

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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October 3, 2011
Start: 10:10am
Recess: 11:55am

HELD AT: Council Chambers
City Hall

B E F O R E:

MARK S. WEPRIN
Chairperson

COUNCIL MEMBERS:

Council Member Maria del Carmen Arroyo
Council Member Leroy G. Comrie, Jr.
Council Member Daniel R. Garodnick
Council Member Robert Jackson
Council Member Jessica S. Lappin
Council Member Diana Reyna
Council Member Joel Rivera
Council Member Larry B. Seabrook
Council Member James Vacca
Council Member Albert Vann
Council Member Vincent M. Ignizio

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

Emir Dupeyron
Owner
Café Condesa

Anthony Magliulo
Owner
Mad Park

Jonathan Keller
Special Project Planner
Bronx Office of City Planning

Gifford Miller
Principal
Signature Urban Properties

Robert Frost
Principal
Signature Urban Properties

Ernesto Vela
Architect
Dattner/Architects

Ryan Singer
Deputy Director
Bronx Office of City Planning

Carol Clark
Assistant Commissioner
Housing Preservation & Development

Joshua Laird
Assistant Commissioner for Planning and Parklands
Parks Department

David Shuffler
Executive Director
Youth Ministries for Peace and Justice

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

Kelly Terry-Sepulveda
Board Chair
Bronx River Alliance

Elena Conte
Organizer for Public Policy Campaigns
Pratt Center for Community Development

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2 CHAIRPERSON WEPRIN: Okay, we're
3 going to get started. Who's here from the cafés?
4 Okay. Good morning, everyone. My name is Mark
5 Weprin, and I'm the Chair of the Zoning and
6 Franchises Subcommittee. And I'm delighted to be
7 joined this morning by the following members of
8 the Subcommittee: Dan Garodnick, Vinnie Ignizio,
9 Chair Leroy Comrie, Larry Seabrook and Joel
10 Rivera. We're also joined by Maria del Carmen
11 Arroyo, who has a project that's in her district
12 on the agenda. We're going to start out with two
13 cafés. The first is Land Use No. 468, Café
14 Condesa. Condesa. And we're going to ask Emir
15 Dupeyron, is he here? Yeah. Sorry, I don't think
16 I got your name right. Dupeyron. Close enough.
17 At least, maybe not for you, but for me. [laughs]
18 Please go to the mic, state your name for the
19 record, and describe the application that you're
20 seeking.

21 [pause]

22 EMIR DUPEYRON: Hi, this is Emir
23 Dupeyron, my name is Emir Dupeyron. Your Council
24 Member Christine McQuinn, Christine Quinn. This
25 letter is, as our agreement with the Chair,

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2 Council Member Mark Weprin, and the Council Member
3 of the Subcommittee of Zoning and Franchise, that
4 we will be committing to the following. Number
5 one, we will reduce the size, the size of our
6 sidewalk café from three tables and seven seats to
7 three tables and six seats. Number two, the
8 westernmost table will be reduced from 22x42
9 inches to 24x12 inches. Number three, an
10 additional chair will be added to the middle
11 table. Four, these changes will be reflected and
12 revised plans will be submitted to the New York
13 State, to New York City's Department of Consumer
14 Affairs. If they have any questions, you can call
15 me on my office. Thank you.

16 CHAIRPERSON WEPRIN: Thank you,
17 Emir. I have a letter that you, stating what you
18 just read.

19 EMIR DUPEYRON: Yeah.

20 CHAIRPERSON WEPRIN: I understand
21 Speaker Quinn's office is okay with these changes
22 to the application. And I'm wondering, anyone on
23 the panel have any questions for this applicant?
24 Seeing none, thank you very much.

25 EMIR DUPEYRON: Thank you, have a

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good day.

[pause]

CHAIRPERSON WEPRIN: All right.

We're now going to call up Land Use No. 484. This is SD 26, from Speaker Quinn's district. And I'd like to ask Anthony Magliulo [phonetic], come on, come on up. [pause, background noise] No. Have a seat. Please make sure the mic is on. State your name for the record, and then you can describe the application for the café.

ANTHONY MAGLIULO: Thank you.

[pause] Well, thank you very much. We--

CHAIRPERSON WEPRIN: [off mic]

State your name, please.

ANTHONY MAGLIULO: --are very grateful that you are considering to give us the, the permit to, for this per--for the outdoor café, in front of--

CHAIRPERSON WEPRIN: [off mic] - -

State your name for the record.

ANTHONY MAGLIULO: --and state what?

CHAIRPERSON WEPRIN: [off mic]

State your name again.

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2 ANTHONY MAGLIULO: My name is
3 Anthony Magliulo. I'm also known as Tony May, and
4 the business. Magliulo was too tough to
5 pronounce, so [laughs] I went to ch--and now I
6 think we met with the community board and we
7 agreed to some stipulations. These stipulations
8 have been revised, revisited, by the, this
9 Council, your midtown office. And a letter that
10 we will sign and send later on to your midtown
11 office, will state that we will set up the café
12 according to the plans approved by the New York
13 City Department of Consumer Affairs. Two, we will
14 remove the two planters currently located outside
15 the restaurant entrance, and within the proposed
16 sidewalk café zone. Three, we will instruct our
17 wait staff to direct smoking patrons to move east;
18 meaning to move away from the residential
19 building. Four, we will have a metal sign located
20 on the right of the restaurant entrance, that ask
21 a smoking patrons to move east again. We will
22 only, in other words, we have the wait staff
23 telling them to move away from the residential and
24 the restaurant to smoke, if possible, and we do
25 that verbally as well as on a sign that we will

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2 place on the right side of the entryway of the
3 restaurant. Five, we will mark the boundaries of
4 the sidewalk café. We have a metal stanchion
5 already planned but we will also mark the sidewalk
6 where the boundaries are of the sidewalk café.
7 And six, we will reduce the operating hours of the
8 sidewalk café to Monday through Thursday, from
9 11:30 a.m. to 10:00 p.m., and Thursday through
10 Sunday from 11:30 to 11:00, and Sunday, noon to
11 10:00 p.m. So, hopefully, this is satisfactory to
12 this Council and we get an approval.

13 CHAIRPERSON WEPRIN: Great, and
14 you'll give a copy of that letter to the Sergeant-
15 at-Arms, so we all have it. This is in Speaker
16 Quinn's district, and we understand that, with
17 discussions, thank you for that lien. I just got
18 the nod that they are in agreement with this
19 letter. Not a moment too soon. So, thank you
20 very much, Tony. Anyone have any questions?

21 ANTHONY MAGLIULO: Thank you.

22 CHAIRPERSON WEPRIN: No? Okay. I
23 guess not. Okay, well, thank you very much.

24 ANTHONY MAGLIULO: Thank you very
25 much.

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2 CHAIRPERSON WEPRIN: And thank you,
3 and just make sure to give a copy of that letter
4 to the Sergeant-at-Arms. [pause, background
5 noise] Good. All right, we're going to move up
6 to the rest of the agenda now. We're now going to
7 call on the Crotona Park Rezoning and Text
8 Amendment. It's Land Use Nos. 485, 486, 487, 488,
9 489, 490. And 490, that's it. And I'd like to
10 call on the following people to please come up.
11 [pause] Mr. Miller, actually, I was just asked if
12 we could do the other item first. Would you mind
13 terribly? [background comment] All right. I'm
14 always the last to know, what can I say? It was
15 good to see you, anyway.

16 MILLER: [off mic] I'll be here all
17 day long.

18 CHAIRPERSON WEPRIN: [laughs] And
19 there's--All right. We're going to switch gears
20 now and go to the next, last item on the agenda,
21 which was 4--Land Use No. 491,
22 Williamsbridge/Baychester Rezoning. I'd like to
23 call on Ryan Singer from City Planning. He's
24 doing this one?

25 MALE VOICE: Yes.

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2 CHAIRPERSON WEPRIN: Okay. And
3 Jonathan Keller. And they're joined by Caroline
4 Grossman. All right, gentlemen, I apologize to
5 all, for my, taking people out of order here.
6 Whenever you're ready, you know the drill.

7 JONATHAN KELLER: Thank you. I'm
8 Jonathan Keller from The Bronx Office of City
9 Planning. This is the Williamsbridge/Baychester
10 Rezoning proposal, which is, if, guess I'll wait
11 till you guys get the presentation. [background
12 comment] All right, it's 181 blocks, full or
13 partial blocks, in the north central Bronx
14 Community Board 12. As you can see on slide two,
15 the rezoning area is bounded by The Bronx River
16 Parkway to the west, Co-op City to the east, East
17 233rd Street to the north, and East Gun Hill Road
18 to the south. Some of the neighborhoods in,
19 surrounding it, are Wakefield, Owenville,
20 Baychester, Co-op City, Pelham. The area has
21 ample public transportation options. There's a 2
22 and the 5 train elevated subway on White Plains
23 Road. There's a branch of the 5 train in
24 Baychester. Number of buses crisscross the area
25 near the Bronx River Parkway, New England Thruway

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2 in the area, as well. The study area land use,
3 what I tell people mainly is that this, this, the
4 only consistency in this area is that it lacks
5 consistency. In the eastern portion of
6 Baychester, it's mainly single family, two family,
7 detached homes, smaller one-story homes. As you
8 move west, from Laconia West to White Plains Road,
9 it increases in density, but it's also a large
10 mixture of housing types. You have single family,
11 two family homes, and multifamily apartment
12 buildings. Moving west to The Bronx River
13 Parkway, it's even, gets denser, there's seven
14 story apartment buildings, as well. Although
15 there are a couple of pockets, as we'll see later,
16 of single and two-family detached homes. The
17 existing context and pictures, on slide five, you
18 see there's some of what has happened in the area.
19 There's detached single family homes next to eight
20 story apartment buildings. I won't walk you
21 through all of them, you can look at them.
22 There's, on page six, the existing zoning is
23 dominated by R4, R5 and R6 districts. Quickly, R4
24 districts have a FAR of .9 and a maximum height of
25 35 feet. R5 districts have a maximum FAR of 1.25

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2 and a maximum height of 40 feet. However, they do
3 have provisions for higher densities, called
4 infill densities, which we'll get to later. R6
5 districts have a maximum FAR of 2.43, without any
6 building height limits. There are also R71 and
7 CA1 districts in the area. The existing context,
8 based on what I've just said, it's a stable
9 residential working community, ample transit
10 options, the corridors are primed for new
11 opportunities, and there are good, there's a good
12 mix of formal and informal social services and
13 private businesses in the area. However, zoning
14 has not reflected the reality on the ground, it's
15 inconsistent along the major corridors, it's
16 created disjointed development and it's
17 unpredictable, and it hasn't created human scale
18 on the major corridors. And the infill FARs I'll
19 talk about has a lot of out-of-context development
20 in the lower residential areas. Therefore, the
21 proposed zoning seeks to preserve the unique
22 neighborhood context, encourage growth along wide
23 streets and around transit hubs, and also update
24 the commercial overlays, virtual strength in the
25 residential side streets, as well. The proposed

