What we are talking about is tens of thousands of
15 dollars of capital improvements to the kitchens and
16 bathrooms of every unit that hasn't been renovated
17 since 2000. This is at no cost, not passing on any
18 rent increases, not changing the situation or the
19 finances of any exiting resident but putting this in
20 place in conjunction with this project. Renovating
21 all the hallways with new lighting, paint, carpeting
22 and committing that the renovation will occur at the
23 same time as the construction of the new development.
24 The benefits of this project are substantial and
25 significant.

1 One of the largest development projects as far as
2 spending in Harlem, 700 plus million dollars in new
3 construction spending with thousands of direct and
4 generated construction jobs and hundreds of millions
5 of direct and generated wages. Hundreds of permanent
6 jobs and millions of new wages.
7

8 I'd also like to make it clear that we have heard
9 the concerns and the comments of the Borough
10 President and the Community Board and others with
11 respect to affordability and affordability that
12 attempts to go beyond just MIH. So, in addition to
13 the 400 to 500 units, we are engaged in serious and
14 substantial conversations with HPD to develop an
15 affordability package that increases the
16 affordability of the units to be developed and works
17 on a long term preservation plan for the existing
18 Lenox Terrace residents and the existing Lenox
19 Terrace units.

20 We work very hard and we hope to be able to share
21 additional details with that as we further develop
22 this plan.

23 With that, I will close and my colleagues are
24 here to answer any questions as am I.
25

1 SUBCOMMITTEE ON ZONING AND FRANCHISES 92
2 CHAIRPERSON MOYA: Great, thank you. Just a
3 couple of questions before I turn over to Council
4 Member Perkins.

5 You touched upon this a little bit, but the
6 proposed plan is creating significant adverse impacts
7 on open space. How are you planning to mitigate
8 those impacts and what about the public accessibility
9 of the onsite open space that's there now?

10 ETHAN GOODMAN: Right. So, I'll respond to those
11 two points. So, the adverse impact with respect to
12 open space, it was deemed that because we were
13 bringing in additional residential population that
14 would use additional residential open space, we did
15 not take or get any credit in that review for the six
16 acres of onsite open space. It was not all dedicated
17 publicly accessible open space, so that was not
18 considered in that analysis that determined there to
19 be an impact. Nonetheless, we did have an impact.

20 What we've done, is we've developed a plan to
21 mitigate that by investing millions of dollars in
22 upgrades to the Howard Bennett Playground across the
23 street. New play equipment, new comfort stations and
24 also to invest in the Hansborough Recreation Center
25 which is a city owned recreation facility on the

1
2 Lenox Terrace block by contributing to funding new
3 recreational and play equipment inside Hansborough.

4 So, this package was the result of a lot of hard
5 work and discussions with the Parks Department and
6 the Department of City Planning and so, we've come up
7 with a plan that we think is substantially improving
8 the local open spaces.

9 And, I'm sorry, I missed the second part. Oh
10 yeah, the public accessibility.

11 CHAIRPERSON MOYA: Right.

12 ETHAN GOODMAN: Sure, so as we've moved through
13 this process, there have been a lot of countervailing
14 and different opinions as to the level of public
15 accessibility of what is currently an interior
16 private open space. We recognize concerns on both
17 sides. Anybody who - good planning principles call
18 for there to be some public accessibility but there's
19 also concerns about safety and security in
20 maintaining that among existing residents. We
21 acknowledge those, what we've emerged from coming out
22 the City Planning Commissions vote to approve, is a
23 plan that currently provides actual dedicated public
24 pedestrian walkway in a throughput corridor between
25 Lenox Avenue Malcolm X and 5th Avenue, so they'll

2 have free corridor to actually basically cut through
3 the property. So, sort of extend that street grid
4 through the property.

5 So, right now, there's sort of a compromise as a
6 bit of both as public and this in private.

7 CHAIRPERSON MOYA: Okay, the residents have
8 raised concern around the big box retailers taking
9 below grade space here. For example, the cellar
10 space would not count towards the zoning floor area.
11 How are you addressing these concerns and do you have
12 a plan for how you intend to tenant the retail spaces
13 that would be coming?

14 ETHAN GOODMAN: Sure, I will leave out of my
15 remarks that the state of big box retail in general,
16 which is not very strong these days but who knows
17 what the future might hold. The plan is not for big
18 box here and the C1 Overlay District will indeed
19 prevent that from occurring on the ground level. In
20 theory, the below grade space, which is cellar not
21 floor area, could go over 10,000 for some of these
22 uses.

23 However, if you look at the actual site plan,
24 you'll see that the below grade spaces are extremely,
25 extremely limited. Our parking plan and as part of

1 the site plan that gets approved in this project,
2 moves almost all of the parking to below grade. And
3 so, the one area where in theory you could put a
4 larger retail, which is along Lenox Avenue in a below
5 grade space, essentially all of that space, not all
6 of it but almost all of it would be dedicated to a
7 below grade parking garage, right.

9 So, there really just isn't physically any space
10 to put a large retail presence like a big box there
11 of 10,000, 15,000 or more square feet, down in the
12 cellar space. So, there's a practical limit in the
13 site plan to what we could even do below grade.

14 CHAIRPERSON MOYA: And lastly, what kind of local
15 hiring efforts are planned, especially planned for
16 construction and permanent jobs on the site?

17 ETHAN GOODMAN: So, we've realized from the
18 beginning that local hiring and also local
19 contracting is vitally important to this project.
20 That's why we have been in close coordination and
21 conversation with the greater Harlem Chamber of
22 Commerce for a period of time now and there maybe
23 some representatives that may testify today.

24 Towards developing a plan for local hiring and
25 local contracting during construction and bringing on

1
2 an advisor to advise in that manner. At this point
3 and time, what we would plan to do is ratchet it up
4 to a number of months before retailers are in and
5 hiring to have things like local job fairs and
6 utilize the resources of the Chamber and other
7 stakeholders to make sure we maximize the people who
8 are available to apply for those jobs.

9 CHAIRPERSON MOYA: Great, thank you very much. I
10 will now turn it over to Council Member Perkins for
11 questions.

12 COUNCIL MEMBER PERKINS: Thank you again for the
13 opportunity to share some of the concerns that have
14 come to our attention from the community and amongst
15 them or a few that I tried to articulate now. How
16 long will the proposed construction period be and
17 what kind of impacts will it create in terms of
18 noise, air quality, vibrations and traffic and what
19 are you specifically proposing to do to mitigate
20 these impacts?

21 ETHAN GOODMAN: Right, so, we believe the
22 construction period for the proposed project would be
23 approximately seven years.

24 COUNCIL MEMBER PERKINS: The construction period
25 will be seven years?

2 ETHAN GOODMAN: It would be approximately seven
3 years from start to finish.

4 COUNCIL MEMBER PERKINS: Is that an optimistic
5 estimate or is that a realistic estimate?

6 ETHAN GOODMAN: We think it's a realistic
7 estimate.

8 COUNCIL MEMBER PERKINS: Okay.

9 ETHAN GOODMAN: So, during the construction
10 period, there would be noise as there is throughout
11 any large construction in the city. Most of that
12 noise or the greatest intensity of that noise occurs
13 during the number of months where you are basically
14 building a foundation for a building.

