

CITY COUNCIL  
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON LAND USE JOINTLY WITH  
SUBCOMMITTEE ON ZONING AND  
FRANCHISES

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May 7, 2019  
Start: 11:17 a.m.  
Recess: 2:52 p.m.

HELD AT: Committee Room - City Hall

B E F O R E: RAFAEL SALAMANCA  
Chairperson

COUNCIL MEMBERS:  
Carlina Rivera  
Ben Kallos  
Andy King  
Ritchie J. Torres  
Vanessa L. Gibson  
Ruben Diaz, Sr.  
Peter Koo  
Francisco Moya  
Costa Constantinides  
Barry Grodenchik  
Rory I. Lancman  
I. Daneek Miller  
Adrienne E. Adams  
Donovan J. Richards  
Stephen T. Levin  
Antonio Reynoso  
Inez Barron

Mark Treyger  
Francisco Moya

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

Susan Amron, General Counsel  
Department of City Planning

Hillary Semel, Director and General  
Counsel  
Mayor's Office of Environmental  
Coordination (OEC)

Melanie La Rocca, Commissioner  
Department of Buildings

Marcel Negrete, Planner  
Regional Plan Association

Thomas Devaney, Senior Director of Land  
Use and Planning  
Municipal Arts Society of New York

Elena Conti, Director of Policy  
Pratt Center for Community Development

Pedro Estevez, President  
United Auto Merchants Association

Robert Cornwall, Senior Housing Attorney  
Make the Road New York

Paula Segal, Senior Staff Attorney  
Equitable Neighborhoods Practice

Ivan Garcia, Neighborhood Rezoning  
Coordinator  
Make the Road New York

Luis Enrique Carrero  
Legal Services New York

Emily Goldstein, Director of Organizing  
and Advocacy  
Association for Neighborhood Housing  
Development

Alyssa Chen  
Legal Aid Society

Carmen Vega Rivera, CASA leader  
Communities for Safe Apartments (CASA)  
New York Resident

Alex Fennel, Network Director  
Churches United for Fair Housing

Dedric Blue (sp?)  
Harlem Interfaith Commission for Housing  
Equality

Reverend Robert Jones Junior, Pastor  
Second St. John Baptist Church

Father Clyde Coomerly (sp?), Chair  
Housing commission MICAH Institute

Bishop James R. Clark Junior, Bishop  
Churches of our Lord Jesus Christ

Pastor Cluver Tucker (sp?), Pastor



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3 SERGEANT-AT-ARMS: This is a test. This is  
4 a test for the Committee on Land Use jointly with the  
5 Subcommittee on Zoning and Franchises. Today's date  
6 is May 7th of 2019 and it is recorded by Stephen  
7 Sudowski (sp?). Thank you. Quiet Please.

8 CHAIRPERSON SALAMANCA: All right. Good  
9 morning everyone and welcome to the Committee on Land  
10 Use. I am Council member Rafael Salamanca, the Chair  
11 of this committee. I would like to welcome my  
12 esteemed colleagues who are members of the committee  
13 in here with us today. We have Council members  
14 Gibson, Constantinides, Deutsch, Koo, Richards,  
15 Grodenchik, Adams, Diaz, Chair Moya, and Rivera. I  
16 want to thank Chair Moya and Chair Adams for their  
17 work on our land-use subcommittees. Today we will be  
18 voting on a number of projects referred out of our  
19 zoning subcommittee and we will also be holding a  
20 hearing jointly with our subcommittee on zoning and  
21 franchises on the topic of city environmental quality  
22 review procedures. If you are here to testify at our  
23 joint hearing, please fill out a speaker slip with  
24 the Sergeant-at-arms and we will start now with our  
25 votes. Today we will vote to approve LU's 391 and

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3 392 for the 1050 Pacific Street re-zoning in Majority  
4 Leader Cumbo's district in Brooklyn. The proposed  
5 actions would re-zone and existing M1-1 district to  
6 an M1-4/R7A special mixed-use district and map the  
7 project area as a mandatory inclusionary housing area  
8 with options one and two. We will also vote to  
9 approve LU's 393 and 394, the 1010 Pacific Street  
10 rezoning also in Majority Leader Cumbo's district in  
11 Brooklyn. The application sought to re-zone and  
12 existing M1-1 district to an R7D/C2-4 district and  
13 map the project area as a mandatory inclusionary  
14 housing area with MIH option one and two. The city  
15 planning commission modified the application to  
16 rezone the area to an R7A/C2-4 and we will be  
17 approving this decision of the commission. We will  
18 vote to approve preconsiders LU 386 through 389, the  
19 1921 Atlantic Avenue rezoning in Council member  
20 Ampry-Samuels' district in Brooklyn. The application  
21 seeks to re-zone the project area from an M1-1R7D  
22 district to an R8A/C2-4 district. A zoning text  
23 amendment to map the site as a mandatory inclusionary  
24 housing area using option one. UDAP (sic) area and  
25 project designation disposition approval and an

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4 amendment to the Saratoga Square urban renewal plan.

5 These actions will facilitate the development of a  
6 new 14 story mixed-use building with approximately  
7 235 affordable apartments, retail, and community  
8 facility open space and 44 below grade accessory  
9 parking spaces. We will also vote to approve, with  
10 modifications, LU's 390. This application regarding  
11 the 270 Park Avenue in Manhattan. Zoning text  
12 amendment related to East Midtown sub district of the  
13 special Midtown district would be amended to  
14 facilitate a 10,000 square foot open publicly  
15 accessible space on the development science of  
16 Madison Avenue frontage instead of within the through  
17 lot portion as well as other changes necessary to  
18 make this alternative location for the open space  
19 viable. Our modification will make clear that this  
20 amendment-- will make clear that this amended zoning  
21 text only applies to the project site which was the  
22 intent of the proposal. Are there any questions or  
23 remarks from the members of the committee? All  
24 right. Seeing nine, I will now call on of the in  
25 accordance with the recommendations of the local  
council members and at the subcommittee to approve



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3 LU's 391, 392, 393, 394, and preconsiders LU's 386  
4 through 389. And to approve with the modifications I  
5 have described LU 390. Will the clerk please call  
6 the roll?

7 COMMITTEE CLERK: William Martin,  
8 Committee Clerk. Roll call vote Committee on Land  
9 Use. All items are coupled. Chair Salamanca?

10 CHAIRPERSON SALAMANCA: Aye on all.

11 COMMITTEE CLERK: Gibson?

12 COUNCIL MEMBER GIBSON: Aye on all.

13 COMMITTEE CLERK: Constantinides?

14 COUNCIL MEMBER CONSTANTINIDES: Aye on  
15 all.

16 COMMITTEE CLERK: Deutsch?

17 COUNCIL MEMBER DEUTSCH: Aye on all.

18 COMMITTEE CLERK: Koo?

19 COUNCIL MEMBER KOO: Aye.

20 COMMITTEE CLERK: Richards?

21 COUNCIL MEMBER RICHARDS: Aye.

22 COMMITTEE CLERK: Grodenchik?

23 COMMITTEE CLERK: Aye on all. I'm going  
24 to embarrass the newly appointed building's  
25 Commission for the City of New York and welcome Ms.

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3 La Rocca here this morning. We're so excited that  
4 you're in that new position. Aye on all.

5 COMMITTEE CLERK: Adams?

6 COUNCIL MEMBER ADAMS: Aye.

7 COMMITTEE CLERK: Diaz?

8 COUNCIL MEMBER DIAZ: Aye.

9 COMMITTEE CLERK: Moya?

10 COUNCIL MEMBER MOYA: Aye.

11 COMMITTEE CLERK: Rivera?

12 COUNCIL MEMBER RIVERA: Aye on all.

13 COMMITTEE CLERK: By a vote of 11 in the  
14 affirmative, zero in the negative, and no extensions,  
15 all items have been adopted by the committee.

16 CHAIRPERSON SALAMANCA: Thank you. I  
17 believe the role open. We will take a two minute  
18 recess and we will start with our oversight hearing.

19 COMMITTEE CLERK: Continuation roll call.  
20 Committee on land use. Council member Barron?

21 COUNCIL MEMBER BARRON: Thank you. I vote  
22 by land use 391 and I vote no on the others. No on  
23 land use 386 through 389, 391, and 392, 393, and 394.  
24 Thank you.

25 COMMITTEE CLERK: Miller?

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3 COUNCIL MEMBER MILLER: I vote aye.

4 COMMITTEE CLERK: Current vote items  
5 committee on land use, land use item 390 is adopted  
6 by the committee 13 in the affirmative, zero in the  
7 negative, and no extensions with the pre-considered  
8 land-use items 386 through 389, 391, 392, 393, and  
9 394 adopted by the committee 12 in the affirmative,  
10 one in the negative, and no extensions.

11 CHAIRPERSON SALAMANCA: All right. Thank  
12 you very much. For the remainder of today's meeting,  
13 the committee on land use jointly with its  
14 subcommittee on zoning and franchise will hold an  
15 oversight hearing titled Oversight: Are City  
16 Environmental Quality Review Procedures Useful For  
17 Accurately Predicting and Mitigating Impacts of City  
18 Planning Commission Decisions? This hearing will  
19 consider issues related to identifying, assessing,  
20 and mitigating significant environmental impacts in  
21 connection with city planning commission decisions  
22 with a focus on larger actions such as called  
23 neighborhood rezonings. In addition to this  
24 oversight topic, the committees will consider four  
25 related bills and a resolution which addresses the

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4 identification and mitigation of significant impacts  
5 of land use actions are related to residential and  
6 commercial displacement, school capacity, and  
7 overcrowding and transportation. Introduction number  
8 252 by Council member Reynoso, intro number 1487, in  
9 1531 by Council member Moya, introduction number 1523  
10 by Council member Gjonaj, and resolution number nine  
11 by Council member Barron. Representatives of the  
12 Mayor's Office of Environmental Coordination, the  
13 City Planning Commission, the Department of City  
14 planning, the Department of Education, the School  
15 Construction Authority, the Department of  
16 Transportation and the Department of Housing,  
17 Preservation, and Development, the Municipal Arts  
18 Society, and the Pratt Center and other experts,  
19 advocates, and stakeholders have been invited to  
20 testify. Environmental review has an important  
21 procedural and substantive role in how the city makes  
22 its land-use decisions. All land use applications  
23 are subject to the uniform land use review procedure  
24 and all applications for changes to the zoning  
25 resolution must be analyzed in accordance with city  
environmental quality review procedures. If a

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4 determination is made that a proposed action is  
5 likely to have significant impacts on the  
6 environment, the city planning commission must  
7 prepare or cause to be prepared, and environmental  
8 impact statement, commonly referred to as EIS. The  
9 State Environmental Quality Review Act further  
10 requires that when a local agency decides to approve  
11 an action which has been the subject of an EIS, such  
12 agencies shall make an explicit finding that's to the  
13 maximum extent practical. Adverse environmental  
14 efforts reveal that the EIS process will be minimized  
15 or avoided. As a consequence, an EIS that fails to  
16 accurately project adverse environmental impacts may  
17 not trigger mitigation measures to address likely  
18 impacts. To assist city agencies in fulfilling  
19 environmental review responsibility, the mayor's  
20 office of environmental coordination procedure and a  
21 SEQR (sic) technical manual. The SEQR technical  
22 manual provides technical guidance and methodologies  
23 for conducting the environmental review in 19 areas  
24 of required analysis. The methodologies of the  
25 SEEKER technical manual have been the subject of  
significant criticism and debate for their failure to

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4 account for development and mitigation and rather  
5 pronounced ways in connection with a number of  
6 neighborhood rezonings, including downtown Brooklyn  
7 and Long Island city. The municipal arts Society and  
8 the Pratt Center for community development notably  
9 have both produced papers on this subject and will  
10 present testimony on their analysis and conclusions  
11 today. During this hearing, members will have the  
12 opportunity to ask in the administration and these  
13 experts questions about a range of their concerns  
14 relating to the SEQR process. However, the testimony  
15 today, my questions, and I hope the majority of my  
16 colleagues questions will focus on the SEQR process  
17 as it relates to neighborhood rezonings, particularly  
18 in the development of the reason all worst-case  
19 development scenario analysis, the identification of  
20 mitigation for adverse impacts, the fulfillment of  
21 mitigation commitments, and the analysis method for  
22 determining whether there would be social economic  
23 impacts, school overcrowding, or transportation  
24 impacts. We have a lot of witnesses today and a lot  
25 of questions. But before we begin, I would like to  
give the sponsors of the legislation we are hearing

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4 today an opportunity to offer some remarks, starting  
5 with my cochair, Chair of the Zoning and Franchise  
6 Subcommittee, Council Chair Moya.

7 CHAIRPERSON MOYA: Thank you so much. Good  
8 morning. Thank you, Chair Salamanca. It is my  
9 pleasure to be able to cochair this hearing with you  
10 on the city's environmental quality review process  
11 for neighborhood rezonings and the methodologies set  
12 forth in the SEQR technical manual. I also want to  
13 thank you for this opportunity to hear the two bills  
14 I have before this committee today. I have been very  
15 vocal about my concerns that neighborhood rezonings,  
16 for the last several years have promoted the  
17 construction of luxury housing and displaces low  
18 income residents and small businesses. I have raised  
19 concerns that mapping mandatory inclusionary housing  
20 area on such a rezoning is not sufficient medication  
21 for the displacement that such rezonings actually  
22 cause. The SEQR technical manual to find secondary  
23 displacement, also known as indirect displacement, as  
24 the involuntary displacement of residents,  
25 businesses, or employees that result from a change in  
socioeconomic conditions created by a change in land

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3 ~~FRANCHISES~~ According to the SEQOR technical manual, a  
4 socioeconomic assessment should be conducted if a  
5 project may be reasonably expected to create  
6 socioeconomic changes such as rising rents within the  
7 area affected by the project that would not be  
8 expected to occur without the project. The stated  
9 purpose of the indirect residential displacement  
10 analysis is to determine whether the proposed project  
11 may introduce a trend or accelerate a trend of  
12 changing socioeconomic conditions that may  
13 potentially displace a population of renters living  
14 in units not protected by rent stabilization, rent  
15 control, or other government regulations restricting  
16 rents. If the assessment identifies a population  
17 which is vulnerable to displacement based upon income  
18 and other factors and the groups exceed five percent  
19 of the study area population, the SEQOR technical  
20 manual indicates a significant adverse impact may  
21 occur. It then directs that mitigation be measured  
22 be considered. No recent EIS produced in connection  
23 with a neighborhood rezoning has found a potential  
24 for significant adverse impact with respect to  
25 indirect residential displacement. The Pratt Center  
argues that there are four reasons that the approach



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4 taken by the SEQOR technical manual is insignificant--  
5 insufficient, excuse me, for determining secondary  
6 displacement. First, a lack of any analysis of  
7 racial or ethnic demographic impacts. Second, the  
8 exclusion of buildings larger than six units  
9 containing rent regulated units from consideration as  
10 soft sites. And, third, the provision of the  
11 proposed action must introduce a trend or accelerate  
12 a trend of changing socioeconomic conditions in order  
13 for it to have an impact. And, lastly, the wide  
14 discretion of-- the wide discretion in applicant has  
15 to determine that no significant impacts are  
16 anticipated because of mitigating factors,  
17 particularly as a result of the creation of a  
18 mandatory exclusionary housing area. Similar points  
19 were raised in a 2018 report titled Inclusive City:  
20 Strategies to Achieve a More Equitable and  
21 Predictable Land Use in New York City produced by the  
22 Regional Planning Association in collaboration with a  
23 land-use reform working group that included  
24 representative from the office of the Manhattan  
25 borough president, various advocacy organizations,  
including Pratt and the Municipal Arts Society, and

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4 the staff several City Council members. Because the  
5 city doesn't look back at the effects of its  
6 rezonings, we have no data on whether the CPC's  
7 projections or indirect displacement impacts are  
8 accurate or whether, as suggested by the SEQOR  
9 technical manual, the existence of the MIH program is  
10 effective in mitigating displacement. To address  
11 this problem, I have introduced intro number 1487,  
12 and local laws to amend the New York City charter in  
13 relation to studying the incident secondary  
14 displacement resulting from neighborhood rezoning.  
15 This bill would require HBD to conduct a study of  
16 indirect displacement resulting from a neighborhood  
17 rezoning approved by the CPC on or after January 1,  
18 2015. The study would be required to cover up. From  
19 the approval of the action to a five year after such  
20 date. If the study reveals a significant disparity  
21 between the actual secondary displacement and that  
22 projected in the EIS, HBD would be required to make  
23 recommendations for changing the methodology of the  
24 SEQOR technical manual to better project such  
25 displacement in the future. This would give the  
Council and the CPC the opportunity to review the

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4 major land-use action and work collaboratively to  
5 improve the environmental review process. To address  
6 similar problems that relate to education, I have  
7 also introduced intro number 1531, a local law to  
8 amend the New York City charter in relation to  
9 studying and reporting on the education capacity and  
10 overcrowding impacts of decision of the city planning  
11 commission in connection with certain land-use  
12 actions. This bill would require a similar  
13 retrospective review of the school capacity and  
14 utilization rates for and 10 years after neighborhood  
15 rezonings. We are familiar with and norm is  
16 unanticipated residential development that resulted  
17 from rezonings in downtown Brooklyn and Long Island  
18 city and how that development has strained the  
19 capacity of schools in those neighborhoods. However,  
20 we have had no accounting for work, in the SEQOR  
21 process, failed to identify these impacts and thus  
22 failed to provide mitigation. This bill would  
23 require that, where there is a significant  
24 discrepancy between the projects in the EIS for a  
25 neighborhood rezoning in the actual impacts, the lead  
agency would be required to make recommendations for

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4 changing the SEQR methodologies for forecasting  
5 impacts and mandating mitigation. I look forward to  
6 hearing testimony on these and the other pieces of  
7 legislation we will hear today and the critiques of  
8 SEQR that the Municipal Art Society and the Pratt  
9 Institute will present. And I want to thank my  
10 colleagues and the incredible land-use staff for  
11 their participation and I return the floor to Chair  
12 Salamanca.

13 CHAIRPERSON SALAMANCA: Thank you, Chair  
14 Moya. Next, I would like to recognize Council member  
15 Reynoso. But before I allow you to give your  
16 statement, I think we have to vote. And so, if you  
17 can let Council member Reynoso vote, please.

18 COMMITTEE CLERK: Continuation roll call  
19 Committee on Land Use. Council member Reynoso?

20 COUNCIL MEMBER REYNOSO: I vote aye on  
21 all.

22 CHAIRPERSON SALAMANCA: Thank you, Council  
23 member. Next, I would like to recognize Council  
24 member Reynoso who is a sponsor of intro 252, a local  
25 law to amend the New York City Charter in relations  
of tracking mitigation strategies in final

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4 environmental impact statements as part of the ULRP.  
5 Council member Reynoso?