1 zoning districts, this is the overview. I won't,
2 we'll get into the details as we flip to slide
3 ten. R4 and R4A, there are three R4A districts in
4 the Baychester neighborhood. These are only one-
5 and two-family detached homes. R4 districts in
6 Williamsbridge and Baychester are, allow all
7 housing types in both have a maximum FAR of .9.
8 Slide eleven, proposed zoning R5 and R5A, two R5A
9 districts are proposed west of White Plains Road
10 in the area that I said is more dense. These are
11 two pockets of mainly one- and two-family detached
12 homes. They're larger one- and two-family
13 detached homes, with the maximum FAR of 1.1 Two
14 R5 districts are proposed in the Williamsbridge
15 neighborhood, with this has a maximum FAR of 1.25
16 and a maximum building height of 40 feet. 2R5D
17 districts are proposed along Bronxwood Avenue and
18 Laconia Avenue. It has a maximum FAR of two,
19 maximum building height of 40 feet. The existing
20 zoning on either side ranges from R6 to R5 or R4.
21 And this also has another component which we'll
22 get to in just a second. R6 and R6A, these
23 districts are mapped in the Williamsbridge
24 neighborhood. R6As are along East Gun Hill Road,
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2 along Carpenter Avenue, between White Plains Road
3 and Carpenter Avenue, and East 233rd Street. And
4 an R6 district along White Plains Road. R6
5 districts again have no height limit. This will
6 allow, along White Plains Road for developers to
7 adapt to the externalities of the elevated train.
8 And the R6A districts of, do have a height cap,
9 and this will be in the residential areas of 70
10 feet. Lastly, an R7A is proposed below 218th
11 Street, around the transit hub of the 2 and the 5
12 train. There's a Metro North stop in the area, as
13 well. It's a very wide street, 90 feet on either
14 side. The picture you see there is just the
15 northbound traffic that has a maximum FAR of four.
16 A maximum building height of 80 feet, and unlike
17 north where we are proposing R6 is a wider street,
18 and so the R7A will actually make, encourage the
19 development to have a consistent street wall and
20 create a human scale for, and to foster a walkable
21 neighborhood here. What I was alluding to
22 earlier, the infill FAR that the R4 and R5
23 districts in this neighborhood have allowed for,
24 the R5D districts are basically taking the, this
25 infill provision away, making the base FARs be the

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2 only FARs that work here. So, this area in the
3 middle, Paulding, this R4 area today has a 1.35,
4 essentially FAR, but under the proposed zoning
5 will have a .9. And lastly, we are updating the
6 commercial overlays and we are also adding, I
7 believe, five new overlays, where existing
8 commercial uses exist today, but do not have
9 overlays. And decrease in the depths of the
10 overlays from 150 to 100 feet to preclude
11 commercial encroachment on residential side
12 streets. And that is all. Thank you.

13 CHAIRPERSON WEPRIN: Thank you very
14 much. I'd like to now call on Council Member
15 Larry Seabrook, because he wants to describe his
16 opinion on this subject. Before I do that, Larry,
17 I want to welcome Council Member Diana Reyna from
18 Brookleens, that's Brooklyn and Queens. Council
19 Member Seabrook.

20 COUNCIL MEMBER SEABROOK: Thank you
21 very much, Mr. Chairman. First of all, I
22 certainly want to commend City Planning and The
23 Bronx unit. We had the opportunity to go over,
24 this has been a long running discussion as to how
25 and what had to take place, and it was tremendous,

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2 with the community there was an outcry for years
3 and years to deal with this, and then we saw this
4 explosion of, of developers coming in and just
5 doing what they wanted to do within each and every
6 block, and just disturbing it. I'm not one who
7 believe that we should preserve everything that
8 should be preserved and no development shouldn't
9 take place. And I think that the City Planning
10 did a good job in terms of pushing all of the
11 development on the White Plains Road area to allow
12 that, and I was in support saying that we need
13 housing units and affordable housing and
14 everything else, and I'm in full support of this,
15 because they've dealt with all of those issues and
16 concerns. So, they've done a fantastic job. The
17 only thing that I think that, that has nothing to
18 do with the zoning but the conversation is don't
19 say that there is ample transit options [laughs]
20 'cause you could never tell the people in Co-op
21 City--

22 JONATHAN KELLER: [laughs]

23 COUNCIL MEMBER SEABROOK: --that
24 there are ample transit options, and people who
25 live down in the valley in terms of getting, they

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2 have to get the jitney buses and everything else
3 to get around. So, that's about it. But you all
4 have done a fantastic job, and I commend you, and
5 I am in full support of this, which has taken
6 place. Thank you, Mr. Chair.

7 CHAIRPERSON WEPRIN: Thank you very
8 much, Mr. Seabrook. Does anyone, after hearing
9 that glowing endorsement, have any questions for
10 these gentlemen from City Planning? No? It's
11 pretty glowing, no? That was pretty glowing. All
12 right, well thank you very much. Look at that,
13 how easy that was. Thank you, gentlemen. You can
14 take your charts with you. We're ready to go?
15 Any other delays? We got the commercial? All
16 right. Now, once again, I'd like to call on the
17 Crotona Park group, again that's Land Use Nos. 485
18 through 490, inclusive. I'd like to welcome back
19 Gifford Miller, literally and figuratively, yes.
20 Robert Frost, Ernesto Vela, and Nick Hawkins. I
21 also want to acknowledge the presence of two other
22 former members of the Council, Melinda Katz and Ed
23 Wallace. And they are here, too, for advice and
24 if we need it. And what's the other thing?
25 Gentlemen.

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MALE VOICE: Thank you.

CHAIRPERSON WEPRIN: Welcome. And whenever you're ready to proceed. Just state your name for the record.

GIFFORD MILLER: You know, there. [laughter] It's been a while. First of all, thank you, Mr. Chairman and Members of the Committee for that nice welcome, and it is indeed a pleasure to be back here with, with all of you. I, I want to take a moment just to introduce my, my partners here, and our team, a little bit more. This is Robert Frost, he's my partner at Signature Urban Properties, we are the principals of this effort, and as developers we hired, we think, one of the finest urban architects in the world, really, Dattner, which is doing fantastic work in The Bronx, in particular at Via Verde and many other places, and we have Ernesto Vela here, who's part of our team, as well as - - and Nick Hawkins is our Land Use counsel, and of course also as you pointed out, Melinda Katz and Ed Wallace, who are former Council Members and wise advisors in this effort. You know, it's good to be back and see you all. It's, what I've been doing for the last

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2 five years is to try to take some of the work that
3 we did here and apply it to the private sector.

4 And my efforts, and Robert's and my efforts, as
5 partners has been to try to identify opportunities
6 for more affordable housing. We believe strongly

7 that this is a City that has tremendous need for
8 affordable housing. And I know when I was in

9 office, and I know all of you, it's really, you

10 know, if it's not the number one concern that you

11 hear, it's, it's way up there, right? People need

12 to be able to afford to stay in this City. And do

13 so with quality housing. And so our desire and

14 our intention and our focus over the last five

15 years has been to try to identify areas of the

16 City where we believe that there could be

17 opportunity for the development of that high

18 quality, affordable housing. And, and to our

19 mind, I think we've found a terrific opportunity

20 here, in Crotona Park East and West Farms. It's

21 an area, I don't know whether we have the aerial

22 here, we can just give the aerial, just to give a

23 sense of exactly where it is. Obviously, Maria

24 and Joel are extraordinarily familiar with it, but

25 this is an area of The Bronx and of the City that

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2 has tremendous transit. The 2 and the 5 and the 6
3 lines are all within a couple of blocks of the
4 proposed rezoning area, and also a significant
5 number of schools, some of which are right on the
6 shoulders of the area, couple--one of which is
7 actually in the industrial area. And what we were
8 looking to do was to find something like this, and
9 what's there today, unfortunately, is an
10 industrial area which is significantly underused,
11 which is nonperforming and not meeting the needs
12 of the city, and is unfortunately a drag on the
13 community around. And what we tried to do was to
14 start, and we were successful, I think, in
15 starting a very collaborative process, working
16 with the community boards, working with elected
17 officials, working with the Department of City
18 Planning and with nonprofits like the Mid-Bronx
19 Desperadoes, and we have Derek Lovett who has been
20 working with us on this, who's here from the Mid-
21 Bronx Desperadoes. And to complement the work
22 that, that those groups and the City and elected
23 officials have been doing in this area over the
24 last several decades, to really do an
25 extraordinary job of stabilizing and improving

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2 this area, but to take this one last stretch of
3 industrial area where there is very, very little
4 activity and unfortunately some of the activity
5 that's there is of an undesirable kind, as you get
6 when there's not a lot of activity in an area.

7 And to turn it around, and turn it into something
8 that's of tremendous use to the community, and
9 ultimately to build an exciting new development.

10 I want to thank all of the elected officials, the
11 Borough President, the community boards. We're
12 very pleased to have been able to work
13 collaboratively with them and to have their very,
14 very strong support. I want to thank DCP and HPD,
15 who have been very thoughtful and helpful, and,
16 and we're very excited to be here. I'm going to,
17 I want to say one word on the subject of labor,
18 'cause I see some of my friends from organized
19 labor that are here today. We have had a very
20 constructive and open dialogue from day one, with
21 the building trades. And, and I appreciate their
22 openness and thoughtfulness with which they've
23 pursued this discussion with us and I think they
24 appreciate it, and I know they appreciate the
25 openness and thoughtfulness with which we pursued

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2 the discussion with them. We, we don't have, what
3 we have, you know, is preliminarily designed
4 buildings, and we're pleased to show you what we
5 think, and we're going to be able to unveil
6 further detail here of our, of our proposal. We
7 don't have schematic drawings that allow us to go
8 out to bid and to be able to get real numbers, we
9 don't have a construction partner yet. We're in
10 the rezoning process, as you know this is a
11 rezoning application with a number special permits
12 in order to permit the type of affordable
13 development that I think is in, in everybody's
14 interest, and that the community has been so
15 strongly in support of. But because we don't have
16 those kind of specifics, we're not at the point
17 yet where we're able to open it up to really have
18 a real meaningful, specific discussion on the, on
19 the economics and the feasibility of using
20 building trades. But what we've committed to is
21 to, is to, as we go forward, have that very open
22 and meaningful dialogue, to be clear about the
23 economics, and to work together to see whether
24 it's feasible within the constraints of the HPD
25 and HDC programs that we intend to develop this

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2 affordable housing with. If it's feasible, we're
3 certainly going to be working towards being able
4 to do that with the building trades. So, I want
5 to thank them for their openness, the leadership
6 has been terrific, and the rank and file as well,
7 and we really appreciate their, their constructive
8 involvement. And going forward, look forward to
9 that being also part of that in that very open and
10 hopeful air. Now, I want to now introduce my
11 partner, Robert Frost, who's going to take you
12 through some of the more specifics of the actual
13 project, and then we'll hear from our architect in
14 a few minutes. Thank you. Robert.