15 You are driving piles for that building and
16 through the course of this process, there were
17 concerns that were also expressed about noise, about
18 construction impacts with respect to dust, to air
19 quality, to matters like that. So, not only have we
20 developed and plan to implement a list of measures to
21 reduce air quality impacts during any sort of
22 demolition and construction by using the highest tier
23 and lowest emission equipment as a result of this but
24 in addition, what's important here is that the

1 demolition that's involved in this project is the
2 essentially demolition of one story buildings.

3 So, we're demolishing one story buildings and
4 we're only excavating one story for this project.

5 So, you've got basically a confined period of time in
6 which you're really focusing on the dust issues and
7 so, we're really focused on the one story of

8 demolition. Once you start erecting the concerns or

9 more about noise and as far as that is, we've got a

10 plan actually to provide alternate means of

11 ventilation, air conditioners, so people can keep

12 windows closed in the surrounding area but we're not

13 pretending that a project of seven years will have no

14 effects and no impact. It certainly will have an

15 impact on people around it and it will be loud.

16 There will be things that occurring but we have

17 developed a series of measures including hot lines

18 that will be available 24 hours a day in order to

19 respond all of those concerns.

20 COUNCIL MEMBER PERKINS: Well, I'm glad your

21 beginning to look into that. I would hope that

22 effort is as genuine and somewhat aggressive in terms

23 of communicating with the neighborhood that will be

24 effected. And so, towards that end, how are you
25

1
2 communicating with folks in the neighborhood that are
3 going to be impacted?

4 ETHAN GOODMAN: Right, so, knock on wood, if we
5 are fortunate enough to receive approval and move
6 forward with this project. Prior to any
7 construction, what we would plan to do is convene a
8 series of initially introduction meetings to walk
9 through the entire process and timing in what occurs.
10 We would be establishing a dedicated essentially
11 hotline and team to respond to any questions and
12 concerns and we would be willing to commit to doing
13 this periodically as we move forward in the process.

14 The difference here as opposed to perhaps some
15 other construction projects where a developer is
16 building out a piece of land, they own next to
17 neighbors that are here strangers. We're building on
18 our own property, and the people that are clearly of
19 not the only but great concern are our tenants right.

20 Tenants that are currently you know in our
21 buildings that we run and operate and so, there's a
22 significant incentive to make sure that the Olnick
23 Organization's property of Lenox Terrace is continued
24 to run in a fashion that doesn't you know, wholly
25 displace and aggravate their existing residents.

2 There is no benefit to Olnick Organization to making
3 sure the residents have lower quality of life.

4 So, there's a real incentive and we're willing to
5 make real steps and commitments that would be
6 ongoing.

7 COUNCIL MEMBER PERKINS: Thank you for that
8 response. I'm going to yield my time to the folks
9 who are here, who are anxious to share with you
10 directly from their own mouths in terms of what they
11 want to know about this process. So, thank you for
12 the opportunity. We've had to start this dialogue
13 and hopefully we'll go into a bigger dialogue.

14 Thank you.

15 ETHAN GOODMAN: Thank you.

16 CHAIRPERSON MOYA: Thank you for your testimony
17 today. I'd like to call up the next panel, Nellie
18 Bailey, Anthony Harris, Jency Acosta and Veronica
19 Glasgo.

20 Nellie? Yeah, just make sure the microphone is
21 turned on.

22 NELLIE BAILEY: Okay, it's on yes.

23 CHAIRPERSON MOYA: Perfect and you may begin.

24 NELLIE BAILEY: Okay, my name is Nellie Bailey, I
25 am the founder of the Harlem Tenants Council. We've

1 SUBCOMMITTEE ON ZONING AND FRANCHISES 101
2 been around for almost three decades and I'm here to
3 oppose this rezoning proposal of the Olnick Company.

4 I'm not going to repeat the very eloquent remarks
5 of City Councilman Perkins which I believe captures
6 the sentiment of most of the people here in the
7 building. However, I wish to address the totality of
8 this project on the greater community of Harlem that
9 has gone through the expansion of Columbia University
10 in west Harlem, it's \$6 billion project. We've also
11 witnessed the rezoning of 125th Street approved by
12 the City Council. The rezoning of east 125th Street,
13 approved by this City Council.

14 And so, I am here to talk about all of those
15 projects with its net impact on the greater community
16 of Harlem. Increasing homelessness, increasing the
17 commercial rents. We saw right away after the
18 rezoning of 125th street, 71 businesses closed. They
19 were shuttered and we're going to see even more on
20 Lenox Avenue and for those people who are here, Lenox
21 Avenue is the historic avenue of Harlem. All of the
22 great events that have happened there.

23 So, the issue quickly, there are two issues. The
24 issue of affordability, which can be construed in any
25 number of directions. What do you mean by

1 affordability? And we know that the carrot of
2 promising jobs to the community never materialized
3 because we heard that lie from Columbia University.

4 Most of these construction workers –

5 CHAIRPERSON MOYA: Nelly, you're going to have
6 wrap it up because it's two minutes and we have a
7 long panel.

8 NELLIE BAILEY: I see. Most of these
9 construction workers do not have a book.

10 CHAIRPERSON MOYA: Thank you so much. Thank you.

11 NELLIE BAILEY: So, please, please. We demand that
12 you vote against.

13 CHAIRPERSON MOYA: Thank you. Anthony Harris.

14 NELLIE BAILEY: This rezoning.

15 CHAIRPERSON MOYA: Please, and please, I just
16 want to make sure that everyone, you got to keep it
17 down. There is no clapping. There is no clapping
18 but please be conscious that we have a two minute
19 clock for a reason. There's a lot of people who came
20 here to testify and we want to make sure that
21 everyone gets their opportunity to do so. It's been
22 a long day and we have a long list going forward.

23 So, please be mindful of that. Thank you.

1 ANTHONY HARRIS: Greetings, I'm a long time
2 resident of Harlem and I, along with most of the
3 people here say no to this rezoning. I just listened
4 to Olnick state their case and the word that came to
5 me was just basically being disingenuous. As of
6 right, they have ownership of this land to do as they
7 choose and they say they concerned this since 2000.
8 Let's look at what they've done to the surrounding
9 community since 2000.
10

11 A historic diner that was very important to the
12 community called Pan Pan, burned down. They put
13 nothing up there. You look at 5th Avenue, which is
14 the opposite side of the slide that they showed you,
15 there's nothing. There are building, there are
16 stores gaited up. There is nothing there, so the
17 question in my mind becomes you know, you had as of
18 right and you to liven the streets, I think the word
19 was used by someone that spoke up in representation
20 of them. Why didn't they try to liven the streets
21 then? They only want to do this rezoning and they
22 talk about the things they want to do only as a money
23 grab. That's all it really is.

24 They are not being disingenuous and honest with
25 the community and as Ms. Bailey said, the

1 affordability issue is certainly in question. So,
2 I'm just very curious about this and furthermore, and
3 you know there's one thing that comes to mind to is
4 that with the current residents, there is no trust.
5 There is no trust with the current residents.
6 There's a tone deaf perception that Olnick has with
7 the current with the current residents.
8

9 So, they're only going to upgrade the apartments
10 of the current residents only if they get what they
11 want. That doesn't sound on the up and up. That's
12 not honest dealings. If you don't get what you want,
13 then it's just going to be business as usual. I'm
14 done.