6 COUNCIL MEMBER REYNOSO: First, I want  
7 to thank the Chairs for having this important hearing  
8 on a topic that has long been under discussion in  
9 communities across the city. I also want to thank  
10 you for being here, as well. My neighborhood of  
11 Williamsburg has become infamous for the spectacular  
12 figures of the 2005 Williamsburg [inaudible 00:21:40]  
13 waterfront rezoning. What happened in 2005 was a  
14 planning failure for numerous reasons. But one of  
15 the most compelling shortcomings was the failure of  
16 the prepared environmental reviews statement which  
17 vastly underestimated the development that occurred  
18 and the resulting impacts. By now, many of you have  
19 heard me talk about how this rezoning resulted in the  
20 displacement of thousands of Latinos from the  
21 neighborhood that I grew up in. The impacts went  
22 well beyond an increase in housing costs. The  
23 rezoning converted working manufacturing districts to  
24 residential use which subsequently displaced thriving  
25 industrial businesses that my neighborhood depended  
on for middle-class jobs. The EIS said about direct

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4 business displacement, quote, current real estate  
5 data and property listings suggests that business is  
6 displaced by the proposed action would have an ample  
7 opportunity to relocate in Brooklyn and some way than  
8 Greenpoint or Williamsburg, end quote. This is a  
9 nice academic argument, but we know that's not how it  
10 played out in reality. As soon as surrounding  
11 property owners saw the profits that could be made by  
12 converting to residential, we saw an explosion in  
13 speculation, BSA variances, and the legal  
14 conversions. Those firms had nowhere to go and the  
15 people they employed lost their job, leaving them  
16 unable to afford the rapidly rising costs of living  
17 in the area. Additionally, our transportation system  
18 was completely overwhelmed as anyone who has ever  
19 waited for the L at Bedford Avenue can attest.  
20 Williamsburg was not unique, though. We've seen  
21 similar rezonings and LIC and downtown Brooklyn where  
22 the EIS did a terrible job at predicting the type of  
23 development and how much of it was going to occur and  
24 subsequently vastly underestimated the impacts of the  
25 surrounding area. Now, I recognize that the EIS is  
ultimately an educated guess, not an exact science,

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4 however, the city does very little to address the  
5 inherent shortcomings of the EIS process. For  
6 starters, to my knowledge, the city has never gone  
7 back to the build year to assess how effective the  
8 methodology was in predicting outcomes.

9 Additionally, the zoning used by DCP is often so  
10 flexible that a rezoning can result in vastly  
11 different outcomes than intended. The downtown  
12 Brooklyn rezoning is a perfect example of this. If  
13 DCP's intent was to catalyze office development, why  
14 did they allow developers to choose between  
15 residential and commercial development? In  
16 Williamsburg, DCP mapped MX districts that allow for  
17 both manufacturing and residential uses. Residential  
18 won out every single time. Finally, there's no  
19 mechanism to secure mitigations for unanticipated  
20 adverse impacts, leaving communities left with no  
21 recourse when the EIS ends up being incorrect. And  
22 for those mitigations that are proposed in the EIS,  
23 there is no obligation to implement them. So I am  
24 pleased that we will be having a hearing on my bill  
25 today that will create a tracker for all mitigation  
measures proposed in an EIS. This would ensure that

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3 the public is aware of what mitigations were proposed  
4 and will secure a level of accountability in  
5 implementing these mitigations. Finally, we are a  
6 growing city and we need development to accommodate  
7 this growth. However, that growth cannot come at the  
8 expense of existing neighborhoods. All New Yorkers  
9 have a right to a livable neighborhood and we have an  
10 obligation to couple growth with protections for  
11 existing residents and infrastructure investments.  
12 The EIS process is currently failing far short of  
13 this. Falling far short of this. We cannot continue  
14 to develop without addressing these issues  
15 immediately. Thank you for allowing me to testif--  
16 for allowing me to submit moves testimony.

17 CHAIRPERSON SALAMANCA: Thank you, Council  
18 member Reynoso. I would like to recognize that we've  
19 been joined by Council member Torres and we're going  
20 to give you the opportunity to vote.

21 COMMITTEE CLERK: Continuation roll call  
22 vote Committee on Land Use. Council member Torres?

23 COUNCIL MEMBER TORRES: I vote aye.

24 COMMITTEE CLERK: Thank you.  
25



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3 CHAIRPERSON SALAMANCA: Thank you. Thank  
4 you Council member Reynoso. Next, I recognize  
5 Council member Barron who is a sponsor of resolution  
6 nine calling on the Mayor and the Mayor's Office of  
7 Environmental Coordination and the City Planning  
8 Commission, the Department of City Planning and all  
9 other relevant city agencies to reexamine the  
10 standards in the SEQR regulations and the technical  
11 manual for assessing when a possible adverse impact  
12 on a neighborhood's character or socio-economic  
13 status requires a detailed analysis and possible  
14 mitigation. It also calls on the relevant agencies  
15 when such significant adverse impacts are identified,  
16 to seek mitigation or development alternatives that  
17 provide long-term or permanent protection for the  
18 residents, businesses, and the character of the  
19 affected community, including through the provision  
20 of permanently affordable housing and commercial  
21 space. Council member Barron.

22 COUNCIL MEMBER BARRON: Thank you, Mr.  
23 Chair. And I want to thank you for holding this  
24 hearing. It's very important and for including my  
25 reso with the other intros that have been cited

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4 already. When the federal government started  
5 advancing increased housing by transit hubs, they  
6 specifically stated in their document that this will  
7 result in disenfranchisement of housing rights for  
8 people who already live there. It would lead to  
9 gentrification and those are its words in its report.  
10 What we have seen happening here, I think, is a  
11 continuation of what my colleague had cited going  
12 back to 2005 and, unfortunately, continued by this  
13 Council in 2014 with the East New York rezoning plan.  
14 It was that plan that, at the outset, said that 50  
15 percent of the housing in the East New York rezoning  
16 area would be at market rate. That was stated at the  
17 outset. And, as it turns out, about 12 percent of  
18 the remaining housing actually falls within the  
19 income ranges of the persons who presently live in  
20 East New York. And also talked about the density,  
21 the explosion of the population in general that  
22 results with these rezonings. I'm in the competition  
23 with the chair to see who can get the highest numbers  
24 of housing brought to their district that does not  
25 displace the people who presently live there and that  
includes an opportunity for housing for the formerly

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4 homeless. In that area, is got me a little bit the,  
5 but, generally, we are neck and neck in that regard.  
6 What we are seeing happening is that the rezonings  
7 that are taking place are moving had been 20 percent  
8 affordable, 80 percent market, turned now 25 percent  
9 affordable and 75 percent market. For me, and that  
10 is unacceptable because it does not address housing  
11 need that we see here in New York City. So, my  
12 resolution talks about re-examining the ways in which  
13 the assessments are made, in determining what the  
14 impact is on communities, and, in fact, when those  
15 two spare factors are found and identified, that we  
16 seek mitigation or development of long-term or  
17 permanent protections for residents, as well as for  
18 businesses to be able to protect the character of the  
19 community and the remedies that we are looking for  
20 may include permanent affordability, and  
21 affordability for commercial space for those  
22 businesses that presently are in that area. So I  
23 just wanted to summarize that I'm looking forward to  
24 hearing from the panel and I would like to know  
25 particularly what your response is to reso nine,

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4 which is the one that I have introduced. Thank you,  
5 Mr. Chair.

6 CHAIRPERSON SALAMANCA: Thank you, Council  
7 member Barron. We will also be hearing men's room  
8 number 1523 by Council member Gjonaj, a local law to  
9 amend the New York City charter in relations to  
10 studying and reporting on transportation impacts of  
11 the decisions of the city planning commission in  
12 connection with certain land-use actions. Council  
13 member Gjonaj has a death in the family and is not  
14 able to join us today. I now call on the first  
15 panel. We have-- and if I do not pronounce your  
16 name right, please correct me. Susan Amron, the  
17 general counsel for city planning, Olga Albinader.  
18 Albina-- Am I saying that right? No. All right.  
19 Ester Bruner. And Hillary Semel. And so, for going  
20 to ask the Council to please swear you in.

21 LEGAL COUNSEL: Please raise your right  
22 hands. They swear to affirmed and tell the truth,  
23 the whole truth in your testimony before these  
24 communities and responds to all Council member  
25 questions?

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3 CHAIRPERSON SALAMANCA: And so you can  
4 begin with your statement.

5 SUSAN AMRON: Thank you and good morning,  
6 Chair Salamanca, Chair Moya, and members of the  
7 committee. My name is Susan Amron. I am the General  
8 Counsel of the Department of City Planning. I am  
9 joined here by Olga Abinader. She is the acting  
10 director of environmental assessment and review  
11 division of the Department of City Planning. Thank  
12 you for the opportunity to testify on the city  
13 environmental recruit-- quality review procedures  
14 and on introductions member 252, 1487, 1523, and  
15 1531. We appreciate the city councils concern for  
16 adequate planning and take the issues raised,  
17 including residential displacement, very seriously.  
18 At the Department of City Planning, the city's  
19 primary land use agency, we are responsible for  
20 planning for the orderly growth and development of  
21 the city of New York. We administer the city's land  
22 use review process, known as ULRP, conduct planning  
23 standings, and collect statistical and other data  
24 that serve as a basis for land-use planning  
25 recommendations. Department of Planning staff also

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4 aide the City Planning Commission and all matters  
5 under its jurisdiction. The city planning commission  
6 holds regular public hearings and votes on  
7 applications concerning the use, development, and  
8 improvement of real properties subject to city  
9 regulation. The City Planning's commi-- the City  
10 Planning Commission's consideration includes  
11 environmental review. An assessment of potential  
12 environmental impacts of land-use actions where  
13 required by law. These environmental reviews are  
14 conducted in accordance with the state environmental  
15 quality review act, known as SEQRA, and the city  
16 environmental quality review procedures, known as  
17 SEQR. The city's environmental review process is  
18 among the most comprehensive and thorough in the  
19 nation. It's important to remember that  
20 environmental review is a disclosure process that  
21 applies only to discretionary decision-making and not  
22 to the as of right development that constitute  
23 approximately 80 percent of the projects in the city.  
24 It is intended to provide the best information  
25 available to decision-makers about the potential  
significant adverse environmental impacts of an

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4 action. For example, when TCP or a private applicant  
5 proposes a zoning map amendment, DCP analyzes and  
6 discloses, and a full environmental impact statement  
7 or a shorter environmental assessment statement, the  
8 potential significant adverse environmental impacts  
9 of that zoning map amendment. My colleagues at the  
10 Mayor's Office of Environmental Coordination will  
11 discuss the process in more depth. The City Planning  
12 Commission considers those potential environmental  
13 impacts when it votes on a proposal, but the results  
14 of the environmental review process represent only  
15 one of many pieces of information considered by the  
16 City Planning Commission or, in fact, any other  
17 decision maker. Other considerations for the city  
18 planning commission include the purpose and need for  
19 an action, the appropriateness of use bulk and  
20 density considering surrounding land uses and the  
21 availability of transit. Because of environmental  
22 reviews assess potential impacts of actions that  
23 don't occur until years later, or over a period of  
24 years, they are necessarily based on assumptions  
25 about the future. These assumptions could project  
conditions only a few years into the future, such as

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4 for an application where a single building is  
5 proposed for a decade or more end of the future, such  
6 as for an application affecting a larger and  
7 geography like an area wide rezoning. Although  
8 projections are based on the best information that's  
9 available at the time, projections made for  
10 environmental reviews, like all projections, are  
11 imperfect. There is a limit on the kind of data in  
12 indicators that are available to measure many of  
13 these issues and, even if we had perfect data, which  
14 does not always exist, it could not eliminate  
15 uncertainty about what will happen in the future.  
16 And further into the future we seek to protect, the  
17 less precise we will be. For example, past traffic  
18 analyses could not have predicted the rise of for  
19 higher vehicles such as for higher vehicles such as  
20 Uber or Lyft. Current traffic analyses are likely  
21 not to accurately predict the impact that congestion  
22 pricing or self-driving vehicles will have. Past  
23 this placement analyses could not have predicted  
24 changes in federal immigration policy, global  
25 economic trends, and the 2008 economic recession,  
super storm Sandy, and other influencing factors.



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4 Environmental review cannot and should not be  
5 expected to predict the future with the degree of  
6 precision that is suggested by the use bills.  
7 Environmental review is also not a tool that looks  
8 backwards to identify causes of current conditions.  
9 Indeed, it is doubtful that one could trace current  
10 conditions to specific causes, including rezoning.  
11 In fact, displacement resulting from rising rents is  
12 a challenge citywide both in areas that have been  
13 rezoned and in areas that are not being rezoned. And  
14 there are a myriad of reasons why households move and  
15 medium incomes and neighborhoods rise. To focus  
16 solely on rezoning as the driver of neighborhood  
17 change this is the complexity-- the complex reality  
18 of New York City's population dynamics and trades  
19 neighborhood static places. While we take these  
20 issues very seriously, and dressing them in the  
21 context of environmental review is not helpful. As  
22 environmental review is not a panacea to address  
23 systemic issues. Again, it's a disclosure tool  
24 prepared at a specific moment in time intended to aid  
25 decision-makers. I would like to know that, through  
the environmental review process, the Department of

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4 City Planning works closely with its sister agencies,  
5 particularly those with technical expertise. When  
6 DCP undertakes an environmental review, it seeks  
7 other agencies expertise on specific technical areas  
8 typically considered an environmental review. And,  
9 including, for example, hazardous materials, open  
10 space, historic and cultural resources,  
11 transportation, and community facilities such as  
12 schools, among other topics. Expert agencies provide  
13 guidance related to methodologies used for  
14 environmental review analyses, identification of  
15 significant adverse impacts, and appropriate  
16 mitigation members. However, these agencies do not  
17 rely on environmental review analyses and development  
18 projections to perform their programmatic functions.  
19 This includes the School Construction Authority with  
20 respect to the need for public schools, the  
21 Department of Transportation with respect to  
22 transportation infrastructure, and the Department of  
23 Housing Preservation and Development with respect to  
24 measures to protect tenants and implement affordable  
25 housing strategies. Environmental review represents,  
at most, one of many pieces of information agencies

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4 consider before decisions are made with regard to  
5 building new schools, investing in transportation and  
6 improvement, and implementing affordable housing  
7 programs. In summary, the Department of City  
8 Planning agrees that a robust and reasoned analysis  
9 of environmental impacts of land-use actions are  
10 critical to good decision-making. At the same time,  
11 we recognize the role that environmental review was  
12 designed to play and believe that the environmental  
13 review process is not an appropriate means to address  
14 broader traffic, school capacity, and displacement  
15 concerns raised in these bills. We support better  
16 tracking of mitigation commitments which our  
17 colleagues at the mayor's office of environmental  
18 coordination will speak to. Again, thank you for the  
19 opportunity to testify today and we look forward to  
20 continued dialogue with accounts on these issues.

21 HILLARY SEMEL: Good morning. Thank  
22 you, Chair Salamanca, Chair Moya, and members of the  
23 committee for this opportunity to testify on a city  
24 environmental quality review procedures and the  
25 proposed intros 252, 1487, 1523, and 1535. I am  
Hillary Semel, the Director and General Counsel of

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4 the Mayor's Office of Environmental Coordination or  
5 OEC. I am joined by Esther Bruner who is the Deputy  
6 Director of regulatory programs at OEC. Before I  
7 address the legislation, I would like to provide some  
8 background around about the role of OEC as many  
9 members of the public may be unfamiliar with us, as  
10 well as the development and use of the SEQR technical  
11 manual. And I probably will refer to as the tech  
12 manual because that's the state-of-the-art term, but  
13 it's formally known as the SEQR technical manual.  
14 OEC is an independent office within the office of the  
15 Mayor established in 1991 under Mayor Dickens to be  
16 the city's central SEQR office with procedural,  
17 legal, and policy expertise on all aspects of  
18 environmental review. Our mission is to ensure the  
19 integrity of the environmental review process by  
20 providing information and assistance to agencies and  
21 applicants. Transparency is also a main priority of  
22 our work. We coordinate environmental reviews across  
23 the technical agencies, assist city agencies that may  
24 not have the expertise and capacity to undertake  
25 environmental review on their own, maintain the  
public repository for all environmental reviews

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4 conducted in the city, and coordinate periodic  
5 updates to the guidance found in the SEQR tech  
6 manual. OEC is also charged with developing and  
7 maintaining a technical database for applicants and  
8 city agencies to complete environmental review  
9 documents and with tracking mitigation measures. My  
10 office is currently pursuing two major initiatives as  
11 part of the SEQR workflow. The SEQR technical manual  
12 update and the SEQR database update.

13 Now, I'll go on to talk about the tech  
14 manual. As mentioned by Susan, environmental reviews  
15 are disclosure documents. They exist to inform  
16 decision-makers what the potential environmental  
17 impacts of a city action might be based on available  
18 information at a point in time and what measures are  
19 available to mitigate significant environmental  
20 adverse impacts identified in the review to the  
21 maximum extent practical. SEQR is New York City's  
22 environmental review process pursuant to the New York  
23 State environmental quality review act, SEQRA. So  
24 SEQR and SEQRA. SEQRA is triggered when a state or  
25 local government agency takes a discretionary action  
such as funding a project, approving a rezoning, or

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4 disposing of government-owned property. Since SEQRA  
5 only applies to discretionary actions, the majority  
6 of development projects undertaken in the city are  
7 not subject to the because they are done as of right.  
8 The purpose of environmental review is to inform  
9 decision-makers by disclosing the potential for  
10 significant adverse environmental impacts and the  
11 required mitigation measures prior to discretionary  
12 actions being taken. If the initial review of a  
13 project which is documented in the city by an  
14 environmental assessment statement or EAS, determines  
15 at a threshold level that a project has the potential  
16 for significant adverse environmental impacts, the  
17 lead agency will undertake a more in-depth analysis  
18 of the action or project which is documented in an  
19 environmental impact statement or EIS. During the  
20 EIS process, the lead agency or applicant  
21 collaborates with other technical agencies to scope  
22 and review the environmental impact analysis and,  
23 where significant adverse impacts are identified, to  
24 identify potential mitigation measures. Public  
25 comments are solicited and responded to with regard  
to scoping and, on the analysis and mitigation

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4 measures described in the draft EIS. The final EIS  
5 describes in detail the completed analysis in each  
6 technical area and, in addition to including the  
7 above mentioned response to comment, also describes  
8 mitigation measures for the project. The lead agency  
9 then makes findings based on the conclusions in the  
10 final EIS by which the agency commits to the  
11 identified mitigation measures. When a city action  
12 triggers the need for environmental review under  
13 SEQRA, the lead agency will utilize the SEQR tech  
14 manual, guidance, and methodologies to conduct the  
15 appropriate analysis. The manual includes 19  
16 technical areas such as air quality, noise,  
17 transportation, and socioeconomic conditions and  
18 recommends analysis methodologies for each area. The  
19 purpose of the manual is to ensure a rigorous  
20 standard of review while maintaining uniformity and  
21 transparency for applicants, city agency reviewers,  
22 and public stakeholders. Lead agencies and  
23 applicants utilize the methodologies and guidance  
24 provided in the manual to assist in identifying  
25 potential adverse environmental impacts of proposed  
actions, assessing their significance, and proposing

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4 feasible, practical-- practicable measures to  
5 eliminate or mitigate significant impacts. In other  
6 words, make informed decisions with regard to the  
7 potential environmental impacts of the proposed  
8 action and potential mitigation measures based on the  
9 information that is available at the time such action  
10 is proposed. The SEQR tech manual and methodologies  
11 are developed by city agencies with the respective  
12 subject matter expertise in collaboration with OEC.  
13 The SEQR technical manual, while a living document  
14 like all technical guidance, has been cited as one of  
15 the most rigorous environmental analysis guidance  
16 documents that allows for one of the most  
17 comprehensive environmental impact review processes  
18 in the nation. The key entities in the environmental  
19 review process that use the SEQR tech manual are the  
20 lead agency and the applicant. The lead agency is a  
21 city entity that is principally responsible for  
22 undertaking funding or approving the proposed action  
23 our project. The applicant is the entity that is  
24 seeking city discretionary approvals such as funding  
25 or CPC approvals to facilitate their proposed  
project. The applicant can be either a private or



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4 city into tea. For any environmental review  
5 conducted under SEQR, OEC recommends that the  
6 analysis methodologies and the SEQR technical manual  
7 be followed. As mentioned before, OEC is the keeper  
8 of the SEQR tech manual. In line with OEC's mission,  
9 we maintain and periodically update the SEQR  
10 technical manual to ensure the integrity of  
11 environmental review for the proposed city actions.  
12 The methodologies in the tech manual are the most  
13 rigorous in the nation and help ensure that decisions  
14 by the city are made in a transparent, well-informed  
15 manner. The first SEQR tech manual was published in  
16 1993 and it was updated in 2001, 2010, 2012, and  
17 2014. The initial publication of the manual and  
18 subsequent updates occurred under OEC leadership.  
19 During the update process, OEC and its partner  
20 agencies aligned SEQR methodologies with applicable  
21 policies and standards and take into account relevant  
22 changes in the city. The recent updates for all  
23 structure to enable the most comprehensive and  
24 informed environmental analysis where city  
25 discretionary actions are required. City agencies  
with expert jurisdiction over certain technical areas

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4 led the updating to those methodologies. Some  
5 agencies are in charge of one analysis area while  
6 others cover multiple analysis areas. For example,  
7 the department of sanitation is responsible for the  
8 solid waste analysis while the Department of  
9 environmental protection is responsible for natural  
10 resources, water and sewer infrastructure, hazardous  
11 materials, air quality, and noise analyses. The  
12 updates range from simple text revisions to making  
13 the manual more accessible to changes in how certain  
14 analysis steps are to be conducted. In parallel,  
15 these updates all included targeted stakeholder  
16 engagement to collect input on the manual from  
17 professionals who work in the urban planning and land  
18 use fields. OEC provided the public input to the  
19 respective technical agencies for consideration.  
20 City agencies provide and regular progress reports to  
21 OEC. The relevant agencies worked collaboratively  
22 throughout the update to ensure that the  
23 methodologies continue to be state-of-the-art and to  
24 reflect the environmental concerns that are unique to  
25 New York City. As mentioned, the most recent update  
to the manual was in 2014 and I am excited to share

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4 that we will soon be launching the manual update.