15 ROBERT FROST: Thanks, Gifford.

16 And thank you all. You all have, I think, in
17 front of you a handout, and I'm not going to flip
18 through it page by page, but I do want to describe
19 the project just a little bit for those of you who
20 are less familiar with it. On the properties that
21 we control, we're very excited that we're going to
22 be able to build about 1,300 apartments in ten
23 separate buildings. In addition, the proposal
24 includes about 46,000 square feet of local
25 commercial retail space, to support that housing,

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2 as well as to activate the streets where these
3 buildings will be, and to provide amenities and
4 jobs for the residents there. In consultation
5 with the community, with elected officials, with
6 the Borough President, we have, we always had
7 planned on having open space, and we've been able
8 to expand on that. If you want to see more detail
9 on that, you can refer to page eleven in the
10 handout. But specifically, what we've done is in
11 our original design, was to have open spaces
12 dividing up these very long blocks. The blocks
13 especially from a 174th to--sorry, from 173rd to
14 172nd, and then from 172nd South are 600 feet
15 long. And people can get somewhat abandoned as
16 they walk down those blocks. So, working with
17 City Planning, we were able to design these open
18 space corridors which both bring in light up into
19 the surrounding community, as well as allow people
20 to pass through, those are areas that we'll
21 maintain. We've also added, and you can see a
22 nice, a nice rendering on page seven, of how these
23 will connect to West Farms Road, you'll see
24 there's a lot of natural rock in this area, and
25 we've designed staircases that will allow people

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2 to pass from Boone to West Farms, thereby further
3 activating the West Farms area. In addition, and
4 you can see this, this is in the southern area,
5 what we call the southern area. In the middle of
6 the southern area, we've designed and will
7 maintain and build a public playground, that'll be
8 for the, both for the residents of the buildings
9 that we're proposing, as well as for people in the
10 area. And working with the School Construction
11 Authority, we've committed to provide a 530 seat
12 school, should the SCA determine that that's
13 necessary. And we'll effectively sell it to them
14 for a dollar. That's noted in here as Building
15 3C. And, and so we're pleased to have been able
16 to work that out. Just as a general description,
17 we, we refer to this as being in two different
18 areas, what we call the southern area and the
19 northern area, it's basically divided by the
20 Cross-Bronx Expressway. We do not control all the
21 property in this area, but the entire area is
22 being rezoned. Of the buildings that we propose,
23 we think that it's going to be built over time.
24 We know it'll be built over time, in about a seven
25 to ten year span. And we're committed and have

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2 heard lots of very constructive commentary from
3 the community, and again from elected that to have
4 a mix of affordability here. Virtually all of the
5 units will be, certainly the first two buildings,
6 will be built within affordable programs, but
7 that, as you all well know, can be defined in
8 different ways. So, our first two buildings, one
9 is a LAMP program, which is a lower income
10 program, a 60 percent AMI; the other building is a
11 NUHA [phonetic] program, we're targeting an 80
12 percent AMI as the maximum AMI rent. The, we also
13 believe, and we're excited that, as we've studied
14 this in the EIS, that because this is a not very
15 robust industrial area today, that the
16 construction of these buildings will actually
17 create permanent jobs, and they'll be permanent
18 jobs that, that people in the, in the community,
19 people who live in this community, can have.
20 There will be building operations jobs, there will
21 be local retail jobs, and the like. So, we
22 anticipate, and the EIS projects, a net increase
23 in jobs of 140 jobs in this area. And finally, I
24 just want to discuss before I turn over to, to our
25 architect Ernesto Vela, from Dattner, how excited

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2 we are to have them on the project. As Gifford
3 mentioned, Dattner is at the leading edge of
4 design of affordable housing and affordable
5 housing with an environmental and green component.
6 We anticipate and plan on building these buildings
7 to what's known as the Enterprise Green Community
8 Standard, which is the, for lack of a better term,
9 the lead standard for affordable housing. And
10 Ernesto can discuss some of that in greater
11 detail. And, and that's it, so I'm pleased, we're
12 very pleased, on behalf of Gifford and our other
13 partners, to be here today, and I'm going to turn
14 it over to Ernesto.

15 CHAIRPERSON WEPRIN: Ernesto, state
16 your name again for the record.

17 ERNESTO VELA: Sure. Thank you for
18 your time, I'm Ernesto Vela, I'm with
19 Dattner/Architects. We're very excited and
20 committed to this project. We've, as Robert was
21 saying, we just are about to complete Via Verde,
22 which is going to be an exciting project in that
23 it provides both sustainable and healthy living in
24 a range of affordable housing opportunities.
25 We're completing Cortland Corners, just recently,

1 just a little bit north of Via Verde, at 161st
2 Street. And Cortland Crescent which is also next
3 to Cortland Corners is going up soon. And these
4 are projects that are in the same spirit as Via
5 Verde. Specifically with West Farms, Gifford and
6 Robert's mission to us was to create a project
7 that was both outstanding housing and affordable.
8 And that it provided an enlivened street both at
9 West Farms and Boon Avenue, streets that are, have
10 very little pedestrian traffic right now. Also,
11 to connect West Farms, which is--sorry, let me
12 just go through the generals and to connect West
13 Farms road back to the community, which has been
14 sort of disconnected right now because of the
15 industrial area. And to provide quality public
16 spaces for the community abroad. And, sorry, the
17 community, broader community, and, and the
18 tenants, the future tenants in the building.
19 Going a little bit more specifically on the plan,
20 if you turn to page, page three, which shows the
21 aerial view of the proposed massing, the
22 challenges with the site were that these are very
23 narrow blocks, also very long, they're, as Robert
24 was saying. There's a significant grade change
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1
2 from Boone Avenue to West Farms, about 20 feet at
3 some points. And there's a large rock outcropping
4 that is on the southern portion of block 3014,
5 which is 172nd Street and Boone Avenue. As
6 solutions to these challenges and in collaboration
7 with the Department of City Planning, we looked at
8 orienting the, the greater massing along West
9 Farms Road, and creating an urban edge along the
10 Sheridan. Then the massing steps back down to, to
11 Boone Avenue from 15 stories, down to five six
12 stories, a scale that's more in keeping with the,
13 with the res--existing residential neighborhood to
14 the west. The buildings are organized around
15 courtyards, and in between these buildings, you
16 have the mid-block open spaces that Robert was
17 referring to. These spaces will have stairs that
18 connect you down to West Farms, they'll be
19 publicly accessible, and they'll have entries to
20 the residential buildings at that point. You can
21 also see the, I guess on the southern portion of,
22 again, of 30, of Block 3014, the children's
23 playground. We've tried to do the massing as
24 varied as we can, to give the buildings a sense of
25 more organic growth. And we'll see those as we go

1 through the renderings. If we go to the next
2 board, which is, this is a view of Boone Avenue
3 looking, looking north. With the existing
4 conditions, industrial building, very little, very
5 little pedestrian traffic. If we go to the next
6 board, it'll show you, Boone, sorry, it's page
7 five, should be following that. It shows you the,
8 the midblock open spaces. You know, you would be
9 able to have use of the, of both Starlight Park
10 and the river, to the east. You would, I think
11 you can see the entries at the midblock, and along
12 the, along Boone Avenue you would have the school
13 and retail, ground floor retail. This image shows
14 a little bit more of the, sort of this massing as
15 it steps down to, to Boone. If we got to the next
16 slide, or image, it's looking along West Farms,
17 looking north. And you can see Sheridan to the
18 right, and you can also see the large rock
19 outcropping on the left. And we proceed to the
20 after view. It's looking the other way, it's
21 looking south. This is page seven. And this is
22 sort of what the proposed massing would be. You
23 can see the two open spaces, one close and one at
24 the very end of the buildings. You can see the
25

1 varied massing, the variations on the street wall.
2 And you can also see the rock outcropping. And
3 the plan is to incorporate it both architecturally
4 and also into the landscape so it becomes a
5 feature as you walk up these stairs to, between
6 Boone and West Farms. And now we'll go to the,
7 the north site. This is across the, on the north
8 side of the Cross Bronx. You can see the West
9 Farms Squares just a little bit to the north of
10 our properties. You can see also 20s, the
11 existing Housing Authority Towers, 20 stories
12 plus. And the concept for these where it's very
13 similar for these buildings, was to mass them
14 around courtyards, with the taller portions along
15 West Farms for--the courtyards would have parking
16 underneath it. And it, if we go to the next
17 slide. This is the view right now, as you look up
18 West Farms. Industrial buildings, some open lots.
19 You can see West Farms Square, sort of at the end
20 of the end of the street where the elevator track
21 is, and the Housing Authority Towers. And this is
22 the view, as it would be after, defining the
23 street wall, still giving it variety. Also,
24 varying the massing and enlivening the ground
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1
2 level with retail, that would connect back to West
3 Farms Square. So.

4 GIFFORD MILLER: Well, thank you,
5 Ernesto, and thank you for all the work that
6 you've put into this, and I think it's, I hope
7 you'll agree, it's a very thoughtful and exciting
8 design that they developed. I just want to, in
9 closing, and I know we're going to have an
10 opportunity after the City speaks to come back and
11 answer questions, and I really look forward to
12 having that chance. I just want to call attention
13 to the members of the Committee, again, that this
14 is a, this is a proposal that has been
15 significantly improved over the last several
16 years, this is an example of why we go through
17 such a thoughtful and sometimes it's seemingly
18 lengthy public process. But it really has
19 resulted in a better proposal in a number of ways.
20 One, is just the attention on activating the
21 streets, one of the comments and thoughts that we
22 got from the community boards and, and others,
23 was, in trying to make sure we enliven both Boone
24 and West Farms, and that's around trying to bring
25 some retail down, so actually that we did expand

1 the retail opportunities along West Farms Road.
2 Here in the northern section you see the example,
3 it would be local retail supportive of tenants and
4 tenants' uses, but and also will serve to activate
5 the streets. Also, another concept that was
6 raised as part of this process, which we've
7 incorporated, was, as Robert mentioned, the
8 linking of stairways through the open spaces so
9 that there's an opportunity to break up these
10 blocks and have better connections between West
11 Farms Road and Boone. The school is another
12 example. I think this is a, I hope this, I think
13 it sets a new standard, and I think it's a good
14 standard for it to have, for an affordable housing
15 proposal, to, to set aside land and to work with
16 DSCA, so that DSCA--and I want to just explain how
17 this works. This development is not going to be
18 built overnight. It's going to take a number of
19 years. And it's phased in. And so, the way that
20 the work to deal with this school works is that
21 we'd set aside the last site that we would
22 develop, and therefore the school's Department of
23 Education can, and SCA, can monitor the
24 utilization of the schools right up until the
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2 point when we reach the very last one of our
3 developments, so that if there is overcrowding,
4 there still is this opportunity for them and they
5 can then take the site down from us for a dollar.
6 And if there's not, we will build a daycare
7 facility on that site, and if there isn't, if it
8 isn't justified. So, I think it's a win-win, and
9 I appreciate the SCA and the community's strong
10 work on that, and look forward to working with
11 them on that. Similarly, on open space, we have,
12 we've done two things, I think, which I know is an
13 area of concern, it's an area of concern for us,
14 as many of you know, I get my Parks activism at
15 home. Honestly, the, the old fashioned way, from,
16 and have been an active Parks advocate for a long
17 time. We've done a number of things in this
18 proposal to try to address open space issues, as
19 Robert men--first we're going to have two
20 beautiful open spaces which will be designed by
21 America's foremost public garden designer at no
22 cost, as she's agreed to volunteer her services.
23 But also, we've agreed to design and construct and
24 maintain a children's playground, in order to try
25 to address the active, open space issues, as best

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2 we can, within the financial constraints of what
3 an affordable housing development can do. But
4 beyond that, I'm pleased that the Parks
5 Department, as part of the EIS process, has agreed
6 to, and similar to the way that the school's
7 proposal works, to be reviewing as, as our
8 development gets built, to be reviewing the
9 impacts upon open space, after the first couple of
10 buildings, and after the next couple of buildings.
11 And all I can say is that we stand very ready to
12 work with the community and with elected officials
13 and other to try to be as active as possible in
14 finding funding as we go forward, to address that.
15 There's a limit to what we can do within the
16 context of our, of our particular development,
17 but, you know, all of you know me. I am a
18 committed advocate and that, and can be a
19 persuasive guy, and I'll be working hard with you
20 and with the Parks advocates and the Department to
21 try to make sure we get as much resources into
22 this community as possible. So, with that, I look
23 forward to having the opportunity to come back I
24 and few minutes and answer your questions, but I
25 think now I'm supposed to cede the floor, is that

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correct, Mr. Chair?