15 CHAIRPERSON MOYA: Folks, we got to keep it down
16 please. Thank you.

17 JANSY ACOSTA: My name is Jensy Acosta, I am the
18 Community Life Director at the Gathering Harlem. The
19 Gathering Harlem submits this testimony in support of
20 the tenants of Lenox Terrace urging you to oppose the
21 pending rezoning application by Olnick's
22 Organization. We believe any approval of the
23 application will only exacerbate the continued harms
24 of gentrification which have already caused
25

1 displacement of our members, neighbors and countless
2 others.

3
4 The Gathering Harlem internally has over 400
5 members has seen firsthand the disruptions of similar
6 rezoning's. what it has caused to our families, to
7 our small businesses and the support networks in
8 Harlem.

9 We believe that Olnick's plan to add five, 28
10 story buildings reduced the number of truly
11 affordable housing units and repurposed the land for
12 commercial use, will place an unmitigated burden for
13 the residents to access basic resources.

14 I think that it's interesting that in 2017, the
15 median household income in central Harlem was
16 \$49,995, while the median asking rent price for an
17 apartment was \$2350.00. Meaning a person with a
18 median household income was asked to pay in 2017
19 nearly half of their annual household income on rent.
20 This is only going to exacerbate the problem.

21 I'm someone who was born and raised in Harlem and
22 I remember working as an Apple technician while I was
23 still living at home and not having enough money for
24 us to keep our apartment in Harlem. An Apple
25

1 technician who was born and raised in the
2 neighborhood cannot keep their apartment in Harlem.

3 This is only to exacerbate the issue that we are
4 encountering here.

5 CHAIRPERSON MOYA: Thank you.

6 VERONICA GLASGO: Hello, my name is Veronica
7 Glasgow[SP?]. I was born and raised in Harlem and
8 I've lived in Lenox Terrace 43 years.

9 We've always been able to post any information to
10 tenants and recently there was a lot of door drops by
11 Olnick that were incorrect. That was not truthful
12 and there were Tenants Association and the tenants
13 would repost things with the correct information.

14 On February 3rd, this letter was door dropped to
15 the tenants. Lenox Terrace residents: Dear
16 residents, regarding our policy that you notice
17 flyers and notices in common areas of the buildings
18 that are being posted, we'd like to remind every one
19 of the rules section within the leases governing the
20 units. Posting of signs and flyers, tenants may not
21 post signs and flyers around the property without
22 first obtaining prior written approval from owner.
23 Tenants are required to submit their request to the
24
25

1
2 general manager of the property and will be notified
3 within 48 hours after submission.

4 All approved signs, flyers, can only be posted on
5 bulletin boards designated by owner. Signs, flyers,
6 not meeting these requirements will be removed from
7 the property.

8 Recognizing that from time to time, residents
9 would like to share information with their neighbors,
10 we have designated bulletin boards in every building
11 for this purpose. Anyone wishing to post anything on
12 these boards can bring copies to the management
13 office at least 48 hours prior to the desired time of
14 posting.

15 Notices that comply with the established
16 guidelines will be posted by the property management
17 team. I did say I lived here 43 years and there is
18 nothing in my original lease that says I cannot post.

19 CHAIRPERSON MOYA: Thank you. Please let's just
20 keep the applause to a minimum. Thank you. I'm
21 going to call up the next panel. Jessica Ortiz,
22 Emmett Causey, Tony Hillary and Winston Majat[SP?].

23 So, we have Jessica correct? Emit? Tony? Do we
24 have Tony Hillary? Did we lose Tony? No Tony.

1
2 Cleston Lord, is that Cleston? Did I say it
3 correctly? Thank you.

4 Emmett, we're going to start with you and you can
5 begin.

6 EMMETT CAUSEY: Good afternoon everybody. My
7 name is Emmett Causey, I'm the Vice President of
8 Greater Harlem Housing Development and we at Greater
9 Housing Development is a not-for-profit development
10 organization that has provided affordable housing in
11 the Central Harlem area and as a longstanding member
12 of the Central Harlem business community and also as
13 members of the Greater Harlem Chamber of Commerce, we
14 are pleased to inform you that we believe the
15 proposed plans for the Lenox Terrace renovation and
16 new development will bring meaningful benefit to our
17 service area as well as to our businesses.

18 With that in mind, we encourage you to support
19 the Lenox Terrace initiative. As Harlem Knights, and
20 I've been a Harlem Knight all my life, born and
21 raised, we not only treasure Harlem's history but
22 also care deeply about its future and will be
23 directly affected. That is why we are in favor of
24 the various positive components that the Lenox
25 Terrace Initiative can and will bring to Harlem.

1 Greater Harlem Housing Development Corporation
2
3 has owned and operated a 100 percent affordable
4 housing portfolio consisting of 117 affordable units
5 of rental apartments ranging from studio's to three
6 bedroom apartments. We therefore understand the
7 pressing and growing need for more affordable housing
8 within the Central Harlem community and how the
9 stated agreement of the creation of an additional 400
10 or 500 affordable units as part of this proposal,
11 proposed development will address that need.

12 The proposed plan for Lenox Terrace also has the
13 potential to be an economic boom for our community
14 creating hundreds of temporary part time and full
15 time jobs doing the development and operational phase
16 as well as creating numerous business opportunities
17 for local entrepreneurs.

18 The development phase will also provide
19 substantial opportunities for local service
20 providers, contractors.

21 CHAIRPERSON MOYA: Emmett, we have to wrap it up.

22 EMMETT CAUSEY: Got the break.

23 CHAIRPERSON MOYA: Yeah.

24 EMMETT CAUSEY: Okay, well, thank you.

25 CHAIRPERSON MOYA: Thank you for your testimony.

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We're going to move to Jessica Ortiz.

JESSICA ORTIZ: Good morning Chair

Moya and member of the Subcommittee. My name is Jessica Ortiz and I am here on behalf of my union 32BJ to talk about how the proposed rezoning will impact building service workers and jobs.

This proposal will support the existing building service jobs and standards at Lenox Terrace and create many new good jobs. For more than 30 years, 32BJ has represented the 51 workers that currently clean and maintain the Lenox Terrace complex. These jobs are good jobs that pay the prevailing wage and provide working families access to upward mobility. Most property service jobs are filled by the people who live in the community and when these jobs pay the industry standard, they have low turnover rates.

In fact, the majority of the current staff at Lenox Terrace have served the complex for more than 20 years. Good jobs that provide both growth opportunities and security are important investments in New York Communities and the property service jobs that pay the industry standard do just that.

2 This plan will improve the existing buildings at
3 Lenox Terrace preserving them for the future and the
4 creation of new housing units and commercial and
5 community facility space will generate about 35
6 property service jobs because Olnick had made a
7 credible commitment to provide prevailing wage
8 building service jobs, these jobs will give access to
9 a new generation of property service workers to live
10 and work with dignity. 32BJ has a long time
11 partnership with Olnick Organization and knows they
12 will continue to be a responsible employer in Harlem.

13 On behalf of the more than 2,500 32BJ members
14 that live and work in Community District 10 in our
15 broader New York City membership, we urge you to
16 approve this project.

17 Thank you.

18 CHAIRPERSON MOYA: Thank you. Winston?

19 WINSTON MAJAT: Good afternoon.

20 CHAIRPERSON MOYA: Make sure that your microphone
21 is turned on.

22 WINSTON MAJAT: My name is Winston Majat
23 representing Harlem Week Incorporated. Honorable
24 Council persons, the Board of Directors of Harlem
25 Week Inc., which is to inform you that we believe the

1 applications before you for consideration regarding
2 the Lenox Terrace renovation and new development can
3 and will bring meaningful benefit the greater Harlem
4 area as well as to the goals and objectives of Harlem
5 Week.