5 While we are still working out the details regarding  
6 the timing, scope, and format of the update, we look  
7 forward to engaging with the Council throughout the  
8 process. With respect to the proposed legislation in  
9 regards to specifically intro 252, OEC is generally  
10 in support of the intent of this bill with respect to  
11 bringing more transparency to mitigation tracking.  
12 However, we think the bill, as proposed, is not the  
13 best approach to accomplish the intent and suggest  
14 that the responsibility for mitigation tracking  
15 remain with OEC for several reasons.

16 First, because tracking mitigation is  
17 very complicated due to a variety of factors such as  
18 different agencies in charge of mitigation measures,  
19 complex contractual obligations, the need for  
20 additional monitoring and post-SEQR analyses were  
21 required to confirm that the agreed-upon measures are  
22 feasible, particularly in the case of long-term  
23 projects such as rezoning, we believe that the best  
24 suited entity to undertake this effort is OEC. As  
25 discussed before, OEC is already tasked with overall  
environmental review coordination in the CD including

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4 mitigation and is currently actively working on  
5 initiatives that would incorporate aspects of  
6 mitigation tracking. OEC will be able to apply its  
7 unique SEQR expertise, that development of practice,  
8 and the development of the public mitigation tracker.

9           Second, our office is already tasked to  
10 develop and implement a tracking system to ensure  
11 that mitigation measures are implemented in a timely  
12 manner and we believe delegating this responsibility  
13 to the Mayor's Office of Operations, which manages  
14 the NYC rezoning tracker, is not appropriate. The  
15 rezoning tracker tracks administration commitments  
16 made to counsel and communities stirring ULRP that  
17 may be outside the scope of the project and,  
18 therefore, environmental review. Thus, tracking  
19 mitigation measures identified and environmental  
20 review is something entirely different. The two  
21 should not be mixed up in the same tracker. We would  
22 like to note that developing a mitigation tracking  
23 system world requires substantial additional  
24 resources, not just in our office, but, potentially,  
25 also at certain agencies.

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3 With regard to intros 1487, 1522, 1523,  
4 and 1531, like the Department of City Planning, OEC  
5 believes the intent of this legislation is to ensure  
6 that the city is doing all that it can to promote  
7 transparency in the SEQR process. We do not believe  
8 SEQR is the appropriate tool to address the universal  
9 concerns that these bills are raising. We reiterate  
10 that environmental review, by nature, simplifies  
11 reality at a couple of moments in time in order to  
12 inform the decision-makers about a proposed projects  
13 potential significant adverse impacts in specific  
14 technical areas and to develop measures that may  
15 mitigate those impacts or, if such measures are not  
16 practical, to inform them that proceeding with a  
17 project would lead to unmitigated impacts.

18 In conclusion, I would like to thank the  
19 committee for recognizing the importance of SEQR and  
20 transparent mitigation and implementation and  
21 tracking. I thank you for the opportunity to  
22 testify. I am happy to answer any questions that you  
23 may have at this time. My colleagues at DOT, HBD,  
24 and SCA are submitting test of and are available for  
25 questions and answers.

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3 CHAIRPERSON SALAMANCA: Okay. Thank you  
4 very much for your testimony. I want to start with a  
5 few questions on the reasonable worst-case  
6 development scenario framework, if possible. Does  
7 the city study areas after they are rezoned to  
8 determine how accurate their reasonable worst-case  
9 development scenario and was that predicting  
10 development compared to the actual development that  
11 happened after the rezoning?

12 HILLARY SEMEL: Thank you, Council  
13 member. That is a great question. With regards to  
14 the reasonable worst-case development scenario, it  
15 encompasses many different things. The projected  
16 addition-- incremental units of housing in the case  
17 of a rezoning. My colleagues at other agents is to  
18 go-- and, also, for example, the impacts on school  
19 seats. My colleagues at other agencies do go back at  
20 moments in time to look at what is happening on the  
21 ground like doing other types of analyses, but  
22 through SEQR, we don't go back and look at the  
23 reasonable worst-case development scenario per say,  
24 whether it came to fruition. DEC might want to--

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3 CHAIRPERSON SALAMANCA: [interposing] So,  
4 how do you determine if your predictions were correct  
5 if you don't go back and check?

6 HILLARY SEMEL: Well, we rely on the  
7 lead agency two, first of all, look at whether  
8 mitigation measures are being implemented and  
9 coordinating with other agencies to do assessments  
10 after the development-- periodically after the  
11 development scenarios should be taking place. For  
12 example, DOT goes back and looks to see whether the  
13 mitigation measures are warranted for transportation  
14 mitigation measures that are identified at the time  
15 so that, as they are not required or they need to be  
16 changed, they are adjusted for what the reality is  
17 that time. But we don't chart, necessarily, whether  
18 the reasonable worst-case development scenario took  
19 place as described in the original SEQR document for  
20 the reasons that DCP articulated. It's that SEQR is  
21 a forward-looking document. We cannot-- especially  
22 with area of wide rezonings that take place over a  
23 five, 10, 15 years, we cannot identify certain trends  
24 that may impact how the reasonable worst-case  
25 development scenario is played out. We tried to take

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4 the most conservative approach and overestimate the  
5 potential for effects. The most conservative of  
6 effects that would happen and then hope that the--  
7 and we believe that, by taking a conservative  
8 approach, we will be able to identify the most  
9 conservative potential for a's environmental impacts.

10 CHAIRPERSON SALAMANCA: So, is there any  
11 quality review process on your reporting? I mean, it  
12 just doesn't make sense. You are coming up with a  
13 decision on what the reasonable worst-case scenario  
14 and you are telling me that you don't go back to  
15 check to see how accurate that worst-case scenario  
16 is. And so, how can we actually trust your decision-  
17 making on the worst-case scenario if you are not--

18 HILLARY SEMEL: Well, I--

19 CHAIRPERSON SALAMANCA: Going back and  
20 checking to see how accurate it was?

21 HILLARY SEMEL: I would say the-- at  
22 the initiation of the environmental review process,  
23 one of the quality control says that the reasonable--  
24 the SEQR system works like a peer review, so when the  
25 applicant proposes a reasonable worst-case  
development scenario, the project description in the



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3 draft scope of work and the EIS is vetted through all  
4 the city technical agencies using their information  
5 about strategic planning in the city to see what  
6 they-- if they agree with the reasonable worst-case  
7 development scenario. And we use a consensus  
8 approach throughout the city agency family to  
9 agreement on the reasonable worst-case development  
10 scenario. So, the threshold of environmental review,  
11 there is a quality control process to make sure that  
12 all the agencies that are responsible for  
13 implementing mitigation measures agreed with the  
14 proposed reasonable worst-case development scenario.

15 CHAIRPERSON SALAMANCA: How does the city  
16 planning analyze and understand the discrepancies  
17 between what was predicted and what actually  
18 happened?

19 HILLARY SEMEL: I will refer to my  
20 colleague at DCP to answer this question.

21 SUSAN AMRON: City Planning, when it makes  
22 predictions about what the rezoning or what an action  
23 will bring in the future is necessarily making  
24 projections about what will happen. We don't then go  
25 back and try and figure out whether it was precisely

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4 what we had projected actually, the 10 years or 15  
5 years or five years. In fact, there are always  
6 unforeseen circumstances, unforeseen influences that  
7 can affect the projections as to the future, but what  
8 we need to and we and our sister agencies do is,  
9 when-- after a rezoning then, in fact, and all  
10 community is of the city, we are aware of what is  
11 going on and evaluate things like school needs and  
12 transportation, not based on the projections that  
13 were made in a certain neighborhood at a certain  
14 time, but in terms, also, was going on at the current  
15 time in what is protected into the future. And so,  
16 it's really, in terms of the program, it's--- we  
17 don't rely on the environmental review projections of  
18 future. That is only one piece of information that  
19 determines city programs.

20 CHAIRPERSON SALAMANCA: How accurate was  
21 the reasonable worst-case development scenario in  
22 downtown Brooklyn when it was rezoned? It's my  
23 understanding that it was supposed to be office space  
24 and now it is high rise residential.

25 SUSAN AMRON: That's a good point and thank  
you for that question. We viewed the downtown

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3 Brooklyn rezoning as a very successful rezoning. The  
4 downtown Brooklyn is a vital alive community, but the  
5 environmental review at the time did predict that  
6 there was going to be more office space and less  
7 residential the man then turned out to exist in  
8 downtown Brooklyn. The rezoning responded to demand  
9 in the economy and market conditions. In fact, now  
10 we are seeing increased demand for office space as a  
11 result of changing economy and changing. So it was  
12 not precisely as we predicted, but we do view that  
13 rezoning as a very successful rezoning.

14 CHAIRPERSON SALAMANCA: So, what did you do  
15 to mitigate?

16 SUSAN AMRON: The-- And I will ask some of  
17 my colleagues to jump in, if you want the details on  
18 that. But, the decisions now about our more schools  
19 needed? What's going on in the transportation  
20 network? A variety-- those kinds of issues are not  
21 being dealt with because of a particular projection  
22 or conclusion that was presented in the environmental  
23 review back when the rezoning was done. The agency's  
24 deal with their programs and their programmatic work  
25 based on what is happening in the communities now and

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4 what the trends are, not what was predicted and then  
5 environmental reviews some time ago.

6 CHAIRPERSON SALAMANCA: Can you explain  
7 what was so successful about the downtown Brooklyn  
8 rezoning the-- and mentioned that it was a very  
9 successful project. I just would like some more  
10 accuracy on that.

11 SUSAN AMRON: We view downtown Brooklyn as  
12 a thriving area and community in New York City and  
13 that the rezoning has contributed to the growth in  
14 that area and in that neighborhood.

15 CHAIRPERSON SALAMANCA: Even though it was  
16 rezoned for office space, but, instead, came high-  
17 rise residential?

18 SUSAN AMRON: Yes. And because Sony a  
19 flexibility and zoning creates flexibility so that  
20 the economy and the market has a room-- I'm sorry.  
21 The economy and the market can-- has room to allow a  
22 community develop. In fact, the downtown Brooklyn  
23 rezoning created a much needed housing supply in  
24 downtown Brooklyn and it created and established the  
25 sort of work, life, live character of that  
neighborhood and sup-- which also supports local

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4 businesses. So we view the relationship between the  
5 housing that was created, the demand for offices, the  
6 local businesses, as having created-- resulting in a  
7 very thriving community. But we also think it's very  
8 important that zoning allows flexibility. And when  
9 zoning is too rigid and does not allow things like  
10 housing demand to be met, then, it curtails  
11 investment and it curtails investment in businesses  
12 and in housing. And so, for that reason, we-- it's  
13 important that the rezoning's and our zoning  
14 designations not seek to micromanage what can happen,  
15 not be too rigid, but allow flexibility.

16 CHAIRPERSON SALAMANCA: So, as part as the  
17 rezoning that happened in downtown Oakland, are there  
18 enough schools there? How many residents were  
19 displaced and how many local businesses were  
20 displaced because of this rezoning? Did you keep  
21 track of that? Did your agency keep track of that?

22 SUSAN AMRON: No. Of my colleague has  
23 said, we don't go back afterwards and look at the  
24 precise impact of the rezoning or other forces in  
25 comparison to what had been predicted at the time of  
an environmental view and we recognize that rezoning

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3 has changes can have an impact in the neighborhood,  
4 but lots of-- there are other influencing factors,  
5 too. In terms of school and school need, I would  
6 defer to my colleague from--

7 CHAIRPERSON SALAMANCA: I'm just-- I'm  
8 just-- the answer just like doesn't sit right with  
9 me. You know, when you write a paragraph or you  
10 write something, you always go back and check it for  
11 accuracy to ensure that you are not pronouncing words  
12 or that things are accurate. How can the city of New  
13 York put a report out, submitted to the city Council,  
14 and then not go back to double check and see how  
15 accurate that report was?

16 SUSAN AMRON: some poor and chose to focus  
17 on what the role and the purpose of environmental  
18 review is, which is--

19 CHAIRPERSON SALAMANCA: [interposing] But  
20 the accuracy of it. You're not double checking to  
21 see how accurate it is.

22 SUSAN AMRON: No. We take great pains and  
23 good through significant process to make sure that  
24 environmental review is based on the best available  
25 information that the time the review is prepared.

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3 But it is a forward-looking disclosure document the  
4 purpose is to help decision-makers make a decision.  
5 It's one piece of information that decision-makers  
6 use to make decisions. It's not the entirety of what  
7 they base their decision on. In terms of later there  
8 is a difference, and an important difference between  
9 the analysis and projections and then environmental  
10 review and the programs and governance of agencies  
11 and how agencies like SCA or DOT or HPD or others  
12 make decisions on a citywide basis, not simply on a--  
13 in an area that's been rezoned about where schools  
14 are needed, where transportation network needs to be  
15 improved, and that's done on a more citywide basis  
16 and not looking simply and an area that has been  
17 rezoned.

18 CHAIRPERSON SALAMANCA: You know, the city  
19 of New York is trying to move forward with these  
20 studies that will lead to rezonings and we in the  
21 Council, the community, community boards depend on  
22 the city to provide us with accurate data. How can  
23 you expect us to trust your reports when you're not  
24 fact checking or double checking what you-- your  
25 recommendations?

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3 HILLARY SEMEL: Well, reiterating what  
4 my colleague from DCP said, environmental review,  
5 since it is a forward-looking disclosure document, as  
6 I mentioned, also we take the data that we have at  
7 the time, have it vetted through multiple-- have the  
8 analys-- use that data and analysis and have it  
9 vetted through multiple technical agencies to make  
10 sure that we all are in agreement as to what we see  
11 are the future projections for typically with the  
12 rezoning that are happening across the neighborhood,  
13 across five, 10, 15 years. We also know, as Susan  
14 mentioned, that the agencies that are responsible for  
15 implementing mitigation measures or responsible for  
16 providing those services like SCA and DOT or DEP, at  
17 the time, are also built into their operating  
18 process. They use the environmental review for  
19 strategic planning. It alerts them to what is  
20 happening in the city, but they also, on a regular  
21 basis, our checking what is actually happening in  
22 reality after the environmental review is projected.  
23 So, there isn't a look back to the environmental  
24 review, but there is a look back in the real moment  
25 in time as to what is happening and what needs to be



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4 offered to deal with the concerns that were  
5 identified in the environmental review. So there is  
6 not the periodic lock back to the environmental  
7 review. There is the real time look at what is  
8 happening on the ground through those agencies. Even  
9 with mitigation measures, they are identified in an  
10 environmental review. In some areas like  
11 transportation, DOT does look at whether what was  
12 identified in the environmental review has come to  
13 fruition. Does the analysis, again, so to speak, and  
14 then implement whatever mitigation measures is  
15 appropriate at that moment in time to make sure that  
16 it's actually addressing the issue that has come to  
17 fruition.

18 CHAIRPERSON SALAMANCA: All right. I am  
19 going to come back with second round of questions on  
20 this particular topic. I'm going to give an  
21 opportunity for Chair Moya to ask some questions.

22 CHAIRPERSON MOYA: Thank you, Chair  
23 Salamanca. Thank you all again for being here and  
24 for giving your testimony. Just a couple of  
25 questions. The city environmental quality review  
technical manual, as we know is the SEQR manual is

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3 used to assess, disclose, and mitigate the  
4 significant environmental consequences of a project  
5 such as a neighborhood rezoning. Do you think that  
6 SEQR is an effective fact-finding process?

7 HILLARY SEMEL: Thank you, Council  
8 member. That's a great question. We are very  
9 committed to making sure that SEQR is the most robust  
10 and comprehensive fact finding process. It is a  
11 guidance document and is a living document, so  
12 there's always room for improvement. We are planning  
13 the launch of a SEQR technical manual update. We are  
14 eager to work with council and members, stakeholders  
15 of the public to inform the methodologies in the tech  
16 manual and we-- it is one of the most rigorous and  
17 robust in the nation and we, you know, are strongly  
18 committed to keeping and maintaining that reputation.

19 CHAIRPERSON MOYA: Thank you. And are  
20 there currently better research tools out there that  
21 are not being used under SEQR to predict things like  
22 business and residential displacement and even school  
23 overcrowding?

24 HILLARY SEMEL: We are all very  
25 interested in the academic pursuit of environmental

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4 review methodologies. All of the technical agencies  
5 main-- stay abreast of the proposed methodologies  
6 and we have considered them. At the time, we are--  
7 there are some methodologies that we would like to a  
8 better-- a more rigorous look at. We are planning  
9 to do so in the SEQR tech manual update and as I--  
10 again, as we are eager to collaborate with the  
11 Council and the stakeholders to identify those.

12 CHAIRPERSON MOYA: So, just going with  
13 that, if those tools existed, and you're saying that  
14 there's the-- a new update coming, would you want  
15 that to be incorporated or updated in the SEQR  
16 manual?

17 HILLARY SEMEL: We would like to engage  
18 with the public and the Council about their ideas for  
19 different methodologies and if we deem that they  
20 are-- would maintain our most rigorous standard of  
21 environmental review, we are committed to considering  
22 them.

23 CHAIRPERSON MOYA: Great. Okay. So,  
24 according to the rent guidelines board, since 1994,  
25 at a total of 290-- 200,000 and 950,000 rent-  
stabilized units have been deregulated in New York

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4 City. In 2017 alone, we lost 6657 units of rent-  
5 stabilized housing. The Council and the  
6 administration have agreed to adopt several pieces of  
7 legislation and allocated significant resources to  
8 protect tenants in rent-stabilized buildings from  
9 harassment and displacement and also to stem the tide  
10 of the loss of rent-stabilized housing. While the  
11 department of housing preservation and development  
12 and human resources administration are focusing on  
13 policies and resources on this reality, SEQR does not  
14 acknowledge the vulnerability of residents in rent-  
15 stabilized housing stock. SEQR does not consider  
16 rent-stabilized buildings as possible projected  
17 development sites or consider rent increase which  
18 leads to displacement in rent-stabilized buildings  
19 despite evidence across New York City that these  
20 buildings are being vacated or demolished in  
21 strengthening the real estate market. Will you  
22 consider adjusting the SEQR manual analysis and  
23 methodology to acknowledge that low income residents  
24 in rent-stabilized buildings could be considered a  
25 population at risk of displacement?

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3 HILLARY SEMEL: Again, we are committed  
4 to working with the Council and the public at looking  
5 at the best methodologies and committed to  
6 considering the best methodology proposed.