CHAIRPERSON WEPRIN: Well, we could go either way. If you think it's best to have the City testify and then you come back--

GIFFORD MILLER: I tend to--

CHAIRPERSON WEPRIN: --which is best for the Committee, I think.

GIFFORD MILLER: Yes.

CHAIRPERSON WEPRIN: Yes, which?

[laughter]

GIFFORD MILLER: I think that--

CHAIRPERSON WEPRIN: Well, it's a multiple choice question. We could have you answer questions now or if you think it's better for us to hear what the City has to say for our own edification.

GIFFORD MILLER: We think it's best that the--we'd like to give the City an opportunity to say a few words.

CHAIRPERSON WEPRIN: Okay.

GIFFORD MILLER: And then I'll be, I'm not going anywhere, so--

CHAIRPERSON WEPRIN: Okay, great.

GIFFORD MILLER: --plenty of

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opportunity.

CHAIRPERSON WEPRIN: So, I'd like to then call up for the City, Department of City Planning, Ryan Singer, Joshua Laird from the Parks Department, and Carol Clark from HPD. In the meantime, I want to acknowledge the presence of Council Member Robert Jackson and also I'm sure the applicant would agree, Council Member Jessica Lappin, who has raised the bar on representation of the councilmanic district No. 5 [background comments] especially since there's a vote pending, and want to welcome her as well. Gentleman and lady, whenever you're ready.

[pause, background noise]

RYAN SINGER: Good morning, I'm Ryan Singer, I'm the Deputy Director of The Bronx Office of City Planning. I would note that DCP would not normally testify at a City Council hearing on a private application like this, but this is a unique project. It is the largest private rezoning in The Bronx, we say in decades. We actually, we could say ever, but we're not 100 percent sure on that, so we think it's in decades. The scope of the project is large, it's akin to an

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2 area wide rezoning, like the Webster Avenue
3 rezoning that the City Council voted on in March.
4 The Crotona Park East project will allow an eleven
5 block area to redevelop with a projected 2,635
6 units of housing and over 100,000 square feet of
7 commercial and community facility space. City
8 Planning worked very closely with the applicant to
9 craft the proposal that takes advantage of the
10 area's natural topography and respects the
11 surrounding neighborhood, and takes a holistic
12 approach to the planning for the future of this
13 area, The Bronx. We encouraged the applicant to
14 rezone a wider area in order to fully address the
15 needs of the surrounding stable, residential
16 community. Schools and parks were thought about
17 to help transform this marginal industrial area,
18 that's prone to legal activities, into a part, to
19 be a part the existing vibrant neighborhood. New
20 housing with retail and community facility uses
21 will bring much needed eyes on the street and
22 provide affordable housing, local services, and
23 open space in the Crotona Park East neighborhood.
24 This is why both the community boards and the
25 Borough President saw the wisdom in supporting

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2 this proposal, and why the City Planning
3 Commission approved it as well.

4 CAROL CLARK: Good morning, I'm
5 Carol Clark, Assistant Commissioner from HPD. As
6 we've heard, this application that's before the
7 Council today proposes to authorize disposition
8 and approval of a UDAP designation of a 13 square
9 foot city owned parcel on a block which one of
10 eleven blocks of otherwise privately owned land.
11 That land is the subject of a series of privately
12 sponsored ULURP applications. HPD is the
13 applicant for LU 490, the subject of which is a
14 disposition site located at 1525 West Farms Road.
15 HPD proposes to dispose that property to an
16 adjacent leasehold owner for future development of
17 affordable housing, which has been described here
18 this morning.

19 JOSHUA LAIRD: Good morning, I'm
20 Joshua Laird, Assistant Commissioner for Planning
21 and Parklands with the City Parks Department.
22 We've been working closely with City Planning and
23 the applicant on the seeker review and ULURP
24 application for this project. From our
25 standpoint, there's a great potential benefit to

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2 the rezoning. Over the past decade or so, we've
3 invested over \$140 million in The Bronx River. We
4 view the future residents of the rezoning area as
5 constituents of The Bronx River. So their
6 presence bodes well for our investment over time.
7 We did not during our review that if the full
8 implications of the rezoning area are realized,
9 both the development planned by the applicants
10 here today, as well as other future building sites
11 that are included in the rezoning area, that there
12 would be a drop off in the open space ratio for
13 the area, that's obviously a concern for us, but
14 as Mr. Miller indicated, we think the best
15 approach is to monitor the neighborhood over time,
16 keep up with our investments on The Bronx River.
17 We've identified a few projects that have the
18 potential to increase Park capacity in the area,
19 and as the years go on, we will work with the
20 applicants and with you and the administration to
21 try and make additional park improvements in the
22 area. Thank you.

23 CHAIRPERSON WEPRIN: Okay, so this
24 is how we'll work it, we'll ask questions of the
25 City panel first, and then we'll bring back the

1 applicants for extensive questions later on.

2 Council Member Arroyo I know had a question for
3 this panel.
4

5 COUNCIL MEMBER ARROYO: Thank you,
6 Mr. Chair, as I'm not a member of this
7 Subcommittee, but of the larger Land Use
8 Committee, I appreciate you giving me the first
9 crack at asking you, well--You're statement and
10 understand that the concerns I have raised about
11 the application stem from the environmental
12 impact, or the lack of sufficient open space. And
13 the impact that that would have on the community
14 long term. And the question I always ask myself
15 is, do all these agencies really work for the same
16 Mayor or not? That you've been working closely
17 with the applicant or City Planning, yet we are
18 okay with recommending approval on a project that
19 would render a community already shorthanded on
20 open space, to approve a project that would
21 increase that impact, that negative impact. And
22 while you guys have done really phenomenal work in
23 certainly The Bronx around the parks and the
24 redevelopment and bringing our parks up to the
25 standards that other boroughs enjoy, I'm concerned

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2 about this long term impact, and the commitment to
3 monitor. And at what point do we get a commitment
4 in terms of funding for not only capital
5 improvements, but the ongoing programmatic funding
6 that would be required?

7 JOSHUA LAIRD: Some of the projects
8 that we have indicated could--

9 COUNCIL MEMBER ARROYO: And your
10 colleague from City Planning should feel free to
11 answer the question, as well.

12 CHAIRPERSON WEPRIN: Just state
13 your name again for the record, because we got to
14 be able to keep track.

15 JOSHUA LAIRD: Sure, again this is
16 Joshua Laird from the Parks Department. Some of
17 the projects we've indicated could alleviate the
18 additional residents using local parks are in fact
19 existing park sites that are underutilized now,
20 and there's no reason why we shouldn't begin
21 thinking about how to fund improvements to those
22 sites, regardless, frankly, of what happens in the
23 rezoning area. There's never a bad time to invest
24 in parks. So, I think that's part of the answer.
25 There are some schoolyards in the area that have

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2 the potential for conversion as part of our
3 Schoolyards to Playgrounds program. Again,
4 there's no bad time to explore with the schools
5 and with the community whether those are desirable
6 projects. And then lastly, I'd say one of the,
7 you know, the great things about the adjacency of
8 The Bronx River is you have Starlight Park right
9 there, but The Bronx River itself and the greenway
10 are a corridor through which there are connections
11 to some of the really great parks of The Bronx
12 that are just outside the rezoning area; Bronx
13 Park to the north, Soundview Park to the south.
14 And as our continued investment in the greenway is
15 realized, those connections will be there for both
16 existing residents and future residents of the
17 area.

18 RYAN SINGER: Yeah, I'd echo what
19 Joshua said, is that when we do these technical
20 analyses for the environmental review, that we
21 look at, we define a study area and then the
22 problem is, is we don't, for example, this
23 particular study area, included part of Crotona
24 Park. But as everyone knows, that when you go
25 into Crotona Park, you don't stop walking and

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2 using the park simply because you've, you know,
3 reached your half mile radius of the rezoning
4 area. People from this, from these buildings will
5 use Crotona Park and they'll use the entire park.
6 And so there is some deceptiveness in the numbers
7 in our environmental review. But when those
8 numbers--

9 COUNCIL MEMBER ARROYO: Explain
10 that.

11 RYAN SINGER: Okay. So, we create
12 a study area that's a half mile radius from the
13 study area. And when it touches a park like
14 Crotona Park, we only count the portions of that
15 park that are within the study area. It's math,
16 it's technical, it's, it doesn't make much sense,
17 to be honest, but--

18 COUNCIL MEMBER ARROYO: But so, the
19 environmental impact on the, or the open space
20 mitigation, is a pointless conversation?

21 RYAN SINGER: No, no, no.

22 COUNCIL MEMBER ARROYO: I'm not
23 clear.

24 RYAN SINGER: No, we create these,
25 this number to try to quantify these things, but

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2 it doesn't capture the full use of all of the
3 resources, is all I'm saying. But when we got
4 these numbers, it is a gut check, it is a, "Well,
5 what do we do with this? What does this mean?"
6 And so we turned to Parks and we talked to them
7 about possible resources, properties that they own
8 and the--and they identified a number of areas
9 where they could suggest mitigation. And so, we
10 worked with them and talked to them about what
11 those might look like, and the applicant agreed to
12 inform them of different, you know, when their
13 applicant agreed to inform them when they reached
14 various milestones in their development process.
15 And so then Parks could do an assessment of the
16 open space in the area, and then suggest
17 mitigation. For us, that led us to think, "Well,
18 this is, this is starting to come together, we can
19 find a solution forward with this, and work with,
20 continue to work with Parks. So that's how we,
21 you know, from our, my agency's perspective, we
22 approach these open space issues.

23 COUNCIL MEMBER ARROYO: Okay.

24 That's a long explanation, neither one of you
25 answered the question. How do we, moving forward,

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2 when we vote this application out, Gifford is
3 happy, the development begins, and over time, over
4 six, seven years, where are the milestones?

5 Where, or how many units are developed and then
6 triggers a review or an assessment to determine
7 what Parks mitigation will occur?

8 RYAN SINGER: From my standpoint,
9 that's the, there's an agreement between Parks and
10 the developer, and I, they need to speak to that
11 agreement.

12 COUNCIL MEMBER ARROYO: Okay.

13 [laughs] Threw you under the bus. [laughter]

14 JOSHUA LAIRD: I mean, I think the
15 first milestone would be when the first, when the
16 first buildings are ready to go in the ground,
17 which I believe under the review are estimated to
18 be over a decade away, not six or seven years
19 away. And at that time we would look at the, we'd
20 look at the population pressures in the area, we'd
21 look at the number of units going in at that time,
22 and we would, we would make an assessment about
23 how critical additional park space may be, and we
24 would take appropriate action. But as I say, you
25 know, that assumes that we wait until they move

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2 ahead with their project. I think, you know,
3 given all of the organizing we've done in the
4 area, and the tremendous work of The Bronx River
5 Alliance, there is existing excellent, keep
6 improving on parks in the area. And I don't
7 think, I think, you know, the project itself may
8 create some additional demands, but I don't think
9 we would wait, necessarily, for those to occur to
10 say that we'd like to improve Daniel Boone
11 Playground or the avenue lots that we have that
12 have never been improved.

