

Land Use
Subcommittee
on Planning,
Dispositions &
Concessions

Date	<i>June 17, 2008</i>
Start Time	
Finish Time	

To the Planning, Dispositions and Concessions Subcommittee, Land Use and City Council

Re: Disposition of City-owned property - Disposition Area and the privately-owned site located at Block 1954, lot 35 (collectively, the "Project Area") to Site 8 LLC - Items on City Council Calendar Numbered as LU 0748-2008, CO802192MM and LU 0749, CO80220HAM

Dear Council Members:

I had previously submitted a letter expressing my sentiment regarding the above captioned matter. I also relayed other community members' feelings on this project.

After talking to some council members about the possibility of asking CB 10 to draft and finalize a resolution **disapproving** the above project unless the developer with the aid of HPD offered a Community Benefits Agreement, I set out to do such mission.

As a member of the Land Use Committee of CB 10 I attempted to present a draft for such resolution at last week's Land Use Committee meeting. I couldn't get it through. Whether it was a simple question of not enough time or something other than that, there was a general consensus that no matter what the matter needed to be fully fleshed out. However, some committee members/Board Members expressed that the matter was already decided and that is all there is to it.

This developer had come back to the LUC and full board (I believe at the request of Council Member Dickens) after the project was voted down by both bodies in an attempt to alter the plan in a way that would satisfy the board and get a vote of approval. However, these latter conferences were sort of one-sided. It was believed by many that HPD and the developer would take into consideration such post round talks and come back to present a plan seeking a vote of approval. That never happened. HPD and the developer continued down the ULURP track, which brings us to the final decision of this project.

In light of the foregoing I can only present to you the sentiment of the community, committee and board regarding this project. Perhaps the Board should have presented a resolution similar to the one below:

Whereas, people in the Community, Committee and Board expressed that the "Project Area" should go to a developer who is willing to form a myriad of partnerships with "minority" owned and controlled business enterprises located in the CB 10 area, such as:

1. A supermarket enterprise, owned and controlled by a local "minority", or a majority of its ownership are "minorities", shall be on the ground floor as one of the commercial tenants in this development site. The supermarket owner and developer must come to an agreement on the lease terms. However, the rental of the space must be reasonable.

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2. A "minority" local contractor or subcontractor company must be contracted to do the construction work. The business enterprise must either be owned by a "minority" or the majority of its ownership must be owned and controlled by "minorities" who live in the CB 10 or greater Harlem community.
3. A "minority" local maintenance company or ground keepers must be contracted to do the maintenance work. Such business enterprise must either be owned by a "minority" or the majority of its ownership must be owned and controlled by "minorities" who live in the CB 10 or greater Harlem community.
4. A "minority" local superintendent and doorman must be contracted to be the super and/or doorman. Such individuals must live in CB 10 or in greater Harlem community. However, CB 10 residents will have first preference. This is in all situations; and

Whereas, members of the Community, Committee and Board expressed concern that the development plan associated with the "project area" didn't have attached to it homeownership opportunities for the local community, and

Whereas, Article 16 of the General Municipal Law, Section 691, mandates that City agencies and bodies do everything possible to assure full participation from the community where City property is being given, with a benefit, to a developer and members of the Land Use Committee, Board and public expressed that HPD had not done all that it could do to assure full participation from the community where the city property is being given, and

Whereas, the Land Use Committee having heard all of the facts and considering the total sentiments expressed by testimony from HPD, developer, community, its own body disapproved the plan of and disposition of the "project area" to Site 8 LLC, and

Whereas, Community Board 10 having heard all of the facts and considering the total sentiments expressed by testimony from HPD, developer, community, its own body, now, therefore, be it

Resolved, Community Board 10 **Disapproves** the conveyance of this "project area" to this developer, as well as Disapproves the associated plan,

and subcommittee, committee and full council would clearly understand why this project was not approved. But the best I could give you are the concerns that came from the public, land use and board and only hope that you can deduce from these facts why this project was voted down.

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To that end, after giving this some reasonable thought, I think that this project should not be approved. The developer and HPD could have come back to the community and board with an attempt to make alterations to this plan. They could have presented something. But they chose not to. Therefore I don't see how this plan could rightly be approved under the circumstances.

Lastly, I would like to clear up a rumor. It has been going around that this project was to serve the purpose of meeting one of the needs of the 125th Street Rezoning Points of Agreement. That is - using the affordable units offered in this plan to meet the quest of providing some of the 46% affordable housing offered in the 125th Street Rezoning Plan's Modifications. That would be double dipping. The community would be getting cheated.

The current plan was in the pipeline separate and apart from the 125th Street Rezoning. HPD and this developer have their own affordable housing obligations and such plan incorporates the jurisdiction of the General Municipal Law. The 125th Street Rezoning proposal does not. To make it do that, to meet the needs of fulfilling the promises within the Points of Agreement, is totally improper and illegal to do. The community would be cheated out of what it is entitled to. In other words, instead of getting something from two proposals, from two different plans, the community would only be getting one package of benefits, if you want to call it that. UDAAP proposals, their jurisdiction being under the GML, are going to happen and do all the time, with or without the presence of a 197 -c (or a) Plans. The community at large would certainly hear about it and I'm sure find it appalling.

I would only hope that this rumor is coming from a source not in government.

Very truly yours,

Julius Tajiddin

June 23, 2008