6
7 With that in mind, we encourage you to support
8 the Lenox Terrace Applications. Harlem Week cares
9 deeply about the future of our community. That is
10 why we are in favor of the various positive community
11 benefit components that the Lenox Terrace Initiative
12 can bring to Harlem if properly planned.

13 Harlem Week is pleased to work in concert with
14 our community partners in the Olnick group to
15 strengthen the overall community impact of the
16 proposed new Lenox Terrace development project. We
17 believe this development would properly align with
18 its associated community benefits. Will enhance and
19 compliment the continued growth of our local parks
20 such as Howard Bennett Playground and St. Nicholas
21 Park. Our health and fitness facilities such as the
22 Hansborough Recreation Center, Kennedy Center and the
23 Harlem YMCA.

24 Our major health facility, Harlem Hospital center
25 and of course, our historic culture and library

1 facility such as the Schomburg Center for research
2 and Black culture in the county colored library.

3
4 Over the past ten years, Harlem Week has worked
5 directly with the Olnick group on major community
6 projects including our summer city project, the third
7 Saturday of August, the Harlem Day the third Sunday
8 of August and the Percy Sutton Harlem 5K and health
9 walk all taking place on West 135th Street between 5th
10 Avenue and St. Nicholas Avenue.

11 We also have worked with them, with the New York
12 City Marathon which is the first Sunday of each
13 November. We believe that the proposed development
14 plan and application before you can provide a unique
15 opportunity to address many of the ever growing needs
16 of our service area.

17 CHAIRPERSON MOYA: Thank you.

18 CLESTON LORD: Good afternoon. My name is
19 Cleston Lord, I'm here on behalf of the Great Harlem
20 Chamber of Commerce and its President Lloyd Williams.

21 The Chamber of Commerce is pleased to inform that
22 we support the application before you for
23 consideration regarding Lenox Terrace renovation and
24 new development. The proposed plan for the Lenox
25 Terrace has the potential to be an economic boom for

1
2 our community creating hundreds of part time and full
3 time jobs during the development and operational
4 phases as well as creating numerous business
5 opportunities for local entrepreneurs.

6 Development phase will provide substantial
7 opportunities for local service providers,
8 contractors and small businesses. It is further our
9 understanding from the Olnick group that the project
10 is committed to seeking to accomplish the minimum
11 goal of 30 percent MWLBE participation. We also look
12 forward to the substantial revisable leasing of the
13 retail commercial and professional services
14 environment which will benefit the Chambers target
15 area west 127th Street to west 142nd Street, east from
16 5th Avenue to west of St. Nicholas Avenue.

17 Because we are concerned about the issues of
18 gentrification, we recognize that the development of
19 the newly affordable housing in Harlem is key to our
20 community. Therefore, we are pleased that the
21 development when concluded is guaranteed to provide
22 between 400 to 500 additional permanently affordable
23 apartments earmarked in the main for Harlem
24 residents. We believe that the applicant has
25 demonstrated flexibility in its proposals before you

2 as submitted to ensure that much needed affordable
3 housing will remain as a key aspect and consideration
4 of this proposed development package.

5 We therefore request that you, as well as our New
6 York State Senator, our New York State Assembly
7 Member and of course our Community Board be
8 supportive of our focus on community benefits in this
9 project.

10 Sincerely, Lloyd A. Williams, President.

11 CHAIRPERSON MOYA: Thank you. Thank you very
12 much for your testimony today. I'm calling up the
13 next panel. Julius Tagendin[SP?], Dr. Jim Fairbanks,
14 Valerie Jo Bradley and Alex Glenell. Oh, I'm sorry,
15 it's with an F. I couldn't read your handwriting,
16 sorry. Fennell, sorry Alex.

17 It's four, it's four, right, yeah. Julius, Dr.
18 Fairbanks, Valerie, Alex, right? Okay, perfect,
19 thank you.

20 JULIUS TAGENDIN: Good morning Council Members.
21 I ask that you vote no on the Lenox Terrace rezoning
22 application in its entirety for the reasons expressly
23 articulated in the Manhattan Community Board 10
24 Resolution regarding same. Recommendation of the
25 honorable Gale Brewer, Manhattan Borough President

2 and the oral testimony and written testimony by me,
3 submitted to the City Planning Commission of New York
4 City on December 17, 2019.

5 I submit to you the same written document on file
6 at the City Planning Commission; however, today I
7 will not be redundant. Instead, I will emphasize on
8 the Commissions misunderstanding or lack thereof of
9 the Voting Rights Act of 1965 as amended in 2006,
10 known as the Fannie Lou Hamer, Rosa Parks and Coretta
11 Scott King Voting Rights Act Reauthorization and
12 Amendments Act of 2006.

13 A few of the Commissioners had concerns whether
14 this application would violate such act. Chairman
15 Castro in answering one particular Commissioner's
16 address of the matter on the day of the vote, who
17 wasn't in attendance at the hearing, simply said that
18 the issue was addressed in a later report by Council
19 and that basically it did not apply to rezoning's
20 rather redistricting. This seems to be a common
21 thought throughout certain circles when it comes to
22 issues pertaining to race, in particular African
23 American communities.

24 I wish today I could tell you that it's not a
25 race issue but it is a race issue. The plain meaning

1 of the phrase found in Section 5B of such act, any
2 standard practice or procedure clearly implies that
3 there are other things besides redistricting that can
4 negatively impact or dilute a protected groups voting
5 rights and the right that we assert will be diluted
6 or diminished as our right as a protected class to
7 have the ability to elect a candidate in our single
8 member district such as City Council of our
9 preference.

10
11 Briefly, I will use as an example, standard.
12 What is meant by standard within the meaning of the
13 section? It's simply is something established by
14 authority, custom or general consent as a model
15 example or point of reference.

16 Example, the housing model for inclusionary
17 housing is 75 percent open market and 25 percent
18 affordable, which as of 2020 does not work for us.

19 CHAIRPERSON MOYA: Thank you.

20 JULIUS TAGENDIN: I just wanted to -

21 CHAIRPERSON MOYA: We have to wrap it up. We
22 have a long list.

23 JULIUS TAGENDIN: Real quick. We meet the
24 qualifications that are found in Thornburg vs.
25 Gingle.

1 CHAIRPERSON MOYA: Okay, thank you.

2 JULIUS TAGENDIN: Shelby County was upheld.

3 CHAIRPERSON MOYA: Thank you. Thank you, we have
4 to move on. Thank you very much Dr. Fairbanks.

5 DR. FAIRBANKS: Hi, I'm Dr. Jim Fairbanks, I
6 served as Chief of Staff to Council Member Reverend
7 Wendell Foster and Helen Diane Foster for some 35
8 years. So, I thank the Council for their condolences.
9 The recent death of Reverend Foster.

10 So, I'm here today to oppose not only this
11 rezoning but all changes in rezoning's to down scale
12 it. This we're talking about the most iconic and
13 historic housing in the history of Harlem and we just
14 can't push the residents out.