13 COUNCIL MEMBER ARROYO: Okay, so,
14 Mr. Chair, given that I think no one at this table
15 will be here at that point, I need something
16 better than that. So, I'm going to leave it
17 there. I think you--

18 CHAIRPERSON WEPRIN: You don't mean
19 on the planet, you mean just at the table there.
20 [laughter]

21 COUNCIL MEMBER ARROYO: Who knows,
22 at this table, will not be serving in this body.
23 So, I, you need to do better than that, in order
24 for me to go back to my community and say, "I'm
25 okay with this," because Parks and City Planning,

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2 and HPD, since you're all in such great support of
3 this project, have made a commitment, as the City
4 agencies, I think the developer has worked with
5 everyone concerned, has heard the issues, but then
6 places the responsibility of the open space
7 mitigation really back squarely on your shoulders.
8 So you need to do better than what you've done
9 here today. Thank you, Mr. Chair.

10 CHAIRPERSON WEPRIN: Thank you. I
11 want to get back to the other panel, if that's
12 okay. So, I want to thank this panel. You may
13 want to stick around just in case something comes
14 up. So, I'd like to call back our panel, our
15 applicants. As was mentioned, this rep--this area
16 is represented by two Council Members, Council
17 Member Arroyo, as well as Council Member Joel
18 Rivera. And I know Council Member Rivera wanted
19 to make a statement on the record before we get
20 started with questions. So, Council Member
21 Rivera, whenever you're ready.

22 COUNCIL MEMBER RIVERA: Thank you
23 very much, Mr. Chairman. First I want to thank
24 everybody for being here at the table today, and
25 having the discussion. I want to thank Signature

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2 Properties, Gifford and Robert and the entire
3 time. I want to thank the advocates that are here
4 from The Bronx River and the members from the
5 building trades who are here today. I've had the
6 opportunity to sit down with all the parties and
7 today is actually a day we get to move forward.
8 Whenever a big project comes, you know, before me
9 in my district, my main question is, "Does the
10 district need this type of project?" And the
11 answer in this case is yes. The reason being is
12 the number one issue that is always presented in
13 my office, in the district office, which is
14 actually not too far from the proposed rezoning,
15 is affordable housing. The median income within
16 my district is \$21,000 per year. So affordable
17 housing is something that's extremely necessary,
18 and also dilapidated housing. Unfortunately, some
19 of the housing stock that's currently in existence
20 within the 15th Council District, is dilapidated,
21 needs to be rectified. There's too many
22 violations within HPD for some of the buildings
23 that currently exist. So residents of the 15th
24 Council District in my belief deserve the
25 opportunity to live in a new, clean environment

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2 that something like this would bring to the table.
3 It's 1,300 units of housing that would be a huge
4 benefit to my district, and I believe the
5 neighboring districts as well. There are always
6 issues, there's growing pains, but if you look at
7 the actual site today, it's a desolate area, where
8 unfortunately if you pick up the news articles
9 over the past couple of months, there has been
10 prostitution cases within the area, there's been
11 drug dealing happening within the area, there's
12 also been a shooting not too far off from the
13 area. So, what can we do as a City to prevent
14 that type of situation--is the microphone on?
15 What can we do as a City, you know, to prevent
16 that. We can find the best possible use--is it
17 on? We can find the--just want to make sure it's
18 going into--just want to make sure it's going in
19 for the record. I don't think any of the mic's
20 on. No? Is it recording? So what can the City
21 do ... Testing, one, two, one, two. Okay. So,
22 what can the City do, you know, to help prevent
23 some of these types of situations? We can find
24 the best use for this land, and this development
25 just bring along the best use for it. I hear the

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2 concerns from my colleague and I think there are
3 legitimate concerns when it comes to open spaces,
4 and I commend Gifford and company and the Parks
5 Department for their commitment to work together
6 to try to find ways to best deal with the increase
7 in utilization of parks. We always invite more
8 people to come into parks. We want to make sure
9 it's maximizing, want to make sure it's nicely
10 developed, and we want to make sure there's always
11 programs taking place. And I will, for the next
12 two-and-a-half years, continue the conversation
13 with the Parks Department to make sure that we can
14 do that. So, in a nutshell, my support is there
15 for this project because it will increase the
16 availability of affordable housing, it will bring
17 something positive to an area that unfortunately
18 has seen too much negativity, and will, you know,
19 give an opportunity for the residents in my
20 district to live in clean, up-to-date apartments
21 that is not roach infested, rat infested, you
22 know, infested with lead paint or asbestos, or
23 mold and mildew. It's a great project, I want to
24 thank Gifford and company again for their openness
25 for the past several years, working with the

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2 community boards, working with the local
3 advocates, working with the elected officials to
4 make sure that we can get a project that makes
5 sense for this district. Thank you.

6 CHAIRPERSON WEPRIN: Mr. Miller, do
7 you want to address the issues that were raised by
8 Mr. Arroyo and by Council Member Rivera?

9 GIFFORD MILLER: Well, for--I
10 think, I think partially just - - I share very
11 strongly the views that we need to do everything
12 we possibly can to improve the parks. I think
13 that there are elements of our proposal that are
14 good for the parks, there's no question in my mind
15 at least, that replacing what's there now with
16 the, with eyes on the Starlight Park is a quality,
17 is a quality improvement for Starlight Park. And
18 I think we've made a pretty unprecedented
19 commitment to open space for an affordable
20 proposal in terms of the children's playground and
21 the open spaces that we provided. But, it always
22 is important for the City to be using its dollars
23 wisely and equitably, equably, equitably? I don't
24 know the word, I'm sorry. [background comment]
25 Fairly, thank you, Council Member, fairly. But,

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2 and also thoughtfully and I think it's fair, I
3 think it is fair to say that this is a project and
4 a proposal that's going to take some time. And
5 that we can't solve all of the problems today for
6 the future, 'cause they're not even problems yet.
7 The open space mitigation in terms of the active,
8 in terms of the standard in terms of the ratios
9 won't change until we've actually built several
10 buildings. And so, the proposal that we've made
11 with the Parks Department is to, and to maybe be a
12 little bit more specific, it's when we go to build
13 the second phase of buildings. Because there,
14 even with the, after the first phase of buildings,
15 there would be no impact according to the EIS and
16 the active open space ratio standards. And it is
17 certainly true that there are qualitative issues
18 that you can take into account, as well. But it's
19 when we go to build the second phase of buildings,
20 which take time, by the way, I mean, everybody
21 here knows it takes 18, 18 to 24 months to build
22 buildings of this size and scope. So, according
23 to the restrictive deck, we are obligated to
24 advise the Parks Department when we go to begin
25 the preliminary design of the second phase of

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2 buildings. And that would still give the Parks
3 Department two years before, before those
4 buildings even come online. So, it seems fair to
5 me to be looking at this as a phased approach, and
6 what I can say is I'm committed to working with
7 you as a, as somebody who's going to be a part of
8 this community, I very much want to make sure that
9 we address these issues, as well, and thank the
10 Committee for its focus on it, and thank both
11 Council Members for their very long and thoughtful
12 involvement in improving this proposal.

13 CHAIRPERSON WEPRIN: Well, thank
14 you for your open-mindedness on these issues, and
15 I want to commend you on this ambitious project,
16 with, you know, a transformational aspect to it
17 throughout the neighborhood. Mr. Comrie you have
18 a question or a comment? Chair Comrie.

19 COUNCIL MEMBER COMRIE: Both--both
20 actually. I just want to commend the team for
21 what you're doing here. A couple of members did
22 ask if the project is actually going to look like
23 this and still be affordable, if it's, with the
24 amount of glass and open space looking in there.
25 And hopefully the designs that are up-to-date are

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2 actually the designs that will be implemented, so-

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4 GIFFORD MILLER: It's a great
5 question. The answer to that question is, "Yes,"
6 we're committed to buildings like this. Now, and
7 we're committed to providing quality open space.
8 That ain't easy, this is a challenge. I want to
9 be very clear, bringing this development to
10 fruition will be, you know, every bit as difficult
11 as it has been to bring this rezoning [laughs] for
12 which, taken a little longer, and cost a little
13 more than we had planned. But we're committed to
14 the work. And the other, I think you can, you can
15 take some comfort from the fact that the, these
16 are the kinds of buildings that Dattner has
17 designed and built just a couple of blocks away on
18 Via Verde. And this is what we're committed to.
19 This is why, you know, we've, we spent the last
20 five years working towards this, and we're
21 absolutely committed to make sure that it is this
22 kind of quality development.

23 COUNCIL MEMBER COMRIE: And just
24 for the sake of the--

25 GIFFORD MILLER: And can I just

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make one other point?

COUNCIL MEMBER COMRIE: Yes.

GIFFORD MILLER: The other thing I think is that, that's related to that is, unlike a lot of times, you know, when I was in the City Council, and I'm sure all of you, you have affordable housing developments that come into your district, it tends to be like a one-off, right? Somebody finds a site, it's in the middle of a block, it's on the edge of a block, they build a building, and then they go somewhere else and they build something somewhere else. It is critical to the success of this entire development proposal that this work. That we can't build the first two buildings and then have them not, you know, and then walk away. We've got eight more to go. This is going to be a development that's going to take seven to ten years. The programs that the, at the HPD and HDC are going to change during that period. The, and so, I think all of these issues that have been raised are connected. If we don't make it work so that it's a quality place to live for the first several buildings, the next buildings won't be financed and won't work.

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2 So, we are sort of not only, and I think you take
3 comfort from the commitment and the history of our
4 team, in terms of what we've done when we say what
5 we'll do, but you can also take some comfort from
6 the fact that we, we have to do it, or else we
7 won't be able to be successful with all the
8 different, other buildings.

9 COUNCIL MEMBER COMRIE: And just
10 for the edification of the public, that is
11 listening or may be watching, what is the numbers
12 for 60 to 80 percent AMI?

13 ROBERT FROST: Specific rent
14 numbers?

15 COUNCIL MEMBER COMRIE: Yeah.

16 [pause]

17 GIFFORD MILLER: You mean the rent,
18 rent rates, right?

19 COUNCIL MEMBER COMRIE: Yeah, rent
20 rates.

21 GIFFORD MILLER: We are, we're
22 looking that up, because we want to be precise,
23 maybe we could take another question and come back
24 and answer that question while we look that up, is
25 that all right?

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COUNCIL MEMBER COMRIE: Mm-hmm,
sure.

CHAIRPERSON WEPRIN: Okay, we could
do that. Council Member Reyna has a brief
question.

[background noise]

COUNCIL MEMBER REYNA: I won't take
offense.

GIFFORD MILLER: Well, I, well, you
know what, we now have an answer even, we have an
answer, we happened to get the numbers in front of
us, so--

COUNCIL MEMBER COMRIE: Okay.

GIFFORD MILLER: Robert?

ROBERT FROST: So, these are the,
from the last published HPD term sheet, these are
actually the 2009 levels and they may have
adjusted slightly. But the 80 percent AMI for a
studio, the rent is \$872.00; a one bedroom is
\$1,098 of monthly rent; two bedroom is \$1,322; and
a three bedroom is \$1,527. The 60 percent AMI,
which is the maximum rent that would be in the
LAMP project, a studio is \$731; a one bedroom is
\$781; a two bedroom is \$942; and a three bedroom

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2 is \$1,087. And those are the maximum rents that
3 would be charged. There are lower rent levels in
4 each of those buildings, too, the way those
5 programs work.