7 CHAIRPERSON MOYA: But do you see that  
8 that--

9 HILLARY SEMEL: [interposing] Yes. By  
10 not--

11 CHAIRPERSON MOYA: this is--

12 HILLARY SEMEL: Yes.

13 CHAIRPERSON MOYA: a real threat to a  
14 lot of New Yorkers and the housing stock, especially  
15 in rent-stabilized communities and buildings, that is  
16 not included in the SEQR manual.

17 HILLARY SEMEL: Right.

18 CHAIRPERSON MOYA: To say-- Yes.  
19 You're giving me a very general answer that says we  
20 will consider all options. I think there needs to be  
21 an acknowledgment that this is crucial to the future  
22 of the city of New York and many of the most  
23 vulnerable in our society right now that will be  
24 affected by this.

25

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3 HILLARY SEMEL: Yes. We acknowledge  
4 that the SEQR tech manual currently looks at  
5 residents in non-regulative housing as the most  
6 vulnerable to displacement. We work closely with our  
7 partners at HPD to coordinate the efforts that they  
8 are undertaking to keep people in place in their  
9 apartments. We, as the administration is firmly  
10 supportive of keeping residents in place and these  
11 rezonings are being approached to protect affordable  
12 housing and when we launch the SEQR tech manual  
13 update, we are firmly committed to considering  
14 methodologies to improve keeping that goal of keeping  
15 residents in place in their neighborhoods. Some of  
16 the considerations that we have for updating the  
17 methodologies are the data that are available. My  
18 colleagues at City planning or HPD can speak more to  
19 that, but we-- when we look at mitigation measures,  
20 we coordinate closely with HPD to look at the  
21 programs that they have to keep residents in place in  
22 their regulated housing.

23 CHAIRPERSON MOYA: Well, I look  
24 forward to working with all of you on that.

25 HILLARY SEMEL: Thank you.

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3 CHAIRPERSON MOYA: So a detailed  
4 analysis of the socioeconomic impact of a project is  
5 sometimes conducted to determine the impact of a  
6 proposed project on the socioeconomic character of a  
7 neighborhood relative to the expected nonaction  
8 scenario. A detailed analysis would be triggered if  
9 the project leads to the direct displacement of at  
10 least 500 residents or results in a substantial new  
11 development that is marked differently from existing  
12 uses within the neighborhood. These thresholds are  
13 usually not met, and though many have argued--  
14 brought action such as neighborhood rezonings often  
15 impact the character of a neighborhood, chapter two  
16 page three of the SEQOR manual states that lower  
17 thresholds to trigger a full socioeconomic assessment  
18 may be appropriate depending on the characteristic of  
19 the study area. And the question is what are these  
20 characteristics and how are they identified and  
21 evaluated?

22 HILLARY SEMEL: Thank you, Council  
23 member, for that question. It's a very complex  
24 question. I think the charac--

25 CHAIRPERSON MOYA: It's ok. I--

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3 HILLARY SEMEL: Right. Right. Right.

4 CHAIRPERSON MOYA: I get it.

5 HILLARY SEMEL: I-- Even-- Right. We--  
6 Right.

7 CHAIRPERSON MOYA: We understand--

8 HILLARY SEMEL: Methodologies--

9 CHAIRPERSON MOYA: how this works.

10 HILLARY SEMEL: are so complex that even  
11 experts like myself cannot speak specifically to them  
12 in a public hearing like this, but we are happy to  
13 follow up with you after the hearing and discuss  
14 further the methodologies and the--

15 CHAIRPERSON MOYA: So you don't have--

16 HILLARY SEMEL: tech manual.

17 CHAIRPERSON MOYA: that here?

18 HILLARY SEMEL: I don't have that here.

19 No. So--

20 CHAIRPERSON MOYA: Has there been--

21 Has a threshold ever changed as a result of these  
22 characteristics that you know of? Or is this one of  
23 those where you still have to get back to me on--

24 HILLARY SEMEL: Yes. We have extensive  
25 records of the previous tech manual updates and I can



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4 look through them and see what the impetus for a  
5 change in that methodology may have been in the past.

6 CHAIRPERSON MOYA: Okay.

7 HILLARY SEMEL: And we are happy to  
8 follow up with you--

9 CHAIRPERSON MOYA: Yep.

10 HILLARY SEMEL: At your convenience.

11 CHAIRPERSON MOYA: Thank you. Okay.

12 So based on your knowledge of previous rezonings, can  
13 you tell us if there has been any discrepancies  
14 between the original SEQR predictive analysis of  
15 residential displacement and what actually occurred?

16 HILLARY SEMEL: My colleague from City  
17 Planning will take that question.

18 SUSAN AMRON: We do-- Thank you for that  
19 question. And I do want to say that we are very  
20 committed to affordable housing and to creating  
21 affordable housing in communities particularly in the  
22 areas that have high housing demand. We do a very, I  
23 think, rigorous analysis in environmental reviews of  
24 trends on housing in a particular neighborhood when  
25 we do the rezoning. What the housing stock is, what  
the demand for housing is, what the regulated and

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3 ~~FRANCHISES~~ housing is, what would likely happen in  
4 a community without a rezoning and what is likely to  
5 happen in a community with the rezoning. And so,  
6 there is a comparison between what the rezoning adds  
7 and what the future will be without the rezoning. It  
8 doesn't assume that a neighborhood would remain  
9 static as is at the time. One of the things that we  
10 do rezoning for, one of the thriving impetuses  
11 rezoning is to create more affordable housing and to  
12 preserve housing that exists in neighborhoods. And  
13 one of the ways we think that the-- that is best to  
14 address housing demand is to, in fact, create enough  
15 new housing to meet demand and to create affordable  
16 housing. And we've done that in our neighborhood  
17 rezonings by encouraging new housing and making sure  
18 that new housing has a percentage, and a significant  
19 percentage of housing that is reserved as permanently  
20 affordable housing. Those rezonings and the  
21 permanent affordable housing program that happened in  
22 the last several years. They are still-- the  
23 impacts, the affects and how they will play  
24 themselves out are still occurring and we are-- but  
25 we--

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3 CHAIRPERSON MOYA: [interposing] Which  
4 sounds like a study may be necessary to take a look  
5 back at what's going on.

6 SUSAN AMRON: Well, we don't think it's  
7 necessary to go back and look at whether what was  
8 projected in the environmental review at, you know,  
9 last year or two years ago-- so three years ago in  
10 10 years or 15 years turned out to be accurate. What  
11 we do think is important is that the HPD programs and  
12 the other programs that are designed to protect  
13 tenants and to create affordable housing have the  
14 information they need at the time to enable them, the  
15 programs, to function and for the really fulfill  
16 their mandates. And so it's not so much what did we  
17 predict, but what is happening in a community at a  
18 particular time.

19 CHAIRPERSON MOYA: So my question was  
20 about discrepancies. You're saying there has been no  
21 discrepancies?

22 SUSAN AMRON: We have not-- I know my--  
23 We have not looked to see whether there is a  
24 discrepancy and, as I said, we don't think that  
25 that's necessarily the way that we would want to--

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3 ~~FRANCHISES~~ that would help us in the future and  
4 even now run our programs and determine what housing  
5 needs are and how best to provide affordable housing.

6 CHAIRPERSON MOYA: So you're all  
7 pitching a perfect game right now? There's no  
8 discrepancies. Everything seems to be going as  
9 planned. Got it. Is there a point in which you  
10 would say a neighborhood rezoning had met its goals  
11 and can you explain your process for reviewing a  
12 neighborhood rezoning that's reached the point you  
13 identified and how those results were used to improve  
14 the process for an upcoming rezoning plans?

15 SUSAN AMRON: Neighborhoods are dynamic and  
16 so, we would not look and say a neighborhood here has  
17 achieved X or Y. We believe that by enabling new  
18 housing, by encouraging new housing, by encouraging a  
19 per-- or by requiring, not encouraging, a specific  
20 portion, a significant portion of new housing to be--  
21 to include affordable housing to allow-- to focus  
22 development and housing in transit rich areas, to  
23 encourage and allow businesses to support housing  
24 that a rezoning, by doing all that, is successful.

25 CHAIRPERSON MOYA: I've asked about  
this before, but I want to take a look at the Long

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3 Island City neighborhood rezoning. The SEQR analysis  
4 estimated a 300 new units of housing would be  
5 created. Do you know how many were actually created?

6 SUSAN AMRON: I do not. I can--

7 CHAIRPERSON MOYA: 10,000.

8 SUSAN AMRON: Okay.

9 CHAIRPERSON MOYA: 10,000. So, now  
10 I'm going to go back to something you said earlier.  
11 So do you still stand by saying you take the most  
12 conservative approach when it comes to doing this  
13 neighborhood rezonings and predicting the effects of  
14 what it's going to have on a community?

15 HILLARY SEMEL: As I said, SEQR is  
16 forward looking, so we cannot identify trends that  
17 may change things, particularly with a rezoning over  
18 time, but we attempt to make the most conservative  
19 approach within reasonable worse-case development  
20 scenario. With regard to whether we're pitching a  
21 perfect game, we hope that, in most cases, we are  
22 overestimating the potential for environmental--

23 CHAIRPERSON MOYA: 300--

24 HILLARY SEMEL: impacts. Right.

25 CHAIRPERSON MOYA: to 10,000.

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3 HILLARY SEMEL: But since we cannot--

4 CHAIRPERSON MOYA: Downtown Brooklyn  
5 979. 8000 units were created.

6 HILLARY SEMEL: Right. But since we  
7 cannot predict some trends that are outside the scope  
8 of environmental review, we are aware that we may not  
9 always we pitching a perfect game all the time.

10 CHAIRPERSON MOYA: Thank you. So in  
11 both these cases, the SEQR analysis did not come  
12 close to estimating reality. How are we supposed to  
13 effectively plan for how many teachers, fire  
14 fighters, police officers we will need? How transit  
15 will work? How will we schedule enough train  
16 services when the information that we're working on  
17 is so inaccurate?

18 HILLARY SEMEL: Well as we have said--  
19 Thank you for the question. As we've said, the  
20 environmental review is one piece of the strategic  
21 planning process where all the agencies are  
22 responsible for maintaining those services in the  
23 city and we coordinate with them closely on the  
24 environmental review so that they are aware of the  
25 pending changes in neighborhoods, particularly with

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4 the case of rezoning, but we-- they also do not rely  
5 on the environmental review and there is, as part of  
6 their operating processes, they go back and look at  
7 the existing conditions so that they can make  
8 adjustments to maintain those service in the  
9 communities notwithstanding the environmental review  
10 that had occurred five years or 10 years prior.

11 CHAIRPERSON MOYA: The SEQR manual  
12 includes a specific threshold to use in determining a  
13 significant adverse impact on residential  
14 displacement. The manual states that if the  
15 vulnerable population, low income residents,  
16 identified through a detailed socioeconomic analysis  
17 exceeds five percent of the population of the study  
18 area, a significant impact may occur. City Planning  
19 has discretion in determining whether there is or is  
20 not a significant impact. Can you please explain to  
21 us how this decision is made?

22 SUSAN AMRON: Thank you that. And I'm  
23 happy to explain the displacement analysis that we do  
24 in environmental reviews. As a general matter, what  
25 we do is we look at development trends, housing  
trends, housing demand in a neighborhood. This is

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4 just for the displa-- the residential displacement  
5 analysis. We look at the availability of housing  
6 stock, the current availability of housing stock, the  
7 amount of stock housing that is regulated. The  
8 amount of housing that is government provided. The  
9 amount of housing that is not. The population that  
10 lives in a neighborhood and we project it to the  
11 future. We project it to the future for what the  
12 analysis year is going to be and then we project with  
13 the rezoning what our reasonable worse-case  
14 development scenario suggests will be. The housing  
15 stock and the population. With the trends that have  
16 already existed in a neighborhood, and we project  
17 that into the future and in the significance of any  
18 impact as determined by the difference between the  
19 future with the action and the future without the  
20 action. We do believe very strongly that the-- one  
21 of the central purposes of rezonings is to provide  
22 additional housing and by providing additional  
23 housing, that we dis-- that we are addressing  
24 displacement pressures that may exist in a  
25 neighborhood. That by ensuring that a large  
percentage of that housing is affordable housing,



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4 that we are helping to protect the most vulnerable  
5 populations in a neighborhood and that the  
6 combination of new housing, preservation of existing  
7 housing, and ensuring that housing is permanently--  
8 maintained as permanently affordable, reduces  
9 displacement pressures that may exist in  
10 neighborhoods and neighborhoods have displacement  
11 pressures in the city, both those that are being  
12 rezoned and those that are not. We look at rezoning  
13 as a very key way of addressing those pressures.

14 CHAIRPERSON MOYA: The city's new  
15 mandatory inclusionary program or MIH has been mapped  
16 in recent rezonings and has been cited as a reason  
17 why you don't anticipate a significant impact or  
18 require additional mitigation. Can you please  
19 explain why you believe MIH can significantly reduce  
20 the risk of residential displacement?

21 SUSAN AMRON: MIH ensures that private  
22 housing that is build has a significant percentage of  
23 housing reserved for affordability. There are  
24 different levels of affordability, but they go into  
25 deep affordability by creating, as I said, both new  
housing and ensuring that a significant portion of

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4 that new housing or opportunities for new housing,  
5 but then requiring that a significant portion of that  
6 new housing be reserved for-- be permanently  
7 reserved for affordable households. We believe that  
8 that very directly address displacement pressures  
9 that communities may already be feeling at the time a  
10 rezoning is suggested.

11 CHAIRPERSON MOYA: And while the  
12 socioeconomic characteristic of the specific  
13 vulnerable population at risk of displacement because  
14 of a neighborhood rezoning may be similar to the  
15 socioeconomic characteristic of residents who qualify  
16 of housing through the mandatory inclusionary housing  
17 program, housing created through MIH won't  
18 necessarily be occupied by those specific residents  
19 at risk of displacement. Is it prudent to consider  
20 MIH as a valuable strategy to mitigate the impacts of  
21 residential displacement?

22 SUSAN AMRON: Yes. Thank you. We very  
23 much believe it is appropriate to consider MIH as a  
24 means of preserving affordable housing in a  
25 neighborhood and helping the existing population in a  
neighborhood retain levels of affordability. It's

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4 not the only program that exists. HPD has other  
5 programs that exist that protect tenants and we look  
6 at everything in combination.

7 CHAIRPERSON MOYA: Got it. Do you  
8 believe is-- Is there room for improvement in how we  
9 go about rezoning entire neighborhoods and how are we  
10 supposed to improve this process of rezoning entire  
11 neighborhoods when we're not gathering information on  
12 these shortcomings?

13 SUSAN AMRON: I would say, in everything,  
14 there is room for improvement. I don't think there's  
15 anything that anyone does anywhere that couldn't be  
16 improved in some way, shape, or form.

17 CHAIRPERSON MOYA: I'm glad to hear  
18 that.

19 SUSAN AMRON: We do believe we do a very  
20 good job on rezoning, but we identify and we work  
21 with communities well in advance of proposed  
22 rezongings to understand what a community is looking  
23 for, what the community needs are. We work with  
24 Council members and we proceed when a community is  
25 interested in rezoning and the Council member  
supports rezoning, when there's opportunities to

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3 create housing and we're in a transit area that can  
4 support it. We do look forward to working with the  
5 Mayor's Office of Environmental Coordination on the  
6 SEQRA technical manual update and I'm sure that there  
7 will be suggestions that will be made for how  
8 analyses can be approved and we do look forward to  
9 looking at those suggestions and continuing that  
10 conversation.

11 CHAIRPERSON MOYA: Thank you. Just  
12 two more questions and then I'm going to turn it back  
13 over to the Chair. When it deals to school capacity  
14 and overcrowding, in community school districts, sub  
15 districts where overcrowding exists today, in the  
16 future with no action and the future with action  
17 scenarios, can you please explain the rationale for  
18 why there should not be a lower threshold for impacts  
19 to schools than a five percent increase in  
20 utilization rates with the proposed actions?

21 HILLARY SEMEL: I think my colleague  
22 from SCA who is available-- [inaudible 01:31:13]  
23 should answer the question.

24 CHAIRPERSON SALAMANCA: Can we swear you in  
25 before you begin?

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3 LEGAL COUNSEL: Please state your name  
4 and raise your right hand.

5 MELANIE LA ROCCA: Melanie La Rocca.

6 LEGAL COUNSEL: Do you swear or affirm  
7 to tell the truth, the whole truth, and nothing but  
8 the truth in your testimony before the committees and  
9 answer all Council member questions?

10 COMMISSIONER LA ROCCA: Yes. Thank you,  
11 Council member, Chair Moya. I would say that we've  
12 had a very productive relationship with our  
13 colleagues in government particularly with the  
14 mayor's office of environmental coordination and, as  
15 they begin the process of looking at updates to the  
16 technical manual, I do expect that we will hear, as  
17 we have in the past, from stakeholders, questions  
18 about whether the five percent threshold should  
19 remain.

20 CHAIRPERSON MOYA: And  
21 congratulations, Commissioner, on the wonderful new  
22 role that you will be taking it look forward to  
23 working with you, as well.

24 COMMISSIONER LA ROCCA: Thank you.  
25

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3 CHAIRPERSON MOYA: Just a quick follow  
4 up to that, is there anything that restricts you from  
5 lowering the threshold for impacts in sub districts  
6 where overcrowding exists today?

7 COMMISSIONER LA ROCCA: I don't know the  
8 legal answer to that, so I would suspect that there  
9 is probably a legal reason, but, again, for technical  
10 manual update process begins, we have certainly heard  
11 questions in the past at different forums, whether  
12 it's from the Council or members of the community  
13 that have expressed an interest in seeing changes to  
14 that five percent. So, I would respectfully say I  
15 don't know the legal answer and whether there is one  
16 to that question, but I certainly expect to hear  
17 through the tech manual updates a strong desire to  
18 see that number.

19 CHAIRPERSON MOYA: An SCA housing  
20 projections used to determine future school capacity  
21 relies on permit applications for new housing or  
22 known planned projects. This approach is less useful  
23 for projects several years out as few developers seek  
24 building permit 6 to 10 years before construction  
25 begins. As these projects are used to determine the

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3 future needs of the community in the SEQR no actions  
4 Marriott and often underestimate growth in years 6 to  
5 10. The resulting cumulative impact of the project  
6 could produce an inaccurate picture of the future  
7 needs. Should City Planning consider a more accurate  
8 projection model for SEQR?

9 COMMISSIONER LA ROCCA: So, I would say  
10 this. Yes, we work with City Planning very closely  
11 and, yes, we have heard particularly from the  
12 Council, a very strong interest in seeing ways and  
13 finding ways to better identify potential out year  
14 growth in that 6 to 10 year. As everybody here I  
15 think knows, we work very closely with City Planning,  
16 with Department of Buildings, with HPD, EDC, and  
17 others on identifying potential, what we would call,  
18 housing pipelines. And that is identifying potential  
19 growth whether it's through actual permits issued or  
20 projects that are making their ways through the SEQRA  
21 process or known and projected growth. So that could  
22 be both as of right conditions or future SEQR-- ULRP  
23 actions. So we have expressed certainly an  
24 interesting finding opportunities to strengthen our  
25 process and we would certainly be open to

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4 conversations about ways in which we can, with City  
5 Planning and our other stakeholders, figure out ways  
6 to make our planning process more robust.