15 There is historic organizing going on in the City
16 of New York. Wherever these rezoning's have popped
17 up, communities have organized like never before.
18 I'm a member of CASA for 12 years, Make the Road,
19 Vocal New York City, on and on, groups have stood up
20 because they understand this is gentrification. This
21 is unaffordable. It is displacement, it is the
22 removal of cultures of decades and decades of
23 neighborhoods. The removal of cultures. In the
24 South Bronx, in CASA, we have seen that take place.
25

1
2 Our main industry on the rezoning, the jobs in the
3 auto industry have left. There's a rippling affect
4 that people are just being forced out and so, this
5 has to stop.

6 Amenities that Olnick is - they don't need a
7 rezoning promise from us to fix up our buildings.
8 Olnick also owns a forest in the South Bronx, three
9 square blocks overlooking the Harlem Hospital. So,
10 they're not here now, maybe they are. So, a warning
11 to you, already organizing to stop you from
12 developing and ruining our forests.

13 Housing should be built for the AMI of the
14 residents of that community. We also need low
15 moderate supportive housing for our people. That's
16 how to end the homeless problem. Instead, we've
17 given over our city to the millionaires, want to be
18 billionaires, who just want to push us out and make
19 money.

20 Thank you very much.

21 CHAIRPERSON MOYA: Thank you. Valerie.

22 VALERIE JO BRADLEY: My name is Valerie Bradley
23 and I'm President of Save Harlem Now.

24 The current plan to add five, 28 story mixed use
25 building's to Lenox Terrace threatens its cultural

1 and historical significance. It is unfortunate that
2 the City Planning Commission has approved this plan.
3 Now, that the issue has been referred to the City
4 Council, we as Harlem's preservation organization
5 urge you to stand with the tenants of Lenox Terrace,
6 Council Member Bill Perkins, Manhattan Borough
7 President Gale Brewer and Manhattan Community Board
8 10, who oppose the rezoning plan.

9
10 Peg Breen, CEO of the New York Landmarks
11 Conservancy recently said in a letter to Gale Brewer,
12 Lenox Terrace is worthy of landmark designation
13 because it represents an outstanding example of mid-
14 century architecture and planning and has a
15 remarkable and social history.

16 For too long, up-zoning or inappropriate zoning,
17 has facilitated gentrification in Harlem and is
18 changing the face of Harlem all for the sake of a
19 dollar.

20 This has to stop and Save Harlem Now wants it to
21 stop with Lenox Terrace. We oppose the plan before
22 you.

23 We would like to see Lenox Terrace designated a
24 landmark and plan to ask the Landmarks Preservation
25 Commission to reexamine its decision not to designate

1 the complex. We agree with Peg Breen, that Lenox
2 Terrace is a stellar example of mid-Century
3 architecture. Designation does not guarantee to stop
4 development but it would allow the LPC to call for
5 more appropriate buildings.
6

7 The complex and its residents deserve better.
8 Thus, we urge you to vote no to his plan.

9 CHAIRPERSON MOYA: Thank you.

10 ALEX FENNELL: Hi, my name is Alex Fennell, I'm
11 the network Director of Churches United for Fair
12 Housing. The proposal put forth by Olnick will
13 nearly double the housing units in Lenox Terrace and
14 the vast majority of those units will be market rate
15 or what we consider luxury housing.

16 It's significant to note that in its inception,
17 Lenox Terrace was an urban renewal project under
18 Robert Moses and project, urban renewal projects of
19 that type during that period displaced over 250,000
20 New Yorkers from their homes.

21 Unfortunately, under our current land use system,
22 we see similar patterns of displacement throughout
23 the city particularly in historic communities of
24 color. Shifting Lenox Terrace to a largely market
25 rate or luxury development will increase the

1 displacement of existing tenants especially given
2 that the developer has already demonstrated they are
3 a bad actor. Neglecting needed repairs and illegally
4 deregulating units.
5

6 Currently, Olnick is holding these residents
7 hostage and threatening not to make the repairs they
8 are legally obligated to make unless they get the
9 zoning changes that they want.

10 Lenox Terrace and the surrounding area has
11 historically been a community that's minority
12 majority and no one can say how that will change if
13 this development moves forward. Because that wasn't
14 considered in previous rezoning's and as for us, as
15 advocates working throughout the city, we do know
16 what will happen as market rate construction
17 increases in historic communities of color.

18 We see the displacement of residents of color,
19 much like we saw in Williamsburg where we lost 15,000
20 Latinx residents despite a 20,000 person population
21 increase. Without studying how development will
22 affect racial demographics as part of the
23 environmental review process, we can't promise or
24 ensure that proposals will not disproportionately
25 harm residents of color and the community at large.

1
2 Without this type of analysis, we continue to
3 repose any rezoning that moves forward without a
4 racial impact study and would like to call on members
5 of this Committee to support our legislation, Intro.
6 1572 and we echo the concerns of the Lenox Terrace
7 residents and Council Member Perkins and urge this
8 Committee to vote no on this proposal.

9 CHAIRPERSON MOYA: Thank you. Thank you all for
10 your testimony. I will be calling up the next panel.
11 Michael Henry Adams, Gene Covington, Cora Pursavell,
12 Cordell Clear.

13 Thank you, if you could just make sure that your
14 microphone is on. Just press that button and see the
15 red light come on. Perfect.

16 MICHAEL ADAMS: Good afternoon Chair Moya,
17 Council Members, ladies and gentleman. My name is
18 Michael Adams and I'm here to testify that New York
19 City has a superb landmarks law. The problem is it
20 is applied in a disproportionate and discriminatory
21 way. In Greenwich Village, two thirds of the
22 buildings are protected by landmarking, at Harlem,
23 only about 15 percent. The Lenox Terrace was the
24 most significant place where African American's lived
25 when it was completed in 1958 and it is also as Peg

1 Breen has said an exemplary building representing
2 mid-century modernism.

3
4 The Landmarks Preservation Commission guided by
5 the Mayor and his misbegotten idea of trickle down
6 affordable housing whereby you must have the most
7 luxury housing in order to get any affordable
8 housing, has said that this building, this complex of
9 buildings is not worthy of being protected as a city
10 landmark.

11 But they're wrong, it meets all the criteria as
12 was stated in a letter that I was given by former
13 Commission member Roberta Washington who asked me to
14 note that unlike the Chair saying that it does not
15 represent the architectural significance to merit
16 being landmarked, that it meets all of the criteria
17 of the law that is both architecturally, culturally
18 and historically significant.

19 Now, you talk about the idea of how we're going
20 to with this development get affordable housing. I
21 would say affordable for whom? That you're going to
22 get new amenities. Amenities for whom?

23 What does it benefit anyone if you create
24 something that's wonderful but none of the people who
25 live in the community will benefit from it and will

1
2 all be displaced? At Lenox Terrace, already more
3 than 25 percent of the existing units are market rate
4 because of decontrol. Now, you're going to have 75
5 percent -

6 CHAIRPERSON MOYA: Thank you.

7 MICHAEL ADAMS: New units that are going to be
8 luxury.

9 CHAIRPERSON MOYA: Thank you, thank you for your
10 testimony.

11 MICHAEL ADAMS: So, you're going to essentially
12 have 100 percent luxury apartments in a new building.

13 CHAIRPERSON MOYA: Sir, thank you. I appreciate
14 your testimony but we have to move on, I'm sorry.

15 GENE COVINGTON: Good afternoon. My name is Gene
16 Covington, I live in 2186 5th Avenue. I've been
17 living in Lenox Terrace for 45 years.