6 GIFFORD MILLER: And let me just
7 note that one of the things that we've been very
8 clear with and I think it's been good, is that
9 there's been great agreement between the community
10 boards, HPD, ourselves, is that we, we do believe
11 there needs to be a mix of incomes in terms of
12 this development, as we go forward. We want to
13 see some low income, of course, because there are
14 a lot of folks out there who are struggling and
15 who desperately need housing like that. But we
16 also want to see some more moderate income, as
17 well, because there are a lot of moderate income
18 folks that are struggling, as well. And you need
19 a mix of that in order for this development to
20 work. I want to bring it back again to the point
21 that I was making before, which is unlike other
22 type proposals like this, if we don't make the
23 first two buildings work, no one's going to live
24 in buildings three through ten. And so it's very,
25 very important that we get that mix right, and

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2 that's why we're very open to continuing to work.
3 And by the way, we recognize that the quality of
4 the parks in the area are going to be of concern
5 to the residents. I think that the quality of the
6 schools. That's why we've tried to be as
7 comprehensive, and I think you've seen in this
8 proposal a commitment to these issues that's far
9 beyond the ordinary commitment of the affordable
10 housing developments that you see coming into your
11 districts on, and so what I would describe as more
12 one-off bases.

13 COUNCIL MEMBER COMRIE: Okay, thank
14 you.

15 GIFFORD MILLER: Thank you.

16 CHAIRPERSON WEPRIN: Okay, Council
17 Member Reyna.

18 COUNCIL MEMBER REYNA: Thank you,
19 Mr. Chair. I just wanted to ask--good morning, by
20 the way.

21 GIFFORD MILLER: Good morning.

22 COUNCIL MEMBER REYNA: Speaker
23 Miller. I wanted to just--

24 GIFFORD MILLER: Council Member.

25 COUNCIL MEMBER REYNA: --make sure

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that I understood, there's a percentage of City owned land and there's a percentage of private owned land, is that accurate?

GIFFORD MILLER: In the, in the area?

COUNCIL MEMBER REYNA: As far as this application is concerned for rezoning.

GIFFORD MILLER: We have a very--a court--within our--we own about 215,000 square feet of land. Within our 215,000 square feet of land, as we did our due diligence on our, on our proposal, it became clear that there was twelve square feet of rock that the City still owned. Because the sites, the southern sites that we own, that are next to Sheridan Expressway, used to be ordinary sized blocks. But the, but when the City came in and built the Sheridan Expressway, for better or for worse, they cut in and took over portions of these blocks, making the blocks narrower. And apparently, there was one of the historical lots that they seized in order to build the expressway and the, and West Farms Road, which is today basically a, sort of an access road for the Sheridan--when they seized those, there was

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2 apparently a historical lot that, you know,
3 must've looked, look like this is our block, there
4 was a historical lot like this that came in like
5 this and had just twelve square feet of the rock
6 outcropping that's along West Farms Road. So, one
7 of the app--one of the, one of the items that's
8 before you is HPD has proposed to dispose--

9 COUNCIL MEMBER REYNA: UDAP.

10 GIFFORD MILLER: --right, through
11 UDAP, to dispose of that directly to us for the
12 market value of those twelve square feet of rock.
13 Which we're hoping we'll be able to afford.
14 [laughter] But, but for all practical purposes,
15 it's really, it's a, and this is, to my
16 astonishment, sort of a more common thing than one
17 would think. There are these very small lots that
18 the City holds, that are as of new use to the
19 City, and it's just twelve square feet, and
20 basically--So that's why it's really, I would
21 describe it as more of a technical point than
22 anything else, although we're appreciate of HPD's
23 cooperation and their support for what we're
24 trying to accomplish.

25 COUNCIL MEMBER REYNA: And the, the

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twelve square feet that you referred to is not buildable land.

GIFFORD MILLER: It is buildable.

COUNCIL MEMBER REYNA: It is buildable.

GIFFORD MILLER: We plan to build on it. We're going to build on that rock, we're not going to build, we're not going take the rock out.

COUNCIL MEMBER REYNA: Mm-hmm.

GIFFORD MILLER: Because--

COUNCIL MEMBER REYNA: It becomes part of the foundation.

GIFFORD MILLER: --because if we take the rock out, there's no, there's no development.

COUNCIL MEMBER REYNA: Mm-hmm.

GIFFORD MILLER: But it will become part of the foundation and this means that we don't have to sort of arbitrarily set the building back--

COUNCIL MEMBER REYNA: Right.

GIFFORD MILLER: --and that one, it's literally like a 3x2x3--

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COUNCIL MEMBER REYNA: Right.

GIFFORD MILLER: --square - -.

COUNCIL MEMBER REYNA:

[interposing] And my last question is related to the number of studios in the two buildings. So, if you could just give me the number of units broken down by studio, one bedroom, two bedroom and three bedrooms.

GIFFORD MILLER: We don't have that yet because we don't have fully designed buildings, and we haven't gone through--we're still on the rezoning process, so we don't have fully designed buildings. But I can tell you that it is our anticipating in the first, in the first couple of buildings, which we've proposed to HPD, it's, we would have ... it would be somewhere in the neighborhood, for 237 units, we would have, we would propose something like 14 total numbers of studios, 68 one bedrooms, 147 two bedrooms, and eight three bedrooms. So, a predominance of two bedrooms, a very minimal number of studios. Our goal here is for this to be a place, not a transient population--

COUNCIL MEMBER REYNA: Right.

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2 GIFFORD MILLER: --but a stable
3 population of families. And as I said before, I
4 mean, now those numbers could change slightly, as
5 we, as we go through--

6 COUNCIL MEMBER REYNA: Mm-hmm.

7 GIFFORD MILLER: --the process of
8 fully designing the buildings and working with
9 HPD. But I would say studios, we don't, we
10 haven't heard a lot of call for studios - -

11 COUNCIL MEMBER REYNA:

12 [interposing] Well, I wouldn't recommend it, I--

13 GIFFORD MILLER: Right.

14 COUNCIL MEMBER REYNA: You know,
15 just my own experience as far as land use
16 applications and the affordable housing movement,
17 and a lot of these projects that are engineered to
18 apply for funding that only approves or
19 incentivizes approving more smaller units, as, you
20 know, a mechanism to be able to receive the
21 funding.

22 GIFFORD MILLER: Right.

23 COUNCIL MEMBER REYNA: The issue is
24 that we're leaving out what is a demand--

25 GIFFORD MILLER: Right

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2 COUNCIL MEMBER REYNA: --for family
3 units. And so, I wanted to ask this question.

4 GIFFORD MILLER: Thank you.

5 COUNCIL MEMBER REYNA: I see you're
6 on the right path.

7 GIFFORD MILLER: Thank you.

8 COUNCIL MEMBER REYNA: I think you
9 can improve.

10 GIFFORD MILLER: Mm-hmm.

11 COUNCIL MEMBER REYNA: And I hope
12 that that is a conversation that you continue.

13 GIFFORD MILLER: I am--

14 COUNCIL MEMBER REYNA: Because
15 you're on the right track as far as decreasing the
16 number of studios and one bedrooms, and it would
17 be very helpful, I'm sure, in a community where
18 more families are looking for affordable housing
19 units, to be able to be accommodated.

20 GIFFORD MILLER: Right.

21 COUNCIL MEMBER REYNA: Thank you.
22 There's a lot of thoughtfulness here.

23 GIFFORD MILLER: Thank you.

24 COUNCIL MEMBER REYNA: Between the
25 school, the open space, clearly it's not enough

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2 and I know that our Council Members are going to
3 be working with Parks Department to deal with
4 those issues. The mechanisms of trying to put
5 together all these elements builds a community.

6 GIFFORD MILLER: Right.

7 COUNCIL MEMBER REYNA: And it's not
8 just about housing. And I appreciate that. Thank
9 you.

10 GIFFORD MILLER: Thank you. We
11 very much agree and again, the same point I was
12 trying to make before, but I think it's just, it's
13 worth it to keep pounding in, which is we can't,
14 we can't build a one-off with a bunch of studios
15 in order to maximize our return. And I agree with
16 you, this is, I remember being with many of you
17 and struggling over the way the incentives work,
18 so that there is more money that goes for studios,
19 which doesn't make sense, right, because it should
20 be based on the number of people, not the number
21 of units. But it is what it is. But that said, I
22 think HPD has been terrific about recognizing the
23 same issues that we have, and we're very much on
24 the same page. This is not, can't be a transient
25 development, we can't do this just once, we have

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2 to get a development together that really is about
3 permanently improving this neighborhood. Because
4 frankly, the first couple of buildings, this is
5 going to be a challenge. You know, this is an
6 industrial area, and it's not a, it's not a good
7 one, right now. And so, the first couple of
8 buildings, they're going to be pioneers, and we
9 have to have, you know, people that are really
10 committed to the neighborhood, we got to have
11 retail that meets their needs, we got to have
12 enlivened streets, that's why we worked very hard.
13 And one of the, one of the elements of the
14 application before you is to break up those
15 blocks. Because as people know, you know, these
16 are 600 foot long blocks. It's very, very long
17 blocks. And so by breaking them up, you know,
18 people are often loathe to walk down a 600 foot
19 block if they know that they don't have any, they
20 got to commit to all 600 of those feet.

21 COUNCIL MEMBER REYNA: Right.

22 GIFFORD MILLER: Right? So that's
23 part of the reason, part of the application is to
24 break those blocks up. So we're very much
25 committed to it.

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2 COUNCIL MEMBER REYNA: And I just
3 wanted to make sure, Gifford, as far as the area
4 is concerned, this is not an industrial business
5 zone.

6 GIFFORD MILLER: No, it is not an
7 industrial business zone. When you, and we did a
8 very careful block-by-block, door-to-door analysis
9 of the jobs in the area. What jobs there are in
10 the area, and there aren't many, the ones that
11 are, the primary employers are actually what I
12 would describe as more like satellite employers.
13 There are a couple of ambulance dispatchers, for
14 example. So when you look at the numbers in the
15 EIS, it looks like there's a, there are 40 people
16 working there, but 38 of them are in ambulances,
17 you know, all over the place. There's actually
18 one person there with a phone.

19 COUNCIL MEMBER REYNA: Mm-hmm.

20 GIFFORD MILLER: So, we believe
21 that, you know, work can be done, and certainly we
22 don't want to lose those jobs, but there's also a
23 lot of vacancy in the area and most of the jobs
24 are in those two, the middle blocks, the
25 Department of City Planning asked us to make part

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2 of this application, where we don't control any of
3 the property. So we're talking about potential
4 development that is way down the road. And is, I
5 think, very highly, highly relocatable and
6 recoverable. And I just want to say that, as for
7 our ability to improve, you know, many of you know
8 my wife, she makes me painfully aware of my
9 ability to improve on a regular basis, so I concur
10 with your point on that.

11 COUNCIL MEMBER REYNA: Thank you,
12 Gifford.

13 CHAIRPERSON WEPRIN: Thank you very
14 much. Okay, I think we're going to excuse you for
15 now, and we'd like, if you could keep the charts
16 here for a little while, 'cause we do have a panel
17 who have concerns about this project. So, if you
18 guys, we can excuse you guys, and we're going to
19 call up the following people in opposition to this
20 plan. Elena Conte, Kelly Terry-Sepulveda, and
21 David Shuffler. This three panels [pause,
22 background noise] Elena, you think, how long your
23 presentation? How long would you--three minutes?
24 All right. We're going to put everybody, we're
25 putting each of them on a three minute clock,

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2 then, now that you've volunteered that amount of
3 time. We don't want to, without warning ahead of
4 time. I know, you could've said ten, I don't know
5 what I would've done. So, Jerry, we'll give 'em a
6 three minute clock each. And then we'll ask some
7 questions if there are any. You guys can choose
8 who goes first. Please state your name for the
9 record and describe where you're from, and as
10 concisely as possible, your opposition. Okay, can
11 we have quiet, please, in the room, and whenever
12 you're ready.