7 CHAIRPERSON MOYA: Thank you. Thank  
8 you. I'm just going to end by saying that I believe  
9 that if we don't learn from our mistakes, then we are  
10 doomed to repeat them. If this city isn't held  
11 accountable and doesn't take responsibility for what  
12 it gets wrong, then I think that we are very unlikely  
13 that it's going to correct its course at all by  
14 itself. Take the lead-- Take the lead poison  
15 scandal at NYCHA, for instance, and when the city  
16 fails to investigate how its decisions affect the  
17 thousands and thousands of New Yorkers who live in  
18 these rezoned areas, it is essentially saying to the  
19 people who were harmed, oh, well. We just don't  
20 care. And it seems to me that we are treating New  
21 York City residents and primarily low income minority  
22 communities as guinea pigs and a badly designed  
23 experiment. We rezone these neighborhoods. We give  
24 the community markets a shot in the arm and  
25 manufacture the conditions for wholesale development.  
But then we never follow up to compare the results of



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4 our original hypothesis that SEQR predictions. So, I  
5 don't know if it's just laziness. I don't know if it  
6 arrogance, but it's certainly, I feel, irresponsible.  
7 It's the city's duty to serve all New Yorkers and I  
8 think that it's not just the developers and lobbyists  
9 and we dedicate tons of resources and time and money  
10 to educated guesses about how these neighborhood  
11 rezonings may play out. I think we owe it to  
12 everyone that is affected by these rezonings and then  
13 next community in line to find out how they will turn  
14 out. And this is why I believe the two bills that I  
15 have introduced are extremely important. We are  
16 asking for a study. I don't think that that is  
17 something that is out of the universe to not  
18 consider, taking a look back to see if what is being  
19 implemented now is working in our communities and,  
20 especially, as we move forward in the future. So  
21 thank you very much for your testimony today. I do  
22 appreciate it. I hope we do follow up with the  
23 questions that we had discussed before. And thank  
24 you to the Chair and to my colleagues for allowing me  
25 the time to ask these questions. Thank you.

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3 CHAIRPERSON SALAMANCA: Thank you.

4 Thank you, Chair Moya. Just some committee  
5 procedures just to put it on the record. The role is  
6 closed for today's loads. I have a question. You  
7 mentioned about updating the manual, the SEQR manual.  
8 Will the community play a role in changes?

9 HILLARY SEMEL: Thank you for that  
10 question. As I've said, we are eager to work with  
11 the community and counsel to look at the appropriate  
12 updates for the SEQR tech manual and we are committed  
13 to engaging with stakeholders to consider all  
14 methodologies.

15 CHAIRPERSON SALAMANCA: What's the  
16 timeline? When are you planning on making changes to  
17 this manual?

18 HILLARY SEMEL: We don't have the timing  
19 yet, but we are working to have that happen as soon  
20 as possible and we will work with counsel to make  
21 that happen.

22 CHAIRPERSON SALAMANCA: All right. So  
23 is the having community meetings were having  
24 community input in the works already?

25

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3 HILLARY SEMEL: We are looking at how we  
4 will work on that process and how that process will  
5 work. Yes.

6 CHAIRPERSON SALAMANCA: All right.  
7 Going to take you on your word on that. Just have a  
8 few questions and I'm going to allow Council member  
9 Barron, Reynoso, and then Miller. Do you believe the  
10 issue of displacement, whether it is residential or  
11 commercial as a result of land-use actions are real?

12 HILLARY SEMEL: I am a resident of New  
13 York City. I think the issue of displacement is  
14 real. I am-- My background is an environmental  
15 lawyer, so I can't really, in terms of land-use,  
16 can't speak to aware of the triggers are, but I--  
17 You know, this administration has recognized this as  
18 DCP has said. The impetus for MIH rezoning is to  
19 keep people in place and we-- you know, we do treat  
20 it seriously in the tech manual whether, you know, we  
21 can differ on whether the methodology is appropriate,  
22 but yes. It is a real issue for New York City and I  
23 agree.

24 CHAIRPERSON SALAMANCA: So why do  
25 you-- Then why do so few projects have EIS reports

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3 that conclude that there is no correlation between  
4 displacement and land-use actions?

5 HILLARY SEMEL: I think that-- Thank  
6 you for that question. I think, in a broad sense, as  
7 we said, environmental review is a forward-looking  
8 document that has certain criteria and many of the  
9 trends that lead to displacement are not in the  
10 purview of environmental review to identify, but,  
11 again, this is something that we were eager to follow  
12 up with counsel and stakeholders as to how we can  
13 refine the methodologies potentially to identify  
14 them.

15 CHAIRPERSON SALAMANCA: All right. I  
16 want to go back to those questions on displacement,  
17 as well. I'm going to allow Council member Barron to  
18 ask some questions.

19 COUNCIL MEMBER BARRON: Thank you, Mr.  
20 Chair. Thank you to the panel for coming. I have  
21 heard your testimony and I didn't hear any reference  
22 to what your position is on reso nine. So I would  
23 like to ask what is your position on the legislation  
24 which I have introduced which is reso nine.

25

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3 HILLARY SEMEL: The administration does  
4 not comment on resolutions. We comment on  
5 legislation. Substantively, as I said, we are  
6 committed to maintaining the most rigorous and  
7 comprehensive environmental review process and we are  
8 open and eager to discuss with Council what that--

9 COUNCIL MEMBER BARRON: [interposing]  
10 Okay. Thank you. Ms. Amron? Is that how it is  
11 pronounced?

12 SUSAN AMRON: Yes.

13 COUNCIL MEMBER BARRON: What makes you  
14 say that the downtown Brooklyn rezoning was  
15 successful?

16 SUSAN AMRON: We the downtown Brooklyn as a  
17 very successful rezoning. It created a much-needed  
18 housing supply. Clearly there was a lot of housing  
19 demand in downtown Brooklyn. It created the  
20 opportunity for that. It created sort of the  
21 character of downtown Brooklyn as sort of a live work  
22 area where people have housing. There are jobs in  
23 the area. It supports the local businesses and  
24 downtown Brooklyn is a thriving community in New York  
25 and we look at that as successful.

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3 COUNCIL MEMBER BARRON: Was that what  
4 it was supposed to do? Create housing?

5 SUSAN AMRON: The rezone--

6 COUNCIL MEMBER BARRON: [interposing]  
7 I thought it was a project for commercial office  
8 space. I thought that that's what it was designed to  
9 near.

10 SUSAN AMRON: The rezoning allowed a number  
11 of different uses.

12 COUNCIL MEMBER BARRON: Okay.

13 SUSAN AMRON: When the environmental review  
14 was done--

15 COUNCIL MEMBER BARRON: Here comes  
16 your note.

17 SUSAN AMRON: Excuse me?

18 COUNCIL MEMBER BARRON: Your note.

19 [Background comments]

20 SUSAN AMRON: What note? Oh. I'm sorry.

21 COUNCIL MEMBER BARRON: Yes.

22 SUSAN AMRON: When downtown-- When the  
23 FEIS for the downtown Brooklyn was rezoning, it was  
24 anticipated that, at the time, that there would be  
25

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4 more office space created and the amount of housing  
5 in the housing demand was not anticipated.

6 COUNCIL MEMBER BARRON: Let me just  
7 interject. You said it was anticipated. That was  
8 the objective? The objective was not for--

9 SUSAN AMRON: I cannot speak right down to  
10 the objective of a downtown rezoning. I can speak to  
11 the environmental review for the downtown--

12 COUNCIL MEMBER BARRON: [interposing]  
13 But I think that that is what decides if something is  
14 successful. If you achieve what you said you wanted  
15 to do. So I think that for you to come and say it  
16 was successful and not be able to tell us what the  
17 outcome-- what the objective was at the onset is a  
18 disconnect there.

19 SUSAN AMRON: The rezoning in downtown  
20 Brooklyn allowed an array of uses. It allowed and  
21 encouraged office building. It also allowed  
22 residential. It was-- At the time, the anticipation  
23 was that there would be more office and less  
24 residential, but the demand for housing and the  
25 forces, and there were a lot of things that happened  
in New York City between the FEIS and the rezoning

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4 and now has resulted in a community that the demand  
5 for housing was met first. There is now an  
6 increasing demand for office space in downtown  
7 Brooklyn. And so, it is responding to the economic  
8 trends and the demands of the community. But we look  
9 at the community and we look at downtown Brooklyn as  
10 a thriving community with housing, with jobs, with  
11 businesses and--

12 COUNCIL MEMBER BARRON: If--

13 SUSAN AMRON: that's successful.

14 COUNCIL MEMBER BARRON: If all of  
15 those factors as they presently exist were  
16 accommodated by schools in transportation and other  
17 amenities and infrastructure, then that might be  
18 about to be said that it was successful. But based  
19 on the density of what their and the lack of the  
20 agents-- the facilities that are needed, I wouldn't  
21 say that it was successful. I would qualify that.  
22 When I was asked to serve as a principal other  
23 school, it was called a school in need of  
24 improvement, I was told that the school had certain  
25 criteria and that, for the next three years the state  
was watching that school to make sure that those



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4 criteria were met. So there was an analysis of what  
5 it happened and a projection in an expectation of  
6 what should be the data at the end of three years. I  
7 don't know how we can have an agency come before us  
8 and not look back on data that you had at the  
9 beginning to say whether or not you've been  
10 successful. To seem to even reject the fact that you  
11 can look back to do an evaluation. In your  
12 testimony, you said that environmental review cannot  
13 and should not be expected to predict the future with  
14 a degree of precision avenues implied in these bills.  
15 Environmental review is also not a tool that looks  
16 back to identify causes of current conditions. Not  
17 asking you to identify the causes. We're asking you  
18 to look back and say is, in fact, the product that we  
19 have matches or comes close to what we said we wanted  
20 to do at the outset. So, if your projections were  
21 made at the outset and if the trend is continued  
22 awareness things stayed static or if they continued  
23 in the way that they existed, and no other hurricanes  
24 or economic conditions came in, would you expect to  
25 have achieved what you said you wanted to have at the  
outset? If there were none of these other

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3 intervening factors, do you think that you should be  
4 able to look back and say we were successful? Or  
5 that you just your hands up and say, well, we did our  
6 part. We made the projections. We said what we  
7 thought it would be and whatever it is, that's what  
8 it is. It seems to me that you don't think that you  
9 have a responsibility to give us an evaluation as to  
10 why you may not have achieved what it is that you  
11 thought you would achieve. Are we asking developers  
12 to give us an accounting? Are we looking for  
13 developers to ensure that they did what they said  
14 they would do? Is there that requirement? Are there  
15 consequences if they didn't do or do we not care and  
16 do we just see it on paper and say, okay. It's  
17 there. Let's move on.

18 SUSAN AMRON: We do look at downtown  
19 Brooklyn as a success. When we rezone an area or  
20 even under our current zone, the current zoning in an  
21 area if we are not rezoning it, we have development  
22 in that area that responds to the economy and to  
23 demand. And so, if there is a demand for housing, we  
24 would anticipate that development responds to that.  
25 If there is a development demand for other uses, we

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4 would expect that to development respond to that. We  
5 do think it's important that zoning be flexible and  
6 that when we rezone an area or an undercurrent  
7 zoning, that that flexibility be maintained and we  
8 not try and precisely manage what happens in a  
9 dynamic and growing city, but that we allow the city  
10 to grow and neighborhoods to grow as they should. We  
11 do, and I guess, I don't want to repeat too much, but  
12 we need to look at downtown Brooklyn as a very  
13 successful rezoning. We--

14 COUNCIL MEMBER BARRON: Well, I would  
15 ask that you get back to me with what the outset was  
16 the intention. You keep saying that and I keep  
17 saying to you and has to be based on what you  
18 expected to achieve. And you said you didn't know  
19 that. So--

20 SUSAN AMRON: And I--

21 COUNCIL MEMBER BARRON: You said-- Is  
22 that what you said maybe?

23 SUSAN AMRON: I said I can't go now and say  
24 what--

25 COUNCIL MEMBER BARRON: [interposing]  
Right. I think we should put that on hold because

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3 you keep talking about the success without being able  
4 to tell me what it was at the beginning.. But I do  
5 have other questions. You talk about you have  
6 changes to the SEQR in 2001, 10, 12, and 14. Why  
7 were changes made and what had happened in the  
8 previous versions that required or made an impact on  
9 those changes?

10 HILLARY SEMEL: Thank you very much for  
11 the question. It's a very interesting question.  
12 There is many different reasons why changes were  
13 made. I can speak at a high level II reasons why,  
14 but we are happy to discuss with more detail  
15 following the hearing. First is some of the-- For  
16 some of the technical areas, the criteria is based on  
17 other standards like state standards and federal  
18 standards for air quality, for--

19 COUNCIL MEMBER BARRON: So, was it  
20 based on the fact that previously these standards are  
21 not appropriate?

22 HILLARY SEMEL: No. Environmental  
23 review is a living process. As technology and  
24 scientific theories develop, criteria changes all the  
25 time. For example, with regard to quality with the

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4 way the clean air act works, areas become  
5 entertainment and nonattainment for different types  
6 of contaminant, air contaminants and so, depending on  
7 what the condition of the air quality in New York is,  
8 various different criteria for impacts. The federal  
9 and state standards change and evolve. For areas  
10 that become-- We do, for example, look at climate  
11 change. That is an evolving-- Theories are evolving  
12 about climate change and we tried to stay, as I say,  
13 as relevant and state-of-the-art as possible.

14 COUNCIL MEMBER BARRON: Okay. And  
15 what is the process for the change?

16 HILLARY SEMEL: The process for the  
17 changes led by my office. We oversee-- We engage  
18 with, first, the technical agencies who their  
19 methodology is because they are the ones that are  
20 responsible for implementing the mitigation measures.  
21 The process, at times, if it's sort of a low-level  
22 update or a criteria change based on a standard, it--  
23 we might just initiate the change. The more robust  
24 updates have always involved public engagement and  
25 engagement with stakeholders in the practice.

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3 COUNCIL MEMBER BARRON: Is there any  
4 opportunity for any of the agencies to object to  
5 something being-- or does your office have the final  
6 say?

7 HILLARY SEMEL: It's a very  
8 collaborative and consensual-- consensus-based  
9 approach and, yes, agencies to have the opportunity  
10 to object. Sometimes because of objections, we put--  
11 we work together in trying to overcome those  
12 objections, but we try to give full agreement with  
13 all the agencies.

14 COUNCIL MEMBER BARRON: Can your  
15 office make changes to the SEQOR independent of the  
16 charter? Do you make changes independent of the city  
17 charter? Do you have control over what goes into  
18 that document?

19 HILLARY SEMEL: Yes. The city charter  
20 does authorize us to maintain the tech manual  
21 including making--

22 COUNCIL MEMBER BARRON: [interposing]  
23 So, you don't need the city charter to implement any  
24 of the things that you want to change?

25

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3 HILLARY SEMEL: They give us the mandate  
4 to implement--

5 COUNCIL MEMBER BARRON: So you have  
6 the ability to make changes--

7 HILLARY SEMEL: Yes. But we--

8 COUNCIL MEMBER BARRON: without--

9 HILLARY SEMEL: We--

10 COUNCIL MEMBER BARRON: without--

11 HILLARY SEMEL: We have a standard where  
12 we do not make changes without consensus of the  
13 technical agencies and we don't make more robust  
14 changes without engagement. Any change that might be  
15 made unilaterally by my office is an error. It's a  
16 very complex document it's--

17 COUNCIL MEMBER BARRON: [interposing]  
18 Does the city charter have to approve the changes  
19 that you make?

20 HILLARY SEMEL: Um--

21 COUNCIL MEMBER BARRON: Is there a  
22 requirement that--

23 HILLARY SEMEL: I'm sorry. I don't  
24 understand. There is no approval process outlined  
25 in--

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3 COUNCIL MEMBER BARRON: [interposing]

4 So, your office could say we are changing this  
5 section. We're changing this section. We're doing  
6 other sections. What's the involvement?

7 HILLARY SEMEL: Well, it's-- It's not--  
8 It's guidance, so--

9 COUNCIL MEMBER BARRON: Right.

10 HILLARY SEMEL: it's not subject to--

11 COUNCIL MEMBER BARRON: And is the  
12 city Council a part of that process, so?

13 HILLARY SEMEL: The city Council have  
14 been engaged in the past. Yes.

15 COUNCIL MEMBER BARRON: So, the city  
16 Council can say, these are changes that we would like  
17 to see.

18 HILLARY SEMEL: Right. And we discussed  
19 whether they are the appropriate methodologies, but  
20 over-- but since it's guidance and we often  
21 sometimes-- Well, not often. But at times, we--

22 COUNCIL MEMBER BARRON: [interposing]

23 So, can the city Council passed these laws and then  
24 we are going to say, okay. We've passed the demand  
25 this is what we want you to do?



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3 HILLARY SEMEL: Excuse me. Sorry. I  
4 don't understand the question.

5 COUNCIL MEMBER BARRON: So, as the  
6 laws that are proposed here, as they proceed, then  
7 you would have to implement them?

8 HILLARY SEMEL: Well, the laws that are  
9 proposed, I guess, would be incorporated in the  
10 process of the tech manual, but it would-- That's an  
11 interesting question. We'll have to get back to you  
12 on the procedure since it's guidance and not subject  
13 to CAPA.

14 COUNCIL MEMBER BARRON: Okay. Just a  
15 few more questions. Getting back, once again, to the  
16 downtown business, if you could let me know how many  
17 businesses existed in that area previous to the  
18 rezoning and what became of those businesses. Were  
19 any of them returned to that area and what-- If not,  
20 do you know what became of those businesses. If you  
21 may not have that now, but I'd like to know that  
22 going forward. And just, finally, I had a toothache  
23 and I went to a dentist and he said, oh. You got  
24 some infection here. We've got to do some work.  
25 We've got to do some drilling. When he finished

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4 drilling, I would want to know that he could evaluate  
5 and go back in and look at it and see if he had done-  
6 - if what he had done was appropriate or was  
7 something needed or was it something else. It  
8 wouldn't just be satisfied to say, okay. We've done  
9 this and not go back to get an evaluation. And that  
10 same thing applies. I think it's just sort of  
11 cavalier or irresponsible not want to go back and  
12 make an evaluation based on what the initial  
13 assessment or analysis. Thank you to the Chairs.

14 CHAIRPERSON SALAMANCA: Thank you. I  
15 would now turn it over to Council member Reynoso for  
16 a couple of questions.

17 COUNCIL MEMBER REYNOSO: Thank you,  
18 Chair. I just feel like there is a disconnect here  
19 between what we are talking about and what you are  
20 presenting. Maybe it's because you lived in your  
21 silo and maybe we live in ours. But there is a  
22 complete disconnect. The fact that you believe SEQR  
23 require some changes because everything requires  
24 changes or everything can be improved and not speak  
25 to like the gross miscalculations made by whatever  
formula exists in the SEQR manual, that you would

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3 come in here and say that the downtown Brooklyn  
4 rezoning was a success and that it's something you're  
5 proud of, it's just-- it's beyond me. And the Chair  
6 said something. He said arrogance is how I feel  
7 about what your department believes or the work that  
8 you do. And in an opportunity to grown and improve  
9 ourselves, one side can't come to the table  
10 arrogantly. One side can't come to the table not  
11 thinking that there are significant issues with a  
12 document that is proven flawed. And I'm going to get  
13 a show of your arrogance and then a show of what I  
14 consider is your ignorance. The arrogance comes from  
15 the SEQR technical manual, quote-- this was said by  
16 Ms. Semel. Quote, the SEQR technical manual, while a  
17 living document, like all technical guidance, has  
18 been cited as one of the most rigorous environmental  
19 analysis guidance documents that allows for one of  
20 the most comprehensive environment impact review  
21 processes in the nation. But what I think that that  
22 says more clearer than is anything is that you work  
23 harder, not smarter. You might put more money into a  
24 review process, but your outcomes are not necessarily  
25 something to cheer for. So I want to make it clear

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4 to the nation, because this is something that the  
5 nation thinks you do a good job, but I want to do  
6 something very quickly. Downtown Brooklyn, which you  
7 have stated as a success and that's something that  
8 you believe SEQR did right, and I want to be clear.  
9 I think you are the only people in this room that  
10 might believe that. The administration believes  
11 downtown Brooklyn rezoning was a success under the  
12 qualifications of the SEQR. In 2002, been 10,000 new  
13 residents that have moved in in the study area. The  
14 City Planning Commission and rezoning said it would  
15 only generate 979 units. 979. 10,000 people can't  
16 live in 979 units. I want to be clear. 3000 units  
17 of housing were built, not 979. You were off by 75  
18 percent. That's like a 0.7 on a grade. You've  
19 grossly failed at predicting the future one time  
20 there. Then, you said there were going to be 446 new  
21 school-aged children. Instead, there are 4000.  
22 That's 10 times. You were wrong by 10 times. So,  
23 congratulations that you think it's a success, but  
24 anyone reading straight data, which is what you do,  
25 would never make that statement. That's an incorrect  
statement and I think it's either you don't want to

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4 see change or you're-- you don't get it. So I want  
5 to assume that it's the first. That you guys just  
6 don't want to change anything because I actually  
7 think then this is beneficial to developers and  
8 making sure that we limit the mitigations so that  
9 they can build in the city and not care about the  
10 impacts of the residence that currently live there.  
11 For you to say that downtown Brooklyn was  
12 successful-- I was here when you send back, but it  
13 was repeated by somebody, one of the Chairs, and it  
14 was unbelievable to me. That even the Council member  
15 that is from there that did that rezoning believes  
16 there was missteps hap-- that happened there. The  
17 current Council member that's there. So, it's  
18 extremely frustrating to see you do that. So, just--  
19 that's data. So I hope we could re-engage or have a  
20 more honest conversation because it's not honest  
21 right now and it's frustrating. SEQOR was created a  
22 long time ago with scope and formulas and whatever  
23 you want to call it that were relative to a city of  
24 that time. We have a new city that's growing at a  
25 pace that SEQOR couldn't figure out, that we couldn't  
figure out, that past mayors weren't prepared for.