18 I would like to just bring it down a notch and
19 talk about the people that's not here today, our
20 seniors. The one's on walkers, the one's with canes
21 and couldn't be here today.

22 The impact that this development would have on us
23 as seniors and the children across the street who we
24 have a high rate of asthma, we can't allow them to
25 just destroy our neighborhood. We have our neighbors

1
2 at Riverbend, we have them at Riverton, all of this
3 is going to impact the whole community of Harlem and
4 I would just like to say, I've seen so much change in
5 our community. When I came to New York and in
6 Harlem, 8th Avenue, no one would walk down 8th Avenue
7 it was so invested. Now, in certain areas, when I go
8 there, I can't see anyone that looks like me. It was
9 designed that way when they built the condos over
10 there.

11 So, now what they're doing, they're going to come
12 over by us and they're going to push us out. And all
13 I'm here to say is for the one's that's not here
14 today, including myself as a senior, please say no.
15 We cannot allow them to push us out and I would like
16 the word, people of color, but I'm going to back and
17 use the word Black. Black people like myself whose
18 gone through so much and we fought like heck to stay
19 here and now we're faced with another displacement.

20 All I'm asking is please say no.

21 Thank you.

22 CORA PURSAVELL: Hi, my name is Cora
23 Pursavell[SP?], I'm a tenant at Lenox Terrace. I've
24 been there since the inception of the building. I am
25 here to ask you to vote no.

1 What I would like to do is paint a visual of what
2 I see Lenox Terrace as should this happen. If we all
3 have five buildings and we are building five or six
4 other buildings around that I'm looking at a ghetto
5 within a luxury apartment. And if you can visualize
6 what that looked like, what it would mean. I'm a
7 senior also, I doubt if I would be here when this is
8 over but keep that visual in your mind as you vote
9 no.
10

11 CHAIRPERSON MOYA: Keep going, it's okay.

12 CORA PURSAVELL: I'm sorry, but as a senior there
13 are live in and kids and the subways, I'm thinking
14 about the weight of the area. The subway that's
15 there. The water that's there and if you cannot
16 maintain what we have now, in spite of some of the
17 people that were here saying these are jobs for local
18 people. Why aren't we maintaining what we already
19 have and we are begging to have, we don't have enough
20 maintenance, we don't have enough security. What are
21 you going to do when you get all these other
22 buildings around? I don't see, what you're seeing
23 does not validate what you are doing and there is no
24 trust in that.

25 CHAIRPERSON MOYA: Thank you.

1 CORA PURSAVELL: And I yield my time.

2 CHAIRPERSON MOYA: Thank you.

3 CORDELL CLEAR: Good afternoon, my name is
4 Cordell Clear, I'm not a resident of Lenox Terrace
5 but I'm a resident of Harlem and I'm a District
6 Leader in Harlem.
7

8 Five new buildings, 1600 new units and thousands
9 of new residents to Lenox Terrace will have a
10 tremendous impact on the infrastructure, quality of
11 life, transportation, congested subways and traffic,
12 schools and public services for the residents of
13 Lenox Terrace but not only for the residents of Lenox
14 Terrace but for the entire surrounding community.

15 We will all be subjected to the noise, the dust,
16 the rodents, the traffic, the congestion this project
17 will bring. And as Harlem is already rapidly
18 gentrifying, this will only expedite tremendously the
19 displacement of Harlem residents in Lenox Terrace and
20 outside of Lenox Terrace.

21 None of the previous rezoning's have resulted in
22 housing that Harlem residents will bore the brunt of
23 decades of neglect can afford. This one will not
24 either. The people who have lived in Harlem through
25 its darkest period deserve to remain there. Jobs and

2 small business opportunities should be available to
3 them as well.

4 From the outside looking in, you may think this
5 project looks pretty. It looks like new housing and
6 new jobs but for whom? For whom is this new housing?
7 This is not a good plan and the people who live in
8 Harlem are deathly afraid of what it is going to
9 bring. The level of gentrification and the level of
10 racial displacement that this is going to bring.

11 I sit here with this panel today and I ask that
12 you vote no to this plan. I echo all the words of
13 the panelists before me and our council member and I
14 ask you please vote no on this plan.

15 CHAIRPERSON MOYA: Thank you. Thank you all for
16 your testimony. The next panel is Paula McCray,
17 Samantha Thompson, Savanna Washington, Lenn Shebar.
18 Paula, yeah, Samantha?

19 Yeah, you just have to fill out one of these if
20 you're going to read for Paula.

21 UNIDENTIFIED: Okay, do I do that now or after?

22 CHAIRPERSON MOYA: Yeah. Samantha, is that you?

23 SAVANNA WASHINGTON: Savanna.

24

25

2 CHAIRPERSON MOYA: Savanna okay, do we have we
3 a Samantha Thompson here. No, no Samantha Thompson,
4 okay. Lenn?

5 UNIDENTIFIED: Lenn is here.

6 CHAIRPERSON MOYA: Okay, so, we'll call her on
7 the next panel. Derrick Blue. So, Lenn, why don't
8 we start with you.

9 LENN SHEBAR: Thank you, good afternoon. My name
10 is Lenn Shebar and I'm President of the Lenox Terrace
11 Association of Concerned Tenants.

12 The tenants of Lenox Terrace are against the
13 rezoning project. In a poll of tenants this past
14 fall, 95 percent voted against the rezoning. The
15 tenants have never waived in their opposition since
16 this idea was first introduced over ten years ago.

17 I'm very pleased that Olnick's initial C6
18 Commercial Rezoning proposal received a no conditions
19 vote from both Community Board 10 and our president
20 Gale Brewer.

21 One think is the planter mentioned that they
22 removed the commercial components, but to be clear,
23 that didn't just happen in a vacuum. That came about
24 from an outcry from politicians, the community and
25

1 conversation with tenants who expressed their
2 disapproval.

3 Councilman Bill Perkins has remained unequivocal
4 and steadfast in his opposition to this over scoped
5 proposal that was first quoted years ago. In a
6 meeting last week, he reiterated in no uncertain
7 terms that he is with us, the tenants.

8 Olnick's profit driven proposal is less about
9 enhancing the property for the benefit of the
10 existing tenant and more about creating a new
11 community all together. Meanwhile, the existing
12 tenants still deal with continuing maintenance,
13 plumbing and electrical and understaffing issues.
14 Rezoning has [INAUDIBLE 4:04:28] affects on residence
15 and is totally unnecessary to encourage development
16 at Lenox Terrace. I'm looking at the time.

17 We can live with the reality of some change,
18 however, the heights and skill of these proposed
19 building's within the newly proposed R8 rezoning is
20 just unreasonable and wrong. As wrong as the C6
21 zoning and not in keeping with existing architectural
22 landscape.

23 As I testified at this Community Board 10 and
24 Manhattan Borough President's hearings, there need to
25

1
2 be a comprehensive community driven zoning plan for
3 Harlem. The district needs a full scale plan that
4 has ample discussion and input from elected
5 officials, stakeholders, tenants and community about
6 the future of Harlem.

7 CB 10 and the Manhattan Borough President both
8 highlighted in their recommendations their concerns
9 about the erosion of African American plurality.
10 Before any rezoning's I implore the city to put a
11 moratorium on rezoning's and to study the effect on
12 racial displacement.

13 In the meantime, we should all be on the correct
14 side of history in preserving what we can.
15 Regulating heights and maintaining scale, preserving
16 affordability is something that must be done now.