13 DAVID SHUFFLER: Good morning. All
14 right, here we go. So, good morning, my name is
15 David Shuffler, Shuffler's spelled S-H-U-F-F-L-E-
16 R. Thank you, first and foremost, for this
17 Subcommittee on Zoning to listen and hold this
18 public hearing on the Crotona Park East/West Farms
19 ULURP. Again, my name is David Shuffler, I'm the
20 Executive Director of Youth Ministries for Peace
21 and Justice, which is a community based
22 organization, located just blocks away from the
23 proposed Signature site. Youth Ministries was
24 founded in 1994, primarily to work with young
25 people in their neighborhood. The major

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2 highlights that we have were mentioned today, I
3 heard things about Starlight Park, which is a
4 result of twelve years of community fight and
5 struggle. We also heard about Concrete Plant
6 Park, which is another park that was driven from a
7 community based project. I'm glad to say we've
8 added over 33 acres of waterfront park space to
9 this neighborhood in The Bronx. Signature Group
10 has been very clear about the, these improvements,
11 and the importance of how their development
12 project could capitalize on the fact that these
13 new parks are in the neighborhood. I will say
14 we've been in a lot of discussion, both with the
15 Signature group, even just until, up until last
16 week. But like I said, there are some concerns
17 that we have. So, I just wanted to just highlight
18 a few of those. Starting with the open space, and
19 as we know, there are going to be some impacts
20 around open space with the added units that come
21 into the project. It's great to hear that
22 Signature is open to really looking at those, the
23 mitigation towards park space going forward. So,
24 that's really good. We do think that it does fall
25 pretty short, right, I mean, what was very clear

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2 today was that, that there weren't answers to many
3 of the questions that you all had. It's very
4 clear that there are more discussions that need to
5 have, so I encourage the City Council when
6 thinking about moving this process forward, the
7 questions that you ask and the answers that you
8 receive, do those two things jive with each other?
9 The second piece that I wanted to bring up was the
10 affordable housing piece. I wanted to just
11 highlight that this project is a mixed use
12 project. Many of it does rely and have some
13 affordable housing units, but a lot of it is also
14 not affordable. So, Council Member Rivera, I know
15 a lot of it falls into your neighborhood, and you
16 talked a little bit about how important it is, the
17 need for affordable housing in our neighborhood.
18 But I also want to encourage you as the local City
19 Council member to look at the amounts of
20 affordable housing as it relates to the project.
21 When we heard Signature talking about 60 percent
22 or 80 percent of AMI, those numbers drastically
23 look different when you look at the [time bell]
24 swaths of land in our neighborhood. So, I'll just
25 wrap up now by saying, again, if you all are going

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2 to move this process forward, I really want to
3 encourage you all to get answers to the questions
4 that you all asked today. Rent levels is very
5 important, terms of affordability is very
6 important, mitigation towards park space is very
7 important. So, thank you.

8 CHAIRPERSON WEPRIN: Thank you very
9 much.

10 KELLY TERRY-SEPULVEDA: Thank you,
11 good morning. I'll try and be, read as fast as
12 possible. My name is Kelly Terry-Sepulveda. And
13 I am here today in the capacity as Board Chair of
14 The Bronx River Alliance. So, good morning, and
15 again thank you, Chair Weprin and Council Members
16 for the opportunity to speak today on behalf of
17 the Alliance. The Bronx River Alliance serves as
18 a coordinated voice for the river and works in
19 harmonious partnership to protect, improve and
20 restore The Bronx River corridor, and the
21 greenway, so that it can be a healthy, ecological,
22 recreational, education and economic resource for
23 the communities through which the river flows.
24 And we do this by working alongside, you know,
25 many of you and the public agencies here, but we

1 do have a different voice and a different
2 responsibility, as community based advocates. So
3 we applaud the changes Signature has made in
4 response to concerns for community residents and
5 elected officials, including the provision of a
6 school in the proposal, the addition of a small
7 playground, and capital renovations of existing
8 parks. I've been told that I've actually credited
9 them with that, before it's like actually anywhere
10 in the restricted deck, so I'm giving them credit.
11 [laughs] As well as the, you know, as well as
12 several mid-block crossings. So, with all of that
13 said, and that is great, with all of that said,
14 I'm here this morning to share some tough,
15 unresolved questions and concerns in regard
16 specifically to the open space aspects of the
17 action. But as my colleague David has mentioned,
18 it's not just, you know, confined to those things.
19 Levels of affordability, all of these things,
20 there are some outstanding questions. So, we hope
21 that the Subcommittee will utilize the fullest
22 time allowable under ULURP, and we know that this
23 has already been a long process, to address these
24 concerns and additional concerns expressed by our
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1
2 colleagues here today, before voting on this
3 action. So, in terms of the adverse impact
4 rezoning will have on the greenway, and the new
5 parks alongside it, including Concrete Plant Park
6 and Starlight Park, it is really about the ratio
7 of not only open space, to non-open space, in an
8 area that has, up until recently, had the least
9 per capita park space residence, but it's also
10 just about the type of space. So, active space
11 versus passive space, that we need to be really
12 concerned about. Also, we need to point out that
13 the, that the application, I believe, relies, in
14 order to come up with these ratios, on 2000 Census
15 numbers. And so one of the questions I'm going to
16 ask that I didn't even include in here, are what
17 are the, is there any difference with the 2010
18 Census tracks? And does any of that impact any of
19 the ratios that we're talking about here today?
20 It's a question. I don't even know the answer.
21 But you know, the 24 census tracks within a half
22 mile open space study area, have been estimated,
23 has an estimated current population of 92,179
24 residents, and [time bell] 12,622 workers, for a
25 total combined population of 100,801 persons. So,

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2 you know, essentially many of this population, 20
3 percent of the study area population, is ten years
4 old and under. So we have a very young community,
5 you know, with many families, and we hope and we
6 look forward to this development adding to the
7 vibrant community that we have. But we do have to
8 ensure that we're putting in provisions in this
9 text amendment, that will allow for a protective
10 policy so that the investments that we're all
11 raving about, the parks, the river, the
12 cleanliness, that all of that is maintained and
13 sustained. And I know I'm going over. But just,
14 I just have three little points I want to make.

15 CHAIRPERSON WEPRIN: If you could
16 just wrap it up as quickly as possible.

17 KELLY TERRY-SEPULVEDA: Yeah, I
18 will, and I promise. Elena said three minutes,
19 not me. I'm sorry [laughs] I'm sorry.

20 ELENA CONTI: [off mic] You can
21 have some of mine.

22 KELLY TERRY-SEPULVEDA: I'm sorry.
23 Okay, so, you know, the investments the City
24 refers to will only be relevant if they are
25 sustained and protected by policies. Okay, so we

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2 need to have teeth. And I understand, we don't
3 challenge at all the good intentions of the
4 current developer attached to this action, but as
5 we know, this action will be one of the largest
6 private initiated rezonings in The Bronx history.
7 I just learned that today. And good intentions,
8 as powerful as they are, do not guarantee anything
9 to our communities over the long term. They are
10 just good intentions. And we ask that any good
11 intentions expressed here today on behalf of the
12 developer and the City agencies, are directly
13 translated into language with teeth in the
14 restrictive declaration as a text in this
15 amendment. We must be wary of unintended
16 consequences. Our heart is in the right place,
17 but we don't do what we need to do to ensure that
18 no matter down the line, whether it's ten years or
19 20 years, that they are effective policy triggers
20 that, you know, that are standard and will ensure
21 that all of your good intentions come to fruition.

22 CHAIRPERSON WEPRIN: Okay.

23 KELLY TERRY-SEPULVEDA: So with
24 that said, I--

25 CHAIRPERSON WEPRIN: Thank you.

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2 KELLY TERRY-SEPULVEDA: --thank
3 you.

4 CHAIRPERSON WEPRIN: Thank you very
5 much. Okay. Elena.

6 ELENA CONTI: Chair Weprin, Council
7 Members, thank you for the opportunity to testify.
8 I'm offering these comments on behalf of the Pratt
9 Center for Community Development, but in support
10 of our efforts by our community based partners.
11 I'll kind of cut to the chase. The DEIS for the
12 proposed rezoning reveals that the existing amount
13 and quality of open space in the area is grossly
14 insufficient for the current population, which is
15 majority people of color and majority working
16 class. The proposed action would make an already
17 deficient condition substantially worse, which is
18 a significant adverse impact that requires
19 mitigation. The actions currently proposed as
20 mitigation failed to address the despicable
21 pattern whereby people in lower income
22 neighborhoods are systematically and repeatedly
23 denied access to quality open space. They lack
24 sufficient quality open space to begin with, they
25 are not protected from actions that further

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2 diminish their already limited access to open
3 space, and their open spaces do not receive a
4 fraction of the maintenance and programming
5 support as those in wealthier communities. Now
6 this is a problem of citywide policy, and it's one
7 that each time the City Council considers the
8 exercise of its powers, it can opt to address. In
9 instances like this, where there is a clear nexus
10 between the rezoning, the proposed projects, their
11 impact, and the nature and quality of open space,
12 it's something that we all have a collective
13 responsibility to be working together on, it's not
14 singling out any particular entity, agency or
15 member. Given this, and in addition, the City
16 Council also has the opportunity to do more to
17 ensure that the public investment in affordable
18 housing that is slated to be developed in the
19 proposed rezoning area, lasts into perpetuity.
20 Right? And doesn't expire just when the programs
21 expire. This is smart policy, given both the
22 overall affordability expiration crisis that the
23 City faces, which is extremely well documented, as
24 well as the expressed needs of the community. As
25 in other rezonings, notably Hudson Yards, the

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2 Council could work with the applicant to outline
3 and define terms under which it would agree to
4 make all income restricted units permanently
5 affordable. This would provide greater assurances
6 to the surrounding community and to the eventual
7 residents of the proposed development, that they
8 will not be displaced in the future. So, in sum,
9 where we're at, at this moment in time, the
10 proposal on the table falls short of what the
11 South Bronx deserves, and of the standards of
12 equitable planning and policy. There's an
13 opportunity here to do better and we urge the
14 Subcommittee not to vote on this matter today, to
15 allow for the Council to use the full amount of
16 time that the ULURP clock offers, so that a plan
17 that meaningfully addresses these issues can be
18 incorporated into the restrictive declaration and
19 other appropriate documents that accompany the
20 action. Thank you.

21 CHAIRPERSON WEPRIN: Thank you very
22 much. Let me just ask a question before, and you
23 can, any of you can jump in. So I'm trying to
24 look at this objectively, and I look at an area
25 that looks desperate for something to be done to

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2 it. And this is a pretty ambitious project, as I
3 mentioned before, which brings in, you know, a
4 great looking development in an area that really
5 needs it. What do you think the market rate, even
6 if we had no affordable housing, let's say they
7 came in and said, "We're not building any
8 affordable housing." I'm just curious, if you
9 have a better ideas, 'cause I'm from Queens, what
10 do I know? What would the market rate be in an
11 area like this right now, if you built it and just
12 let it go to market rate? Would it be much higher
13 than the numbers that were cited?