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3 No one was prepared for it. But the city now has to  
4 accommodate all these new residents. The least we  
5 can do is look to push a SEQR manual that actually  
6 prepares us for the future. That speaks to  
7 displacement. That speaks to the need for parks. I  
8 want to talk about that, too. The one thing that did  
9 come out of the study in the downtown Brooklyn area  
10 is that they were going to get to parks. J Street  
11 Plaza at Willoughby Square Park. And guess where  
12 those parks are? Nowhere to be found. They are not  
13 done. They are not completed. So the one thing you  
14 mitigate for in a reasonable way is not even. It's  
15 just a very frustrated that you came in here, and I  
16 believe it's arrogance, to think that this is a small  
17 problem that might need minor changes to it. I think  
18 it needs significant changes and downtown Brooklyn is  
19 an example. And I come from a place called  
20 Williamsburg, Brooklyn where you have made huge  
21 mistakes. There's no way, unless-- and if you  
22 accounted for this in SEQR, then you are part of the  
23 problem and part of the reason why 30,000 Latinos  
24 were displaced in 10 years. You did that  
25 intentionally if you don't think you have a problem

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4 with your manual. The manual needs to be modified so  
5 it seeks to real-world problems. And so we don't  
6 have an administration that sits in front of here,  
7 recognizes its faults, and looks to solutions, we're  
8 gonna (sic) be-- this is going to be about all that  
9 I don't think you are going to win. I want to be  
10 clear. That's why I have imple-- I want changes to  
11 the charter to speak to a better environmental impact  
12 study because what's happening is that, in these  
13 black and brown community is where most of these  
14 rezonings are happening, is where the displacement is  
15 happening. In Queens, and there is no seats for  
16 these kids because you are SEQR manual fails  
17 miserably. So chose that saying that you think  
18 something is successful unless you give me the reason  
19 in a real-world-- in a real-world data set. The  
20 regular review, this is another thing that is  
21 important. It's the only document where you fail  
22 miserably and you don't need a review, but you are  
23 allowed to-- there is no accountability, I guess is  
24 what I am saying. In no other business can you fail  
25 so bad and not have any repercussions. There is no  
look back. If my son takes a test and does a bad

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3 job, I want him to look back at the test so that he  
4 can improve and do better in the future. You don't  
5 do that. You fail and you just keep it moving. Keep  
6 it moving while my people are getting displaced. I  
7 want that after a certain amount of time you can look  
8 back on it and say, look, we must appear. This  
9 community means resources so we can continue to make  
10 sure that we are a city for all and not a tale of two  
11 cities. But ignoring that you found miserably  
12 doesn't allow you to solve for that. And that's a  
13 big problem that I have. I think that the-- for you  
14 to testify that way and embarrassment to the  
15 administration. I don't even want to ask questions  
16 because I think you are full of it right now. And I  
17 hope that after this we can have a more formal  
18 conversation when you guys are honest about the fact  
19 that this is a problem that we need to solve for in a  
20 meaningful way. Thank you.

21 CHAIRPERSON SALAMANCA: I want to turn it  
22 over to Council member Miller for some questions.

23 COUNCIL MEMBER MILLER: Definitely  
24 leadership just dropped the mic on that one honestly.  
25 It's since meant to echo throughout and what is so



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4 obvious by the members that stood around for the  
5 conclusion of this hearing and having an opportunity  
6 to speak that it is reflective of those black and  
7 brown communities. Those communities that have been  
8 displaced by virtue of the work that has been done by  
9 planning. And so, as the Chair of the black, Latino,  
10 and the Asian caucus, this is absolutely what we talk  
11 about each month. This is precisely the concerns of  
12 communities of color. And to hear the cavalier  
13 attitudes that downtown Brooklyn and Long Island City  
14 that of a rezoned gentrified, displacing communities  
15 was done properly is disingenuous at best. As my  
16 colleague said a few-- man, if you were a major  
17 league player and batting 100, you'd be out. There  
18 is absolutely no industry standards exist and allows  
19 you to keep a job with such a renders track record of  
20 success. But that being said, when we look at the  
21 lack of success and the initial plan name and I know  
22 you said it allows for individual agencies to have  
23 input, but you are having input after-the-fact. And  
24 so, if you are looking at transportation, you are  
25 looking at transportation for significantly more  
people. You are looking at a significantly more

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4 dense population so it is impacting all of municipal  
5 services. Municipal service says that we, as a  
6 console, have a responsibility as overseers of  
7 budget, to ensure that they are being provided. How  
8 do we make sure that that happens? How do we, more  
9 importantly, make sure that these services get  
10 provided equitably, remembering that these are 10,  
11 15, 20,000 folks that work here before. Services  
12 were being provided that necessarily a level that  
13 they should have been prior to the people being  
14 displaced and now, how does that happen? Is there  
15 now-- Does there now become a priority to provide  
16 transportation, schools, libraries, public servants  
17 and so forth? And so, there is just created a  
18 plethora of problems. The level of involvement by  
19 the agencies to this point, quite frankly, I would  
20 submit that you all are complicit in not just  
21 displacing folks, but in creating more problems for  
22 the city and the city's budget. How do we then  
23 provide for-- How many affordable units were created  
24 between downtown Brooklyn and Long Island City?

25 SUSAN AMRON: We don't have the precise  
number. We can see if we have--

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3 COUNCIL MEMBER MILLER: [interposing] How  
4 many units?

5 SUSAN AMRON: We don't have the precise  
6 numbers of units that were created in--

7 COUNCIL MEMBER MILLER: Does anybody here  
8 have it? Is there an agency in here that knows how  
9 many housing units have been developed by virtue of  
10 these two plans?

11 HILLARY SEMEL: Council member, we can  
12 get back to you. We will discuss with the agencies  
13 and get back to you.

14 COUNCIL MEMBER MILLER: Okay. Let me tell  
15 you how many units have been-- how many units have  
16 been developed in Jamaica in the 20 seventh district.  
17 I know precisely how many units. I know how many  
18 units are affordable. I know AMI's. I know how many  
19 are market. How could-- And what scares me is that  
20 the work that we have done to maintain the integrity  
21 of communities while creating housing opportunities,  
22 economic development, could all be for not because  
23 you guys can come in and just pivot and do things  
24 differently. So there has to be some synergy, some  
25 collaborations beyond what has occurred to make sure

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4 that the people, the members that have really  
5 articulated their concerns about the communities that  
6 they serve and more than 60 percent of the population  
7 being represented by this body, this caucus, I think  
8 lends itself to further engagement and I would hope  
9 that very serious engagement and that we take  
10 advantage of the opportunity and I would say that we  
11 very specifically look towards these members that are  
12 communities that are being rezoned that we look at  
13 this caucus that represent these members as we move  
14 forward. Because, in this case, intent does not  
15 match reality. Reality is that, not only have folks  
16 been displaced, there is no significant new housing  
17 being developed for them which means that they are  
18 essentially being moved down along with the  
19 businesses. But the infrastructure demands that have  
20 been created by virtue of this have not and cannot be  
21 met. When we achieve density 10 times greater than  
22 was planned, I just don't see where we have the  
23 resources to provide the services that are necessary.  
24 So I think we certainly, the Chairs, have indicated  
25 time and time again at the hearing that they are  
willing to set and help to revamp and move forward,

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3 but as this is currently constituted, it just does  
4 not work and it is really a sad indictment of what we  
5 have become and what we potentially will be if we  
6 keep on this track. So, with that, I want to thank  
7 you all for coming and really shining light, as dim  
8 as that light may be, on this situation. The Chair  
9 for your due diligence in bringing this up and--

10 CHAIRPERSON SALAMANCA: Thank you.

11 COUNCIL MEMBER MILLER: the legislation and  
12 the impact that we can turn this thing around. Right  
13 now we are not in a good space. So, thank you so  
14 much for helping--

15 CHAIRPERSON SALAMANCA: Thank you, Council  
16 member Miller. Just a few more questions. No. I'm  
17 just kidding. I think you've suffered enough. But I  
18 just hope that you hear the frustration that is  
19 coming out of this body because of the neighborhood  
20 that are being rezoned are in our communities. There  
21 is a reason why we've come up with this legislation.  
22 We look forward to sitting down with all of you on  
23 following up on questions that we really want to get  
24 our answers to. But also if the technical manual is  
25 being updated, we would really like to have ongoing

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4 dialogue on how that is implemented and updated, as  
5 well. So thank you all for being here. Yep. I'm  
6 sorry.

7 COUNCIL MEMBER MILLER: If I may, what is  
8 the demographics of City Planning?

9 SUSAN AMRON: I'd have to get back to you  
10 on that. I don't know.

11 COUNCIL MEMBER MILLER: We'll check with  
12 DCAS and see. That is obviously vitally important  
13 because this is not reflective of the needs and  
14 values of the majority of the city of New York, I  
15 mean, we've done a lot of work and, I mean, we take a  
16 look at the police department and the fire department  
17 and all this crucial, what we perceive to be critical  
18 and crucial city services, but I think what you are  
19 doing is absolutely critical and it should be  
20 reflective of all the folks of New York City. Thank  
21 you. Thank you, Mr. Chair.

22 CHAIRPERSON SALAMANCA: Thank you,  
23 Council member. And thank you all for your testimony  
24 today. Thank you for being here. I'd like to now  
25 call up the next panel. Marcel Negrete. Thomas  
Devaney. Elena Conti. Thank you, sir.

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3 COUNCIL MEMBER MILLER: Great job.

4 CHAIRPERSON SALAMANCA: Thank you.

5 Thank you. I appreciate it.

6 COUNCIL MEMBER MILLER: [inaudible

7 02:14:00]

8 CHAIRPERSON SALAMANCA: Thank you. If  
9 you can gestate your name in and you can begin your  
10 testimony. Thanks.

11 MARCEL NEGRETE: Hello. My name is  
12 Marcel Negrete. I made planner with the Regional  
13 Plan Association. The legislative pack and under  
14 consideration would bring important improvements to  
15 the SEQR procedures evaluating the impacts of  
16 neighborhood rezonings. These bills would require  
17 additional oversight transparency and, when  
18 necessary, the refinement of methodologies used by  
19 the SEQR technical manual. Intro 252 is a positive  
20 step in bringing oversight and transparency to the  
21 provisions of SEQR intended to mitigate adverse  
22 impacts. Typically, environmental impact statements  
23 do not provide sufficient information about proposed  
24 mitigation measures lacking clarity and when or where  
25 will they be executed and who is responsible for

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4 their implementation. This, of course, this into  
5 visors applicants and city agencies from following  
6 through with mitigation measures. 252 brings more  
7 transparency in a similar way to what the rezoning  
8 commitment tracker has done in the past. Essentially  
9 makes sense to bring data and [inaudible 02:16:05]  
10 maps to the public to bring condition on  
11 transparency. The other three introductions would,  
12 in time, help refine and improve the accuracy of  
13 methodologies using the SEQOR technical manual. In  
14 particular, and introduction 1487 could help  
15 eliminate an address the excessive residential  
16 displacement documented by RPA and many others in a  
17 report that focuses on the impact of rising rents and  
18 neighborhood change on low and moderate income  
19 households. RPA supports the legislative pack and  
20 paying two scams, but we believe the city could go  
21 even further. We encourage the city to explore  
22 additional efforts that takes into account the  
23 following recommendations.

24 First, the city could develop models for  
25 proactive decision-making without having to wait five  
years to conduct an analysis. For example, RPA



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4 developed a draft methodology for considering  
5 displacement risk and local decision-making.  
6 Comparable methods could be used to inform land-use  
7 changes, grant funding, housing subsidies, tax  
8 benefits, and tenant prediction programs.

9           Two, many inaccurate projections are a  
10 result of limited guidelines for identifying and  
11 evaluating soft sites. Identifying soft sites is the  
12 first step in the creation of an analysis framework  
13 by which development scenarios are evaluated. The  
14 city should develop a quantifiable soft site  
15 methodology that considers possible local real estate  
16 market trends, neighborhood accessibility in terms of  
17 jobs, infrastructure, and amenities, and the amount  
18 of development rates granted by zoning, among other  
19 indicators. This would provide site specific  
20 criteria for projected and potential development  
21 scenarios and a more accurate disclosure document.

22           Number three, while SEQR procedures can  
23 provide important analytical information, these  
24 should not be seen as replacement to planning tools  
25 and long-term vision efforts. In particular,  
mitigation measures related to transportation impacts

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4 should be careful as to not overemphasize approaches  
5 that would favor private vehicular infrastructure  
6 over public transit.

7           Number four, the scope of action that  
8 would trigger the legislative package under  
9 consideration is limited to city land rezonings  
10 encompassing four or more continuous blocks. RPA  
11 recommends evaluating a broader range of actions that  
12 would trigger the transparency and oversight  
13 provisions is to include private applications and  
14 spot rezonings. A preliminary analysis suggests that  
15 the city has been relying more frequently on spot  
16 rezonings on a smaller scale, doubling the frequency  
17 of [inaudible 02:18:24] amendment since 2016,  
18 compared to the prior 15 years for areas that are, on  
19 average, six times smaller. We appreciate the effort  
20 of the city Council has made to improve SEQR. It is  
21 a good first step in a much larger discussion  
22 involving decision-makers, the public, and  
23 stakeholders to arrive at a creative solution. Thank  
24 you so much.

25           THOMAS DEVANEY: Good afternoon. Thomas  
Devaney. Senior Director of Land Use and Planning at

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4 the Municipal Arts Society in New York. The  
5 Municipal Arts Society of New York has long been one  
6 of the city's strongest advocate for SEQR reform. In  
7 recent years, we have published two comprehensive  
8 reports that highlight ways to strengthen the SEQR  
9 process. SEQRA and climate change, released in 2009,  
10 raised to the importance of measuring greenhouse gas  
11 emissions for projects subject to SEQRA. Last fall,  
12 MAS released a tale of two rezonings taking a harder  
13 look at SEQRA. An in-depth, comprehensive, and  
14 comparative analysis of projected and actual  
15 development fostered by the rezonings of Long Island  
16 city and downtown Brooklyn. The report also examined  
17 the environmental consequences that resulted from the  
18 gross miscalculations of development that happened  
19 under each plan. To answer the question posed on  
20 today's agenda, are SEQRA procedures useful for  
21 accurately predicting and mitigating impacts of City  
22 Planning Commission decisions? We respond with an  
23 emphatic no. Although the downtown Brooklyn and Long  
24 Island city rezonings happened over 15 years ago, the  
25 same deficiencies and flaws remain today. We are  
pleased that SEQRA reform has advanced with the

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4 legislative measures introduced today. While these  
5 proposes are commendable, we believe that more  
6 robust, whole scale changes are necessary for SEQRA  
7 to be truly transparent, dependable, and effective.  
8 To achieve this goal, we pose several recommendations  
9 to reinforce the bills introduced today and spent any  
10 inherent flaws in the SEQRA process. Strengthening  
11 mitigation procedures is vitally important to SEQRA  
12 reform. In reference to-- Although intro 0252 seeks  
13 to improve the tracking of mitigation measures  
14 identified in environmental review documents, the  
15 bill needs to go further. In our report, MAS  
16 recommends that the draft EIS-- that draft EIS's  
17 include specific details of approved mitigation  
18 measures that address significant adverse impacts and  
19 identify the agency responsible for implementing  
20 them. Typically DEIS's provide very few details  
21 about mitigation other than to state that measures  
22 have not been approved. When details of proposed  
23 mitigation are finally made available in the final  
24 EIS, it is too late for the public to review and  
25 comment. Applicants must be held accountable,  
including city, for adverse impacts of development

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4 permitted under large-scale rezonings. One way to  
5 accomplish this is to require the fulfillment of  
6 mitigation commitments as a condition for granting  
7 significance of occupancy for new development.  
8 Further, environmental review documents must take  
9 into consideration unmitigated and unfulfilled  
10 mitigation measures from previous rezonings within a  
11 projects quarter mile study area to effectively  
12 address the cumulative environmental impacts of the  
13 rezoning. And, finally, SEQRA lead agencies should  
14 provide follow-up technical memoranda at designated  
15 times during project construction and operation to  
16 evaluate the efficacy of identified mitigation  
17 measures. This information would provide an  
18 inventory of successful mitigation measures that  
19 could be applied to other large-scale rezonings in  
20 the is SEQRA process. In terms of improving the  
21 tracking of mitigation measures, local law 175 should  
22 be strengthened to include written commitments for  
23 mitigation identified in EIS's including the type,  
24 location, and schedule of the specific measures such  
25 as traffic signal changes at specific intersections.

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4 That would be implemented, monitored, and, if  
5 applicable, tested for effectiveness. Excuse me.

6 Strengthening SEQRA evaluation  
7 methodology. Intros 1487, 1523, and 1521 seek to  
8 improve SEQRA evaluation methodology and increase  
9 transparency and areas of indirect residential  
10 displacement, traffic, and school capacity,  
11 respectively. Resolution 009 calls for improved  
12 coordination with involved city agencies and re-  
13 examining SEQRA evaluation and mitigation criteria  
14 for impacts on neighborhood character and  
15 socioeconomic conditions. While these measures are a  
16 step in the right direction, we feel no effective  
17 change in the SEQR process can happen without  
18 strengthening the criteria and the methodology in the  
19 SEQRA technical manual for establishing the worst-  
20 case-- reasonable worst-case development scenario.  
21 The analytical framework of SEQR evaluations. One  
22 way to accomplish this, MAS recommends using expanded  
23 build year that includes all developments sites under  
24 a rezoning. Furthermore, under large-scale  
25 rezonings, a significant amount of development occurs  
on soft sites that are not identified or evaluated in

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4 EIS's. To strengthen soft site analysis criteria, we  
5 recommend that lots smaller than 5000 square feet  
6 should be considered based on their potential for lot  
7 mergers.