17 I ask that you support our efforts and when the
18 time comes to vote no.

19 Thank you very much.

20 CHAIRPERSON MOYA: Thank you.

21 SAVANNA WASHINGTON: Good morning, my name is
22 Savanna Washington and I'm the Vice President of the
23 Lenox Terrace Association of Concerned Tenants. The
24 tenant association at Lenox Terrace.

1
2 LTACT is against the current proposed R8 Rezoning
3 of the Lenox Terrace property. We ask that the City
4 Council vote no on the proposed R8 project currently
5 before you. As Manhattan Borough President Gale
6 Brewer said in her no recommendation, there are few
7 instances where a development the scale of the one
8 proposed in this application can be viewed as
9 responsible. The proposed project lacks the public
10 and private investments necessary to make it a
11 prudent exercise of planning for future growth.

12 The project puts a disproportionate impact on
13 local residents, infrastructure, economy and
14 educational resources. MBP Brewer also mentions the
15 East Harlem rezoning and the Inwood Rezoning, which
16 covers 69 and 62 square blocks respectively.

17 This project is approximately 40 percent of the
18 size of these rezoning's and just three square
19 blocks.

20 CB10 mentioned in their opposition
21 recommendations to this project that it is completely
22 out of scale for a residential community. George
23 James, the respected urban planner said of this
24 proposed project that this level of infill for a
25 residential community is extraordinary.

1 SUBCOMMITTEE ON ZONING AND FRANCHISES 134
2 CB10 also mentions racial displacement in their
3 no recommendation comments. As you know, racial
4 displacement caused by up-zoning's have let Public
5 Advocate Jumaane Williams to introduce a bill that
6 would mandate the city conduct a racial impact study
7 as part of the EIS in the ULURP process.

8 If not rezoned, Olnick has threatened that it
9 will build as of right, without including affordable
10 housing as part of their as of right build. We
11 maintain that any development in the city, including
12 as of right should include mandatory inclusionary
13 housing. The developers don't get to threaten the
14 city or communities to get what they want.
15 Developers must understand their role as community
16 partners and if necessary, have that role codified
17 into law to fulfil their role as good community
18 citizens. That includes MIH as part of any build in
19 the city.

20 There is a feeling in the city sometimes that
21 communities can absorb any amount of development.
22 That is not true. Each community reaches a tipping
23 point of what is livable and sustains a livable
24 quality of life.
25

1 We urge the Council to accept the disapproval
2 recommendations of Community Board 10 and MBP Gale
3 Brewer and vote no on the proposed R8 Rezoning
4 request before you.

5 CHAIRPERSON MOYA: Thank you.

6 SAVANNA WASHINGTON: Thank you.

7 CHAIRPERSON MOYA: Thank you. Dedrick.

8 REVEREND DEDRICK BLUE: Thank you, Mr. Chair. My
9 name is Reverend Dedrick Blue and I serve as a
10 Representative of the New York Interfaith Commission
11 for Housing Equality and the 55 congregations that
12 are in the immediate area and the hundreds of
13 congregations in Harlem and the surrounding
14 communities who are absolutely opposed to this walled
15 off fortress for the rich.

16 We have learned that urban renewal means Nigro
17 removal. And so, we are opposed for several reasons.
18 First of all, the environmental impact. The
19 dipropionate racial impact and its impact upon voting
20 rights.

21 We are opposed to this because it is not
22 affordable and those who say that it will provide
23 more jobs, I would simply say to them, the people who
24 are getting the jobs won't be able to afford to live
25

2 in the building that they're working on. This will
3 dramatically change the AMI, essentially gutting the
4 community.

5 The Community Board is opposed to this, the
6 residents are opposed to this, the Borough President
7 is opposed to this, the houses of worship are opposed
8 to this, the City Council person is opposed to this.
9 So, if the proposal moves forward, who does it
10 benefit? It represents the money interests of the
11 gilded real estate brokers who would sell their
12 mothers for a dime.

13 If we allow a developer to run rough shot over
14 the expressed will of the residents, then that is a
15 dangerous precedent to set. Therefore, I urge that
16 this proposal not be forwarded for a vote to the City
17 Council. The slumlords say that they will mediate,
18 that they will not mitigate against asbestos and
19 plumbing and rodents unless they get this bill passed
20 and then they expect the residents to trust them in
21 the process. It is unsustainable, it is unreasonable
22 and I urge a no vote.

23 CHAIRPERSON MOYA: Thank you. So, folks please,
24 JoAnn Scott, is that?

25 JOANN SCOTT: I am JoAnn Scott.

2 CHAIRPERSON MOYA: Okay, just to clarify, are you
3 testifying as well?

4 JOANN SCOTT: Yes.

5 CHAIRPERSON MOYA: Okay, so, for Paula McCray,
6 you can just submit her testimony and then you can
7 testify.

8 JOANN SCOTT: My little testimony is only like
9 five seconds, so can I read them both?

10 CHAIRPERSON MOYA: If you keep it under two
11 minutes, go ahead.

12 JOANN SCOTT: Yeah, okay.

13 CHAIRPERSON MOYA: Or at two minutes I should
14 say, sorry.

15 JOANN SCOTT: Okay. Good afternoon, right now
16 I'm reading for Paula McCray.

17 PAULA MCCRAY: My name is Paula McCray and I am a
18 lifelong resident of Harlem specifically Central
19 Harlem. My tenancy in the Lenox Terrace began in
20 1979 when I returned home from college to reside with
21 my parents. Before that, I lived in a tenement
22 around 133rd and 131st Street.

23 The Lenox Terrace was a place we walked by in awe
24 of the elegance. Our households needs were met by
25 patronizing the local businesses, especially those on

1 5th Avenue between 132nd and 135th Street. For the
2
3 last 15 years, I have had to look out of my apartment
4 window to see the abandoned property left behind when
5 Olnick decided to shut the businesses down. This
6 proposed C6 rezoning project will have a catastrophic
7 effect on the people in the area, not experienced as
8 911. There will be no place for the existing
9 residents to flee, as has occurred since 911. The
10 toxic dust, noise and reduction of a light will
11 create not only health problems but put a strain on
12 the mass transit system and school safety. Traffic
13 congestion will be worse in downtown in the
14 commercial and theater districts.

15 I propose that Olnick use the funds to repair the
16 infrastructure of the existing buildings which will
17 not be able to withstand the pressures from the
18 proposed construction.

19 Lenox Terrace and the surrounding area is
20 historic. Doing anything other than making
21 improvements on the existing structures will erase
22 its rich history for the community.

23 I ask you to disapprove Olnick's request for the
24 C6 Rezoning with no conditions and I'm saying it
25 appears that Olnick has a distain for the community

1 right now. They have not mentioned 135th Street on
2 5th Avenue where the children go to school. How are
3 they going to protect their education through the
4 noise?
5

6 CHAIRPERSON MOYA: Thank you, thank you. Thank
7 you for your testimony today. I'd like to call up
8 the next panel. Samantha Thompson, Samantha
9 Thompson, going once, going twice, okay, no Samantha
10 Thompson. Deacon Rodney Beckford, Beatriz Diaz
11 Tavarez, Coloma Cardwell and Gary Sales.