14 [background comments]

15 CHAIRPERSON WEPRIN: Well, I can't
16 have that, though, unfortunately, at this moment,
17 but--I know it's a little speculative.

18 ELENA CONTI: I'm not really sure
19 that that's the question, quite frankly, Council
20 Member.

21 CHAIRPERSON WEPRIN: Well, it was
22 my question.

23 ELENA CONTI: I mean I think that--
24 I know. [laughter] I think that the gentleman
25 from MBD will address it when you give him the

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2 opportunity to, and maybe other folks will as
3 well. But I think that we've talked about two
4 buildings out of ten that are eventually going to
5 be developed. So, there's, you know, what the
6 market will bear at this moment in time, and it's
7 who those people are, and what kind of quality and
8 standard of living we're creating for them. It's
9 also about what happens to their families in 20
10 years, when they have kids and they've invested in
11 the community and would like to stay in that
12 community, and the economy is in a different
13 place, and the entire area is in a different
14 place. So, it's not about the rent levels now or
15 even in three years, when the first buildings come
16 on, or a commentary on that either way.

17 CHAIRPERSON WEPRIN: Right.

18 ELENA CONTI: It's about planning
19 holistically for this community and making sure
20 that affordable housing goes in lockstep with
21 quality open space. But--

22 KELLY TERRY-SEPULVEDA: Yeah, and
23 just, you know, I'm not, you know, I'm not a
24 housing expert or anything like that, you know,
25 but just, you know, as I was telling a Council

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2 Member this, too, as I share this perspective, as
3 a kid growing up in Highbridge, I remember walking
4 to school, you know, past tons of abandoned lots,
5 tons and tons of abandoned lots, thinking, "Oh,
6 you know, what's going on here." And yeah, back
7 then, Highbridge was not a desirable, right,
8 place. Fast-forward now, you know, I'm now living
9 in the Pelham Park South area and paying lower
10 rents, right, than most of the developments that
11 are now built on those vacant lots are charging.
12 And so, what I want to say is, you know, yeah,
13 we've pulled cars and 15,000 tire, something
14 crazy, out of The Bronx River, at a time when
15 people were just like, "You know what? That's not
16 even a river." You know, why even bother?

17 CHAIRPERSON WEPRIN: Right.

18 KELLY TERRY-SEPULVEDA: So I think,
19 you know, I understand your point, and I'm not, I
20 don't even know, you know, they may well be, you
21 know, bottom or--

22 CHAIRPERSON WEPRIN: I don't know
23 why, though.

24 KELLY TERRY-SEPULVEDA: --you know,
25 very, very affordable. But we know that the

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2 promise of the investment, you know, what our
3 communities, we have the vision and we have the
4 knowledge of what our communities are growing into
5 becoming, because of the advocacy. And all we
6 want to make sure is, is that the people who put
7 the sweat equity into it, and stuck out all those
8 years, are going to be able to raise their kids
9 there, when better things come along. And same
10 for their grandchildren.

11 CHAIRPERSON WEPRIN: Well, you
12 know, okay, I mean, it just, it seems to me like
13 the applicants, and I want to be clear, this is
14 affordable housing, you know, and seem to have the
15 same philosophy you do, on a lot of these issues--

16 KELLY TERRY-SEPULVEDA: Right.

17 CHAIRPERSON WEPRIN: --you know,
18 which is they'd like to see affordable housing,
19 that's why they're doing this project. I'm so
20 used to projects coming before us in areas that,
21 you know, only millionaires would be able to
22 afford at market rate, and here's an area where it
23 really desperately needs it, the developers are
24 only talking about thing to build something that
25 is good for the community. It just, you know, I

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just, it's a--

KELLY TERRY-SEPULVEDA: Well, we agree, we agree with all of those supportive elements, and you know, I - - call me an idealist or you know, whatever, I just for and and both, and I see the Council Member over there, she says that a lot, "and and both," you know, is this the best? And that's all we're saying. We're saying that this is a great proposal, it's a great start. Do we feel that it could be stronger and that it should be stronger, given the--

CHAIRPERSON WEPRIN: Right.

KELLY TERRY-SEPULVEDA: --the scope of it? And the longevity of this decision and will be lasting, for many, for all future development in the neighborhood, is in with that context that we're asking, "Can we do better?"

CHAIRPERSON WEPRIN: I understand. Councilman Arroyo, did you want to add something to that? I thought you--

COUNCIL MEMBER ARROYO: [off mic] Yes. [on mic] No, but since you put me on the spot. I think, first of all--

CHAIRPERSON WEPRIN: I didn't mean

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to do that.

COUNCIL MEMBER ARROYO: Just to say thank you to Kelly and Elena and Shuffler, right? [laughs] For, for your advocacy and for coming to the table with the developer, to, to nudge along the improvements that, compared to the proposal that was before us when I first saw it, and now, it is, it is different, because there has been some thought into, put into the final product here. And I don't want to belabor the point, but you know, the City agencies at the table here could not answer the questions. And that trouble me, significantly.

CHAIRPERSON WEPRIN: Thank you, Ms. Arroyo, and I certainly didn't mean to put you on the spot. Council Member Rivera has a question.

COUNCIL MEMBER RIVERA: Thank you very much. Just really a statement, I also want to thank you for being part of the entire process. I met with, had the privilege to meet with you in the past and discussed this project, and again like Maria stated, you know, the insights that you brought to the table were pivotal to make sure can get even to this point. And the question was, is

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2 this the best? Well, we don't know, until a
3 project is developed, you take a bird's eye view
4 of it and you determine at that point. My
5 question is, is it better than what's there now?
6 And the answer is definitely yes. Even with the,
7 the projects in my view is completely affordable,
8 because when you look at the area rentals, three
9 bedrooms, you know, are probably more \$1700 per
10 month, and even at the higher AMI, that comes in
11 at a better rate, you know, on this project. So,
12 looking at the entire project, as it's planned, it
13 does in my book, in my definition, is better than
14 what's being utilize there now, and what's needed
15 for the neighborhood. So, of course we should
16 always strive to improve, we should always try to
17 find ways to tweak it, and that's why I think
18 Signature, you know, where I think Signature has
19 been forthcoming, you know, meeting with the local
20 organizations, the community groups, and all the,
21 everyone involved and interested, because I do
22 honestly believe that they want to see something
23 that we want to see, and that's a project that is
24 long term, sustainable and works. But thank you
25 guys, you know, for being part of the

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conversation. It's definitely needed. Thank you.

KELLY TERRY-SEPULVEDA: Thank you, and if I, if I don't, I don't know if this is appropriate, but I, you know, I just want to thank you for your sentiments, Council Member, and you know, what we ask is that, you know, we find a way to legislate these sentiments.

CHAIRPERSON WEPRIN: Thank you very much. Any other members of the panel have a question? Okay, give me one second.

[pause]

ELENA CONTI: Chair Weprin, could I add one quick thing while you're gathering stuff?

CHAIRPERSON WEPRIN: Highly inappropriate, but sure, go ahead.

ELENA CONTI: Okay. [laughs]
Thanks. But to the point of rent levels and public subsidies, if one were to consider that the market right now would only bear rents that are comparable to the ones that are going to be subsidized, in my mind, that only makes more of a case and a reason, since the applicant is going to be using public funds to subsidize development at the same level as what would exist already. To

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2 make sure that the assurances and protections that
3 we're calling for are incorporated so that that
4 public investment actually does what it intends,
5 as opposed to just simply making the pro forma
6 work out better.

7 CHAIRPERSON WEPRIN: Okay. Duly
8 noted. Okay. Give me again, one minute. [pause]
9 All right, no other questions for this panel.

10 We're going to let you guys go, so you don't have
11 to sit there on the spot, as they say. Just give
12 us one minute here, we're just trying to work out
13 one issue. [pause] Jerry, if you could try to
14 get Council Member Jackson, who is on the 14th
15 floor at a hearing room. That would be great.

16 [pause] On this particular item, we're not going
17 to vote today, we're going to hold off. Tomorrow
18 there's a Land Use meeting. Tomorrow, right?

19 [background comments] Tomorrow at 10:00 o'clock
20 is the Land Use. We're going to meet before that,
21 at 9:30 on that one item. And in a moment we're
22 going to vote on all the other items that are here
23 today. And I'm going to reiterate what those
24 were. It was Land Use No. 468, with which Café
25 Condesa; Land Use No. 484, SD 26, both in Council

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2 Member Quinn's district; and then the last item
3 that we are going to couple with it is the
4 Williamsburg/Baychester rezoning, which was Land
5 Use No. 491. We're going to couple all those
6 items, and then we're going to hold off till
7 tomorrow, we, on the Crotona Park item we just
8 heard, until tomorrow morning. So, with these
9 other times all coupled, we're going to take a
10 vote, and I am going to recommend an aye vote, and
11 I'd like to call on Christian Hylton, the Counsel,
12 to call the roll on those items alone.

13 COUNSEL: Chair Weprin.

14 CHAIRPERSON WEPRIN: Aye.

15 COUNSEL: Council Member Rivera.

16 COUNCIL MEMBER RIVERA: Thank you
17 very much, Mr. Chair, I vote aye.

18 COUNSEL: Council Member Reyna.

19 COUNCIL MEMBER REYNA: Aye.

20 COUNSEL: Council Member Comrie.

21 COUNCIL MEMBER COMRIE: Aye.

22 COUNSEL: Council Member Jackson.

23 COUNCIL MEMBER JACKSON: Aye.

24 COUNSEL: Council Member Seabrook.

25 COUNCIL MEMBER SEABROOK: Aye.

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COUNSEL: Council Member Garodnick.

COUNCIL MEMBER GARODNICK: Aye.

COUNSEL: Council Member Lappin.

COUNCIL MEMBER LAPPIN: Aye.

COUNSEL: Council Member Ignizio.

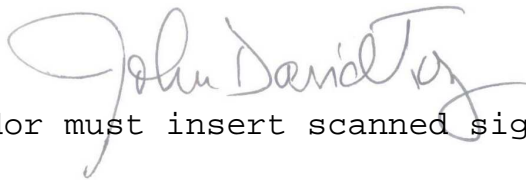
COUNCIL MEMBER IGNIZIO: Aye.

COUNSEL: By a vote of nine in the affirmative, none in the negative, no abstentions, LU 468, 484 and 491 are approved and referred to the full Land Use Committee.

CHAIRPERSON WEPRIN: Okay. Thank you, and so we're going to recess this meeting until tomorrow morning, at 9:30, right here in this same hearing room. I got that right, right? Tomorrow morning. Just double checking. 9:30 tomorrow here. 9:30 is the Land, is going to be our Subcommittee, and 10:00 o'clock is Land Use, so please get here early. So we are going to recess this meeting until 9:30 tomorrow morning. Thank you very much.

C E R T I F I C A T E

I, JOHN DAVID TONG certify that the foregoing transcript is a true and accurate record of the proceedings. I further certify that I am not related to any of the parties to this action by blood or marriage, and that I am in no way interested in the outcome of this matter.

A handwritten signature in cursive script that reads "John David Tong". The signature is written in black ink and is positioned above the printed text "Signature [Vendor must insert scanned signature]".

Signature [Vendor must insert scanned signature]

Date October 20, 2011