8 Increased range and scope of alternatives  
9 evaluated in SEQRA. Another fundamental improvement  
10 needed in the SEQR process is the evaluation of a  
11 wider range and scope of alternatives. Typically,  
12 SEQR documents are limited to the evaluation of no  
13 action and with action development scenario. MAS has  
14 several recommendations for strengthening  
15 alternatives analysis and disclosing full development  
16 potential of large-scale rezoning. For the sake of  
17 time, I will just enumerate them here. The  
18 recommendations include an alternative that would  
19 evaluate development that would be reasonably--  
20 reasonable to curve through zoning lot mergers and  
21 the transfer of developments. Time and time again,  
22 we have seen rezoning completed and approved, the  
23 subsequent development occurs through lot mergers and  
24 transfer of development rights that isn't evaluated  
25 in EIS's. Another is a reverse land use alternatives  
in which the-- a different primary zoning use that

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4 is permitted under the rezoning is evaluated. And  
5 this would address potential market and economic  
6 conditions changes over the course of the build year  
7 and past the build year. We also recommend an  
8 optimal sustainable development scenario with looks  
9 that the sustainability of the project based on  
10 various number of sustainable mechanisms and metrics.  
11 And, finally, to strengthen the community and put it  
12 in the planning process, where applicable, we suggest  
13 an alternative that evaluated the community-based  
14 plan alter-- a community-based plan with an existing  
15 plan and a 190 a or otherwise. SEQRA lead agencies  
16 should be provided clear and accurate explanation for  
17 the purpose and need section of EIS's as to how a  
18 particular project would balance its goals with  
19 environmental concerns. For city sponsored projects,  
20 stated objectives and SEQR documents must correspond  
21 with how the project would meet the public needs and  
22 respond to applicable policies. For example, if a  
23 project proposed is to provide affordable housing or  
24 result in sustainable benefits, the EIS must evaluate  
25 the impacts of various income levels under the cities



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3 and my age program or quantitatively disclose and  
4 says particular sustainable measures being proposed.

5 Finally, and EIS quality must be  
6 improved. In general, EIS's are cumbersome, unwieldy  
7 documents that are difficult for most people to read,  
8 let alone understand. We recommend improving  
9 standards for foreign content and consistency to make  
10 EIS's more clear. We also suggest a short version  
11 highlighting the primary findings and conclusions in  
12 plain language. The time is ripe for an overhaul of  
13 the SEQRA process. As we stated in our reports, we  
14 recognize that no city official or planning  
15 practitioner has a crystal ball with which to  
16 forecast future development. However, when the city  
17 initiates a large-scale neighborhood rezoning, even  
18 one with laudable goals, New Yorkers deserves a  
19 reliable representation of expected development and  
20 realistic evaluation of its impacts. Too often, they  
21 received neither. Thank you for this opportunity to  
22 provide comments for these bills.

23 ELENA CONTI: Hi. Good afternoon. Thank  
24 you for the opportunity to testify. My name is Elena  
25 Conti. I'm Director of Policy at the Pratt Center

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4 for Community Development and in our extensive  
5 expertise supporting low income and communities of  
6 color and urban planning, we have encountered many of  
7 the shortcomings of the city's environmental review  
8 process and we have witnessed the ways these  
9 technocratic exercises have supported and financed  
10 direct harm in communities. There is nothing wonky  
11 about the documents that dress wolves in sheep's  
12 clothing and become the repeated basis for decisions  
13 that exacerbate inequality and rob communities of the  
14 physical and social investments they need to thrive.  
15 The shortcomings of the city environmental quality  
16 review process are extremely detrimental in several  
17 fundamental ways. First, as they set up unreasonable  
18 expectations and provide false information to  
19 decision-makers who are considering them merits,  
20 impacts, and ways to mitigate a proposed project.  
21 Second, even when a significant adverse impact is  
22 found, suggested mitigations are not required to  
23 address the impact in any meaningful way.  
24 Mitigations are not required to be instituted and  
25 there are no funding or accountability mechanisms to  
ensure that commitments come about or, in the future,

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4 to measure whether the issue has been addressed.

5 Yet, for all the obvious harm of these grave flaws,  
6 they become all the more maddening because of the  
7 larger failings of our current planning system.

8 Because the SEQR process is detailed and produces a  
9 long report, this creates the guise that it is  
10 accurate and thorough or, as we heard today,  
11 rigorous. And this is often used as an excuse not to  
12 provide communities with the kind of planning  
13 analyses and follow up activities that they are truly  
14 seeking. In turn, communities place major  
15 significance on the review process because it is the  
16 only official one made available to them. But the  
17 manual provides far from a complete look at what's  
18 important. For example, and it's 833 pages, races  
19 avoided almost entirely, save for its mentioned in  
20 the state's definition of environmental justice and a  
21 prohibition against survey bias. This hearing is a  
22 vital first step to creating a type of rigor and  
23 accountability in the environmental review process  
24 that is necessary and an honest process and the  
25 intros that are being heard today, 1487, 1523, 1531,  
are important conversation starters that points to

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4 the three key areas where the guidance and the  
5 technical manual is deficient: measuring secondary  
6 residential displacement risk and impact,  
7 transportation effects, and accounting impacts on--  
8 for impacts on school capacity. Intro 252 elaborates  
9 on important questions that were unaddressed when the  
10 neighborhood commitment tracker was heard as intro  
11 1132 in June 2016. So we have done extensive  
12 exploration of the ways that the guidance of  
13 technical manual belies logic and common sense in  
14 order to erase the vulnerability of those facing  
15 significant residential displacement risk through  
16 loopholes and assumptions. Building on the work of  
17 Renée Whittison (sp?) to articulate these flaws, we  
18 further examined eight environmental impact  
19 statements conducted as part of the rezonings from  
20 2005 two 2018 spanning the Bloomberg and Fazio  
21 administrations to see how the guidance was applied.  
22 We found wildly inconsistent results with significant  
23 impact rarely been found. In the instance where it  
24 was found, Greenpoint Williamsburg and the Columbia  
25 expansion, the scale of the impacted population  
identified was less than 3400 people while, and other

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4 instances such as East New York, the number of  
5 vulnerable people was identified as more than 49,000,  
6 but dismissed as being insignificant. In still other  
7 neighborhood: Inwood, East Harlem, far Rockaway, the  
8 number of people at risk was never quantified at all.  
9 As a follow-up to this work, we have performed a deep  
10 dive into the methodology for assessing commercial  
11 displacement risk. Similarly, we find tremendous  
12 gaps related to the functions businesses serve in  
13 neighborhoods and as employers, complete avoidance of  
14 consumer differences, and inaccurate conception of  
15 industry clusters as functions. For our forthcoming  
16 publication, 12 EIS's, dating back to the downtown  
17 Brooklyn rezoning, including Greenpoint Williamsburg,  
18 Gateway in the Bronx, Gateway in the East New York,  
19 Willets Pointe, and more recent ones as Inwood and  
20 Jerome were looked at. And what we learned here is  
21 that none of the EIS is concluded that there would be  
22 any displacement impact, direct or indirect, on  
23 businesses. In fact, we believe there is never been  
24 an EIS that is found a business displacement impact,  
25 although I await anybody pointing it out to me  
otherwise. I'm looking around for the other experts

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4 in the room. The methodology here appears to be an  
5 elaborate exercise designed to declare that there is  
6 no impact and therefore that no scrutiny should be  
7 paid to the way that land-use actions affect economic  
8 activity or policy. So these two pieces of research  
9 illustrate some of the egregious ways that the SEQOR  
10 review paints over the impacts of rezonings, but the  
11 flaws and the methodologies and the socioeconomic  
12 conditions section of the manual or just one  
13 illustration of the larger issues across the manual.  
14 Many of the sections of the manual perform the same  
15 function, glossing over impacts so as to facilitate  
16 approval, robbing decision-makers of the tools needed  
17 to properly assess projects and create public policy.  
18 At a minimum, factions that are well overdue for  
19 overhauls include school capacity, transportation,  
20 open space, climate change, public health, and the  
21 overall consideration of environmental justice. So  
22 the introduced resolution is very well come. So  
23 summing up-- getting close. The question for that  
24 is not what is the best methodology for any given  
25 section, but rather how do we change our systems to  
incorporate the wisdom of the public and how do we

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4 develop the forecasting, measuring, and  
5 accountability tools that can provide us with shared  
6 information from which we can learn and create  
7 policy. So we propose regular, public, and  
8 transparent process for updating the guidance of the  
9 SEQR technical manual. Currently, the manual is  
10 updated and intermittent time frames subject to the  
11 whim of different administrations or interest is  
12 dominated by the policy perspective of the  
13 administration instead of data from the environmental  
14 review and landing processes working the other way to  
15 inform policy. So we propose that an update process  
16 be required every five years and that process should  
17 include official transparent methods of taking input  
18 from the public including hearings and a published  
19 summary of all the input offered and how it was  
20 considered. This process should also incorporate  
21 data that looks at neighborhood change over time in  
22 areas where EIS's have been conducted in order to  
23 learn from the ways different public actions have  
24 impact. And second, we call for expanding planning  
25 processes to include goal setting, measurement, and  
accountability tools in the context of new

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4 development and beyond. These should be used to  
5 inform policy. One of the greatest tensions in the  
6 debate over environmental review is whether a  
7 particular impact can be tied exclusively to the  
8 proposed action. For communities, that completely  
9 misses the point. They care about what they are  
10 experiencing and seeing from a cumulative  
11 perspective. Residential displacement, for example,  
12 is rampant across the city and we have the tools to  
13 measure risk and create policy and response.  
14 However, we failed to do so. We need a comprehensive  
15 planning approach that identifies goals and  
16 principles, squarely aiming at racial and economic  
17 disparities seeking to overcome the unequal legacy of  
18 historic decisions, set citywide and local targets  
19 with active participation from the public, and  
20 implement measurement and accountability measures  
21 such as budget alignment and look back provisions.  
22 We are striving for this now in the charter revision  
23 process alongside the Thriving Communities Coalition  
24 as part of their effort. And if that process does  
25 not go far enough, as we fear it may not, check us  
out Thursday night. We will be rallying in



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4 participating. The Council house and should exercise  
5 its power to legislatively require a citywide  
6 residential displacement risk analysis as well as  
7 other key measures of issues of unmet need across  
8 communities. So we look forward to sharing and  
9 discussing our research in more detail and to working  
10 with the Council to strengthen the proposed intros to  
11 align with these goals, as well as working with you  
12 to craft an overarching SEQR and planning agenda. We  
13 also look forward to working with the Mayor's Office  
14 of Environmental Coordination and other relevant  
15 agencies including Department of City Planning to  
16 incorporate more specific recommendations methodology  
17 that grow out of our research and expertise. Thank  
18 you.

19 CHAIRPERSON MOYA: Thank you. Just a  
20 couple of questions and thank you for the Chair for  
21 allowing me the opportunity to ask. Do you believe  
22 including the public in the revision of the SEQR  
23 manual will lead to more realistic assessments made  
24 by the SEQR analysis?

25 ELENA CONTI: I would certainly hope so.  
That is definitely our recommendation and I think

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4 that even if it doesn't change the methodology, it  
5 will lead to many other positive incomes. Outcomes.

6 CHAIRPERSON MOYA: Great. We need for  
7 the record on that. Do you know of any neighborhood  
8 rezonings in the last 10 years in neighborhoods that  
9 were not majority minority?

10 THOMAS DEVANEY: That is an excellent  
11 question. Not to my knowledge.

12 MARCEL NEGRETE: East midtown.

13 THOMAS DEVANEY: Yeah. Well, East  
14 midtown was a-- Yeah. East midtown, but it wasn't  
15 residential. It's a commercial rezoning.

16 CHAIRPERSON MOYA: So, do you think it's  
17 safe to say that displacement caused by rezoning  
18 disproportionately affects people of color?

19 ELENA CONTI: I would say that it is safe  
20 to say that.

21 CHAIRPERSON MOYA: And I know you had run  
22 down a couple of suggestions that you would like to  
23 make changes for in the SEQR manual to create sort of  
24 the estimates on impacts that we as councilmembers,  
25 community boards, and borough presidents can use to  
protect communities of color from displacement in

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3 residential and commercial. We would love this sort  
4 of work with you a little bit more on that, as well.  
5 My last question I'm upset for me and used to you  
6 think that the downtown Brooklyn and Long Island city  
7 rezonings were successful?

8 MARCEL NEGRETE: So, I mean, I guess  
9 it's-- I can't-- I guess I would say that you  
10 cannot disqualify that the-- it brought economic  
11 development and positive aspects, but if you measure  
12 success, as Council member Barron was mentioning,  
13 based on what the projections were made, I guess the  
14 methodology in the procedure to evaluate that outcome  
15 is deficient. So, it's more about the process. The  
16 way, from my perspective, that it was not successful  
17 is a procedure document to evaluate an outcome.

18 THOMAS DEVANEY: And I will add to that  
19 the, yes. Keeping in mind that both of these  
20 rezonings were intended to be an expansion of  
21 commercial office space. There were to create third  
22 and fourth central business districts, but what  
23 happened was that these two neighborhoods became--  
24 they became residential neighborhoods and not  
25 necessarily affordable residential neighborhoods and,

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4 as our report and show them that there are major  
5 consequences for those miscalculations in the  
6 development that happened. So I would-- to Marcel's  
7 latter point, I would say that, no. These were not  
8 successful in terms of providing the community with  
9 the infrastructure, and the schools, the transit, and  
10 the open space that we have seen now that all of  
11 these areas are problematic.

12 CHAIRPERSON MOYA: And I'm going to turn it  
13 back over to the Chair. Thank you very much.

14 CHAIRPERSON SALAMANCA: Thank you.  
15 Thank you for being here today and thank you for your  
16 live Twitter feeds, you know, on what's happening  
17 here. You were here for the hearing. We spoke about  
18 the reasonable worst-case development scenario. What  
19 was your opinion on their response where they do not  
20 go back and, basically, double check the work or  
21 double check reporting? Reports that they gave the  
22 Council in which the Council voted on such zoning  
23 change.

24 THOMAS DEVANEY: Well, I can't really  
25 speak on that, but I can speak on the reasonable  
26 worst-case development scenario in general. It is

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4 problematic in the SEQRA technical manual and that we  
5 have found time and time again that there are flaw in  
6 how the reasonable worst-case development scenario as  
7 assessed and it is the framework for the entire  
8 evaluation. So I need time the R deficiencies, then  
9 it affects the whole of valuation. We talked about  
10 soft site analysis. I know that there was a  
11 discussion on not considering rent-stabilized units  
12 in the no build analysis. So, these are all things  
13 that affect what gets evaluated in the SEQRA  
14 technical manual. And is it truly the worst-case  
15 development scenario? And we question that.

16 CHAIRPERSON SALAMANCA: Yeah. Would  
17 you agree that they should change their policy and,  
18 moving forward after a zoning application has been  
19 approved and development is happened that they go  
20 back and review what their recommendations were?

21 THOMAS DEVANEY: Absolutely. We  
22 recommended-- I mean, think-- I mean, it falls into  
23 the category of mitigation and as far as we can  
24 tell-- Well, first of all, there is very little  
25 input-- the public doesn't have much input and what  
mitigation is proposed because, as I mentioned, by

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3 the time the public is aware of it, it's in the final  
4 EIS and there's no chance for comment. But there's  
5 little in the way of public disclosure and  
6 transparency into the follow-up of mitigation. So  
7 EIS's are done. Rezoning's are approved, but the  
8 public has no way to know if, for example, if traffic  
9 mitigation that was proposed in their neighborhood is  
10 actually being carried through and, more importantly,  
11 if it's effective. There's no-- you know, what we  
12 are saying is that if the public is made aware, if  
13 there is more disclosure in the city goes back and  
14 looks at the mitigation for the impacts that we can  
15 build up an inventory of successful mitigation  
16 measures that can be used in other rezoning's. But--

17 MARCEL NEGRETE: If I can just add  
18 quickly, the scientific method is based on  
19 observation, documentation, and reflection of what's  
20 happening in our environment, and urban or natural  
21 environment and by this legislation would just force  
22 the city to do that analysis, that retrospective  
23 analysis, to inform the models and methods that they  
24 are using for casting the future. Essentially, that  
25 is-- Science was mentioned throughout the hearing

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4 and I think this is just basic science 101. It's  
5 just you document existing in previous commissions.

6 CHAIRPERSON SALAMANCA: Yeah. Then,  
7 lastly, in your opinion, what you think about the  
8 Brooklyn and the Long Island city rezonings? In, the  
9 environmental reviews were-- do you think that they  
10 were most-- they were most responsible for the floor  
11 projections?

12 THOMAS DEVANEY: Well, I mean, I'll  
13 reiterate that no planning practitioner has a crystal  
14 ball and not the SEQRA process is a disclosure  
15 process and it's probably not fair to hold a lead  
16 agency responsible if there are major economic  
17 changes that affect the kind of development that  
18 happens, which is one of the reasons why we feel that  
19 the SEQR process could be improved if there is a wide  
20 range of alternatives that are evaluated so that it  
21 informs and-- the public and gives a sense of  
22 predictability in case there are market changes or  
23 economic changes. It is clear that the projections  
24 in both of those rezonings were way off and the  
25 environmental consequences were never addressed and  
never evaluated in those respective EIS's. So, you

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3 know, we just-- I think, you know, having been on  
4 the other side of the table as a consultant working  
5 on SEQR documents, I think that the SEQR methodology  
6 needs to be revised to make it more flexible. I  
7 think it's very rigid and I think that there are  
8 mechanisms within the process that can land more  
9 predictability. But I think, as it stood, I mean, in  
10 2001 and 2004, the-- you know, having gone back  
11 through those EIS's, there were some assumptions that  
12 were demonstrably way off. The Long Island City, for  
13 example, there was the-- the projection was for 300  
14 new dwelling units and just in the rezoning area  
15 alone, there were almost 11,000. So, it's just an  
16 example of how off those projections were and, you  
17 know, gets into our recommendations for how to narrow  
18 that focus.

19 ELENA CONTI: Chair Salamanca, if I may  
20 just, I guess, bundle my responses to those questions  
21 all together, I-- for me, personally, I am less  
22 specifically concerned with the Office of  
23 Environmental Coordination going back and doing the  
24 look back. I think it could-- I think they could  
25 have a role in it, but I am more concerned about



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4 where is the planning and the looking back and the  
5 monetary matters supposed to be happening between the  
6 times when we are seeking approval for something that  
7 they administration wants. Right? Sort of be  
8 ongoing planning process. So I thought it actually  
9 was proper and correct from the faceted Department of  
10 City Planning attempted to talk about the planning  
11 systems that are in place that they look at between  
12 rezonings, but I would beg to differ with sort of  
13 their self-assessment that we are aware of  
14 transportation problems and we are addressing them.  
15 Then we are aware of school capacity problems and we  
16 are addressing them. It's very clear that those  
17 issues are not being addressed sufficiently in the  
18 crisis of quality that we have. So I think that  
19 there needs to be a look back in there needs to be a  
20 feedback about information gained based in reality  
21 and in terms of what happens that we don't have the  
22 same conversation prior to every single rezoning  
23 where folks say, no, no, no. Is our numbers and they  
24 are perfect and they are fine and we have lots of  
25 real-life experience that document said otherwise,  
but the process still precedes the same do we need to

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3 build on that. We need to have look backs that  
4 integrate these things together and then, broadly, to  
5 the question of success, I think it comes down to  
6 whether, it's a little philosophical, right? Whether  
7 we believe the system is working exactly as it is  
8 intended to reify structural racism or whether we can  
9 actually say that these systems should point out  
10 something, right, that we can aspire to higher goals  
11 those racial equity and we can make adjustments in  
12 these systems actually work. And, to me, that was  
13 part of the tension that I heard between what the  
14 councilmembers were expressing today and what seemed  
15 to be some of the response on the side of the table.

16 CHAIRPERSON SALAMANCA: Okay. And  
17 then my last question is the panel prior mentioned  
18 that they are planning on making changes to the SEQR  
19 manual and that they are open to input. Have they  
20 reached out to you at all about any type of community  
21 impact? Number one and number two, this predates me.  
22 When they have made changes in the past on the SEQR  
23 manual, have they ever seen community input in the  
24 changes?