12 We'll start with you Deacon whenever you're
13 ready.

14 DEACON RODNEY BECKFORD: Okay, I'm Rodney
15 Beckford at Deacon Rodney Beckford Catholic Deacon
16 Roman Catholic Church. I am the Director of Kennedy
17 Center, the Catholic Charities Community Services.
18 I'm going to pitch the ball to the Executive Director
19 of Catholic Charities of Community Services where she
20 will definitely point out what I will state as the
21 absence of speaking to a very large institution that
22 sits in the middle of Lenox Terrace and was there
23 before Lenox Terrace was developed and has been
24 ignored in this process because no one has spoken to
25

1
2 us. And I'll pass this on to our Executive Director
3 of Catholic Charities Community Services.

4 CHAIRPERSON MOYA: Thank you.

5 BEATRIZ DIAZ TAVERAS: Good afternoon Chairman
6 Moya and the members of the New York City Council
7 Subcommittee on Zoning and Franchises. I'm Beatriz
8 Diaz Taveras, Executive Director of Catholic
9 Charities Community Service and I'm joined by
10 colleague Deacon Rodney Bedford who is the Director
11 of Lieutenant Joseph P. Kennedy Memorial Center.

12 I thank you for the opportunity to provide
13 testimony today regarding the application submitted
14 by Lenox Terrace. I'm here to express our
15 disappointment in the lack of engagement of Catholic
16 Charities in such an important project for the Harlem
17 community, where we serve day in and day out.

18 Kennedy Centers located right in the middle of
19 the Lenox Terrace development and New Yorkers come in
20 need, come to Kennedy Center, not only for case
21 management, benefits entitlement assistance, utility
22 assistance, eviction prevention but also for our food
23 pantry and our senior center, which is located in
24 Kennedy Center.

1 Under the proposed zoning changes, the area
2 including Kennedy Center will go from an R7-2 to an
3 R8, allowing for more potential residential
4 development at this site. The final scope of work
5 for preparation of a draft environmental impact
6 statement projects that the lots occupied by Kennedy
7 Center and the Metropolitan AMA Church and fully
8 utilizing the maximum far allowable under the
9 proposed rezoning could be developed with
10 approximately 69 new dwelling units and also come
11 community facilities use.

12 The report assumes that up to 30 percent of the
13 residential units could be designated as affordable.
14 Making Kennedy Center our location, a desirable
15 location for residential and community facility
16 development.

17 We are deeply concerned with Olnick's proposed
18 plan which it acknowledges the potential of Kennedy
19 Center clearly misrepresents our willingness to
20 engage in the development process. In its final
21 environmental impact statement, Olnick says, while
22 these lots could be rezoned under the proposed
23 action, the owner of the Kennedy Center, Catholic
24 Charities of the -
25

1 CHAIRPERSON MOYA: Thank you.

2 BEATRIZ DIAZ TAVERAS: Has indicated that it has
3 no intention – hold on. Just two more minutes.

4 CHAIRPERSON MOYA: Thank you.

5 BEATRIZ DIAZ TAVERAS: I'm taking his minute. No
6 intention of developing the Kennedy Center site.
7 This is inaccurate. We were never consulted by
8 Olnick and we do believe in developing affordable
9 initiatives in New York City as we have partnered
10 with the city before.

11 So, thank you so much.

12 CHAIRPERSON MOYA: Thank you, thank you very
13 much. Thank you to both of you.

14 COLOMA CARDWELL: My name is Coloma
15 Cardwell[SP?]. The vast majority of tenants want you
16 to kill this plan, not modify it, not tweak it, not
17 hope that it becomes something that it isn't.

18 We want you to do that because this plan will
19 displace us. Black, Latino, working class people in
20 Harlem because the plan is a scam. Now, almost every
21 scam begins with promises. It begins with offering a
22 few benefits. So, you've heard some of the people
23 here focused on those benefits or potential benefits
24 or promises but almost every one of them qualified
25

1
2 their comments by saying, we're only here in support
3 of the positive aspects.

4 Translation is, there are negative aspects that
5 they are not going to speak to. So, let me speak to
6 those briefly in addition to my colleagues here. On
7 the question of displacement, on the question of
8 affordable housing, their track record is pretty
9 clear. So, when we hear people say, based on our
10 experience we believe they will be responsible
11 employers, we're asking you as tenants to listen to
12 us when we say, based on our experience as tenants,
13 they have been driving displacement in Harlem.

14 So, what they haven't mentioned is that at this
15 moment, they're involved in a class action suit in
16 which a class of potentially hundreds of members have
17 been fighting them in court over allegations relating
18 to illegally deregulated apartments use.

19 So, when they say, our plan will involve x, y, z,
20 promise, what does that mean for a group of people
21 who have something that's much or iron clad than a
22 promise, they have the law and when it comes to their
23 deregulated rent stabilized units who are maybe
24 regulated, Olnick came back and told us, the promise

1 was not enough. The law was not enough. If you want
2 to enforce, see us in court.

3 So, it's a scam and all we're asking is that City
4 Council, Speaker Johnson, if you support this, don't
5 just focus on the benefits and act like you're doing
6 us a favor.

7 CHAIRPERSON MOYA: Gary.

8 GARY SALES: Hi, my name is Gary Sales, I'm a
9 resident of Lenox Terrace and I've been a resident of
10 New York City my entire life. I've lived in the East
11 Village, where I first got there and paid \$59 a month
12 rent, that same apartment is now \$2,100. I've lived
13 in Hell's Kitchen and the same thing has happened
14 there.

15 I can feel the rumblings of that kind of
16 gentrification taking place here. Also, what we're
17 talking about here is if I understand this correctly
18 as a [INAUDIBLE 4:26:16]. Whether we approve this
19 project and their rezoning that they request or not,
20 their as of right gives them the ability to build no
21 matter what and if that's the case, what I see in
22 this article that came out yesterday about their plan
23 B and going to an as of right, they take away all of
24 the supposed promises that my associate just brought
25

1 up. That says to me that they don't have any real
2 feeling for this neighborhood. They don't want to do
3 anything. That's kind of disingenuous, so I find
4 that a bit of an issue to be concerned with how they
5 really think about what they are doing.
6

7 This is a profit base thing; this is not a
8 community base thing. They are not trying to do
9 something for the community. They are trying to
10 offer some promises, so they can make profit.

11 The other thing is, they've said it's a seven
12 year window to get this done. Well, you know what
13 else is seven years, common law marriage. This is a
14 marriage. They want to marry into the Lenox Terrace
15 community specifically the residents that have been
16 there. Well, you want to get married, you better
17 offer some dowry here and you can't just offer it if
18 you get everything you want and if we don't do it
19 your way and give you 28 story buildings and impact
20 the community in the manner you would like to do it
21 and you go as of and you take all that away, well,
22 that's kind of like the old offer you can't refuse
23 type of deal there. What are they doing? It's
24 disingenuous and I question the idea of as of,
25 whether it applies to projects that are as long as

2 seven years, that will really put people out for that
3 long. They need to make a better commitment.

4 CHAIRPERSON MOYA: Thank you. Thank you all for
5 your testimony today and Delcina[SP?] Glover? Last
6 name Glover and no Samantha Thompson? Okay, thank
7 you. Are there any other members of the public who
8 wish to testify? Seeing none, I now close the public
9 hearing on this Application and it will be laid over.
10 This concludes today's meeting and I would like to
11 thank the members of the public, my colleagues,
12 Council and Land Use staff for attending.

13 This meeting is hereby adjourned. [GAVEL]

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C E R T I F I C A T E

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



Date April 1, 2018