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3 THOMAS DEVANEY: To answer your first  
4 question, not. They haven't reached out. And then,  
5 to your second question, not to my knowledge. The  
6 SEQRA technical manual is usually updated by a  
7 consortium of consultants and city agencies.

8 CHAIRPERSON SALAMANCA: Okay. That'll  
9 have any further questions. Do you have any further  
10 questions, Chair Moya?

11 CHAIRPERSON MOYA: Nope.

12 CHAIRPERSON SALAMANCA: Well, I think  
13 you so much for staying here through this hearing and  
14 giving us your statement.

15 THOMAS DEVANEY: Thank you.

16 ELENA CONTI: Thank you very much.

17 CHAIRPERSON SALAMANCA: All right.  
18 Yes. We are. All right. So the next we have Mr.  
19 Pedro Estevez. Ivan Garcia. Robert Cornwell. And  
20 Paula Segal. Yeah. And, Sergeant-at-arms, if we can  
21 start the clock. Each speaker will get two minutes.

22 PEDRO ESTEVEZ: my name is Pedro  
23 Estevez. I'm the President of the United Auto  
24 Merchants Association.

25

1 COMMITTEE ON LAND USE JOINTLY WITH  
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3 FRANCHISES CHAIRPERSON SALAMANCA: Just make sure

4 that you-- the microphone is turned on and then--

5 PEDRO ESTEVEZ: Yes.

6 CHAIRPERSON SALAMANCA: You're just  
7 speaking into the microphone. Thank you.

8 PEDRO ESTEVEZ: my name is Pedro  
9 Estevez. I'm the President of the United Auto  
10 Merchants Association representing over 700  
11 automotive businesses and their employees in the  
12 greater city of New York. And we would like that the  
13 resolution 009 2018 be passed into law. Why?  
14 Because what happens to 250 business is in the  
15 Willets point sector in Queens. Also because of what  
16 happened to 45 businesses and their employees  
17 allegedly moving to 1080 Leggit (sp?) Avenue in the  
18 Bronx from Queens paid by 4.8 million dollars that  
19 was awarded by the court for the relocation. Those  
20 is what's happening to the 200 plus businesses in the  
21 Jerome Avenue corridor and their employees. They  
22 have 85 percent none of them have any more leases  
23 because the speculators and the landlords. And, by  
24 the way, 75 percent of those businesses live in the  
25 same community that they are working. They all have  
something in common. They are all being displaced

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4 from their neighbor. They have a mixture of Latinos  
5 and minorities and people of color along with their  
6 employees that they live in those neighborhoods for  
7 generations and they're going to have no place where  
8 to go. Why is this happening to our small auto-  
9 related business is another small businesses in our  
10 communities with their employees? Why are the  
11 developers allowed to take advantage of this  
12 situation by planning longer had to spend so much  
13 money to build, what to build to change our  
14 landscapes, but not one-- they're not spending  
15 hardly nothing or anything and planning to prepare  
16 those for the transition that is going to take place  
17 and those that are living there for generations and  
18 generations. They all have something in common.  
19 They are victims of a generation-- gentrification on  
20 the apparel. According to the landlords, it's not  
21 their problem. No respect is given to them. But  
22 those implementing by their own well. When our  
23 representatives are going to stop on the abuse of the  
24 developers and think of those that are going to  
25 suffer which, before they improve the implementation

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3 or rezonings in our neighborhoods? When are they  
4 giving and realize--

5 CHAIRPERSON SALAMANCA: [interposing]  
6 Mr. Estevez, I'm going to ask you to wrap up, please.

7 PEDRO ESTEVEZ: These are the questions  
8 that all this, over 700 businesses and employees are  
9 asking to the Committee of here and the Land Use  
10 Committee as well as the elected officials. Thank  
11 you.

12 CHAIRPERSON SALAMANCA: Thank you.

13 ROBERT CORNWALL: Hello. My name is  
14 Robert Cornwall. I'm a senior housing attorney with  
15 Make the Road New York, a nonprofit organization  
16 based in Bushwick, Brooklyn, Jackson Heights, Queens,  
17 Port Richmond, Staten Island, Long Island, and  
18 Westchester. Make the Road supports intro 1487 to  
19 study the secondary displacement that has occurred  
20 from neighborhood rezoning since 2015. We believe  
21 this study is a needed tool to enable the city to  
22 capture the real world of facts that rezonings have  
23 had on neighbor hands already facing displacement due  
24 to market forces. We believe this data will also be  
25 useful in future rezoning process is so that

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4 communities in the city will have quantifiable data  
5 to analyze and mitigate the likely effects that will  
6 occur in these neighborhoods. Prior to this bill,  
7 applications for neighborhood rezonings repeatedly  
8 brushed aside or failed to analyze indirect  
9 displacement in a meaningful way. The SEQR manual is  
10 notably flawed in that it requires rezoning  
11 understudied to introduce or accelerate existing  
12 trends of displacement for there to be a finding of  
13 significant socioeconomic change. Moreover, the SEQR  
14 manual fails to include analysis of secondary  
15 displacement of rent regulated units, incorrectly  
16 assuming that rent regulation laws effectively  
17 prevent any threat of displacement to rent regulated  
18 tenants. In prior rezoning applications, the city  
19 relied on the SEQR manual's flawed methodology to  
20 purchase a conclusion area argument that rezonings  
21 are not harmful to communities because those  
22 communities are already experiencing gentrification  
23 and displacement. Moreover, the city did not study  
24 the risk of indirect displacement of rent-stabilized  
25 units due to the untenable reasoning that rent  
regulation protects against the risk of such

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4 displacement. Notwithstanding the merits of the  
5 proposed law, we do believe the bill should be  
6 strengthened specifically to include a focus on  
7 measuring the acceleration of displacement and the  
8 loss of rent regulated units in contrast to what is  
9 laid on the SEQR manual. As I have mentioned and as  
10 many of us know, this is contrary to the reality on  
11 the ground. In addition, it is important to hear  
12 from the communities who have been impacted by these  
13 rezonings. In conclusion, at a time when such-- at  
14 a time when much of our conversation is about  
15 producing new affordable housing, it is important to  
16 recognize the loss of existing affordable housing  
17 that occurs from rezoning and how we can better study  
18 that. Thank you.

19 CHAIRPERSON SALAMANCA: Thank you.

20 [background comments]

21 PAULA SEGAL: Good afternoon. Thank you so  
22 much for holding this hearing. My name is Paula  
23 Segal. I am a senior staff attorney in the Equitable  
24 Neighborhoods Practice at the Community Development  
25 Project at the Urban Justice Center. I believe you  
have my testimony there. I'm just going to invite



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4 you to flip it over. Footnote nine gives you a  
5 snapshot of the world we know we live in. Tenants,  
6 longtime tenants, low income residents are subject to  
7 harassment and displacement in our neighborhoods.  
8 Harassment spikes when city actions make land use--  
9 land values go up. This is the reality that the  
10 folks who are following the technical manual and  
11 writing environmental impact statements have been  
12 given permission by this administration to ignore.  
13 They are not only ignoring the reality, they are also  
14 ignoring state law. State law requires that  
15 environmental impacts, including secondary  
16 displacement, be studied and be presented to a lead  
17 agency above for that agency makes a decision to do  
18 an action that could cause those impacts. What the  
19 technical manual, as drafted now, allows lead  
20 agencies to do is just hide them. They say nobody  
21 who lives in a unit that's in any kind of program is  
22 going to be impacted, even though we have a whole  
23 industry of buyout experts in this city. We need to  
24 get the administration in line with state law. I'm  
25 not reading from my testimony. I invite you to do  
that. We support move. I do not think that a

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4 resolution is enough. We need to punish the  
5 environmental review process into a much more public  
6 arena. We need to legislative process that will have  
7 public review and that will bring the city into line  
8 with state law and keep us from having to go to the  
9 courts every single time that impacts are improperly  
10 ignored.

11 CHAIRPERSON SALAMANCA: Thank you.

12 IVAN GARCIA: Good afternoon. My name is  
13 Ivan Garcia and I am the neighborhood rezoning  
14 coordinator at Make the Road New York. I am here  
15 today to speak in favor of intro 1487. Currently, I  
16 oversee Make the Road's housing and land use  
17 portfolio and spend much of my time coordinating the  
18 Housing Dignity Coalition, a Staten Island faith and  
19 community-based coalition that is responding to yet  
20 another bad rezoning targeting the North Shore of  
21 Staten Island. For the past two years and my role,  
22 our coalition has engaged hundreds of community  
23 leaders and [inaudible 02:57:48] to articulate what  
24 irresponsible North Shore rezoning would look like.  
25 In that time, we have also trained dozens of local  
leaders to become many planning experts alongside

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4 technical partners like the Association for  
5 neighborhood and housing development. There is much  
6 wrong with the way that our city trades neighborhood  
7 place planning. For a start, the keyword,  
8 neighborhoods are always left out of the process.  
9 But for the sake of this hearing, I will limit my  
10 comments to the underground experiences of our  
11 members and what SEQR gets wrong about their  
12 experiences. The housing stock of the North Shore is  
13 made up of smaller homes that today are not protected  
14 under the Emergency Tenant Protection Act. 85  
15 percent of the housing stock is unregulated and  
16 renters who make up a significant stock of the market  
17 are vulnerable to displacement at any moment as they  
18 have no access to guaranteed lease renewals and can  
19 have their rent increased by any amount at any time  
20 after the current lease expires. Given the tens of  
21 thousands of renters in the district and the lack of  
22 protections, we know the impact that a rezoning will  
23 have when the market heats. However, the impact is  
24 underestimated per the displacement analysis of the  
25 Department of City Planning. According to the EIS,  
only 1700-- 1782 renters were identified as being

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4 potentially vulnerable to displacement. I can tell  
5 you my first-hand account that speculation of the  
6 market has already resulted in several members of my  
7 coalition, including one church being displaced by  
8 this rezoning. The problems are many. For one, SEQOR  
9 currently only considers low income tenants who are  
10 in unregulated units as at risk of displacement. The  
11 city must understand that every low income tenant in  
12 a study area of a rezoning is at risk of  
13 displacement. It does not matter if they live in a  
14 rent-stabilized apartment-- well-- or have a  
15 housing voucher. Our tenants, even those with some  
16 level of protection, are facing landlord neglect and  
17 harassment so they can self-evict. These tactics  
18 that landlords use to get tenants out are used more  
19 frequently when landlords believe that the market  
20 can bear higher rents. Thank you.

21 CHAIRPERSON SALAMANCA: Thank you.

22 Thank you very much for your statements. Do you have  
23 any questions? All right. Thank you very much.

24 We're going to call up the next panel. We have--  
25 and I'm sorry if I pronounce your name wrong. But

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3 you know what? Lamorte? Kate Lamorte. No? Luis  
4 Carrero. Emily Goldstein. Alyssa Chen.

5 [background comments]

6 LUIS ENRIQUE CARRERO: Good afternoon,  
7 Chair Salamanca and Moya. My name is Luis Enrique  
8 Carrero. I work with Legal Services New York City.  
9 I believe you have copies of my testimony. I ask  
10 that you take the time to examine it carefully. I'm  
11 just going to use my time to highlight a couple of  
12 things. I direct the Tenant Rights Coalition which  
13 is a Legal Services NYC program devoted to providing  
14 tenant advocacy services in the rezone specifically.  
15 So I direct the Tenant Rights Coalition which we're  
16 concentrated in East New York, Brownsville, and the  
17 surrounding neighborhoods. In early 2016, we were  
18 testifying as the time of the proposed mandatory  
19 inclusionary housing program and [inaudible 03:01:12]  
20 rezoning alongside scores of tenant and community-  
21 based organizations raising the red flags about what  
22 we expected could happen with these rezoning attempts  
23 of the spinning up of gentrification. Based on the  
24 word that we have been doing in East New York and  
25 Brownsville in the past three years, I am unhappy to

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3 confirm that a lot of those red flags, we have seen  
4 them in our own case work, right? In East New York  
5 and Brownsville we have seen the increase in the  
6 amount of eviction proceedings in unregulated  
7 housing, which is now being purchased and owned by  
8 LLC's. It's no longer an individual person who owns  
9 two or three family homes. It's limited liability  
10 corporations, right? We have seen it and landlords  
11 in East New York and Brownsville increasingly  
12 bringing more complex evictions proceedings. The  
13 type of proceedings that you usually see in Manhattan  
14 housing court, not in primary residence, owners use,  
15 chronic rent delinquency eviction proceedings. These  
16 landlords are now bringing them in neighborhoods like  
17 East New York and Brownsville. We have seen it with  
18 one of the largest landlords in Brownsville, Nelson  
19 Management Group wanting to install a face  
20 recognition keyless entry system at Atlantic Pacific  
21 Towers which has garnered incredible opposition by  
22 the residents of that project and we are working with  
23 those folks there to oppose that application, but  
24 they all know that Nelson Management is doing it to  
25 make Atlantic Towers more attractive to for more

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3 affluent newcomers. And so, I have more examples in  
4 my written testimony of what we have seen in our  
5 casework about the spinning up of gentrification in  
6 the rezones. We believe that the proposed  
7 legislation makes a lot of sense. One comment I'll  
8 say about the five year HPD study proposed by your  
9 legislation, we believe actually five years maybe  
10 five years too late. The impact of the spinning up  
11 of gentrification in the rezones, we see it every  
12 day. We would suggest [inaudible 03:03:10] a study  
13 that begins in the year 2019 and continues every year  
14 thereafter. We do not believe that there is the  
15 concept of too much studying access. So thank you.

16 CHAIRPERSON SALAMANCA: So, while I  
17 appreciate that, the reason why we do it is that's  
18 the definition that they use in the SEQR manual for  
19 five years and we need to look at what has gone on in  
20 the major neighborhood rezonings that have happened  
21 since 2015. That's the reason why we need to have  
22 that analysis and we look at what is being used as  
23 their definition to seek further studies as we go  
24 forward.

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3 LUIS ENRIQUE CARRERO: Be it through  
4 another process of legislation or some other process  
5 that this body can encourage, just out there that  
6 what we had seen in our neighborhoods and kind of  
7 like studying and then taking corrective measures is  
8 something that we should really be considering on a  
9 yearly basis because five is the speed at which  
10 things are happening in the places where we do our  
11 work.

12 CHAIRPERSON SALAMANCA: In 10 seconds,  
13 can you just repeat what you mentioned about the face  
14 recognition? You mentioned Nelson Management.

15 LUIS ENRIQUE CARRERO: Nelson Management  
16 Group filed an application with the DHCR. Atlantic  
17 Pacific Towers is 700 units and he wants to install a  
18 face recognition keyless entry system into his--  
19 just for tenants to be able to come in and out.  
20 Tenants, predominantly black and Latino predominantly  
21 female tenants know that Nelson Management Group is  
22 doing this to track their every movement and to set  
23 the stage for eviction proceedings and, at the same  
24 time, to create a more high tech and secure living  
25 environment that will attract the new folks that



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3 Nelson Management Group knows are moving in the  
4 places like East New York and Brownsville. New  
5 newcomers, white, young people.

6 CHAIRPERSON SALAMANCA: And did-- Did  
7 the state agency approve this?

8 LUIS ENRIQUE CARRERO: It's in the  
9 process. We are representing over 100 tenants in  
10 that proceeding for the DHCR opposing the landlord's  
11 application to install this face recognition  
12 software.

13 CHAIRPERSON SALAMANCA: And he was  
14 trying to do this with a-- as an MCI?

15 LUIS ENRIQUE CARRERO: He's actually not  
16 trying to do it as an MCI. He's doing it as an  
17 application for modification of services which  
18 further tells us what the real intention behind this  
19 are. Not even seeking to profit, you know, a la the  
20 traditional MCI really kind of like hoping to do this  
21 in a way that would not get noticed and that would  
22 not garner so much opposition, but it has really  
23 backfired because it has garnered tremendous movement  
24 from the tenants of Atlantic Pacific Towers.

25

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3 CHAIRPERSON SALAMANCA: Okay. Thank  
4 you. Thank you.

5 EMILY GOLDSTEIN: Good afternoon and thank  
6 you for the opportunity to testify. My name is Emily  
7 Goldstein and I'm the director of organizing and  
8 advocacy at the Association for Neighborhood and  
9 Housing Development or ANHD. I have longer written  
10 testimony that you have before you. I'll just sort  
11 of summarize in my two minutes. Frankly, in every  
12 rezoning hearing for years now in neighborhoods  
13 across the city, as has been pointed out primarily  
14 low income communities of color, community residents  
15 have testified at nausea regarding their own  
16 experiences of harassment, rising trends,  
17 displacement pressure and speculation on the homes  
18 where they have often lived for decades. Only to be  
19 told that their concerns are out of scope or  
20 contradicted by official DCP projections because the  
21 methodology used to evaluate residential displacement  
22 risk is extraordinarily outdated and inaccurate.  
23 Most notably, the SEQR methodology incorrectly  
24 assumes that many populations, including rent-  
25 stabilized tenants, face no risk of displacement. We

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4 know this to be untrue. To continue using a  
5 methodology that ignores so many residents that is so  
6 clearly out of touch with reality of most New  
7 Yorker's experiences, discredits the entire land use  
8 process for Manny and prevents the acknowledgment,  
9 let alone mitigation, the actual negative impacts  
10 many land-use actions have on existing residents. I  
11 think there is a phrase if we ignore history, we are  
12 doomed to repeat it. And, frankly, this  
13 administration in previous administrations have  
14 insisted on continuing to ignore history and have  
15 therefore been heating. The doom doesn't fall on  
16 administrative representatives. The doom falls from  
17 low income communities of color and on the residents  
18 who are consistently pushed out of their homes.  
19 Beyond that, even when-- in the rare situation when  
20 a negative impact is found, there is no actual  
21 requirement that a mitigation plan be enacted or that  
22 a land use plan be changed to prevent or reduce the  
23 harm. Most recently, in the past few years, MIH  
24 often gets cited as a mitigation for displacement  
25 ignoring the gap between those affordability levels  
and the actual names of local residents. I will sum

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4 up. It also ignoring the difference between keeping  
5 the resident in their home and providing a new home  
6 for another resident. My written testimony's  
7 recommendations of you believe would help to  
8 strengthen some of the specific legislation that is  
9 being proposed, but overall we appreciate and support  
10 the Council's efforts to take further oversight and  
11 fill in some of the gaps in the system that we have.

12 CHAIRPERSON SALAMANCA: Thank you. I  
13 just want to recognize the work that you do. I've  
14 met with your Executive Director and my office does  
15 use your database which helps us whenever there are  
16 tenant complaints on buildings in my district where  
17 we have slumlords or, you know, or we're just trying  
18 to navigate to figure out who owns the building. So  
19 thank you.

20 EMILY GOLDSTEIN: I'm glad we're able to  
21 be helpful.

22 ALYSSA CHEN: Hi. My name is Alyssa Chen  
23 and I'm here to testify on behalf of the Legal Aid  
24 Society. Thank you to Chair Salamanca, Chair Moya,  
25 and the committee for having this very important  
hearing. Legal Aide's housing attorneys fight for

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3 ~~FRANCHISES~~ of tenants across all five boroughs is  
4 known day take on thousands of cases in housing court  
5 each year. And through that work, we know intimately  
6 the pressures that tenants are facing in the current  
7 housing market. We also know that, despite our  
8 stated goal of increasing affordable housing, the  
9 neighborhood rezonings that we've seen are actually  
10 accelerating development and speculation in low  
11 income communities of color and thereby forcing out  
12 long-term tenants. We're already seeing this being  
13 experienced by our clients. But currently, as we've  
14 heard today, there is no requirement that the city  
15 study the effects of these rezonings on indirect  
16 secondary-- on indirect residential displacement  
17 after a rezoning, meaning that as we consider future  
18 rezonings, both communities and policymakers have no  
19 quantitative information to use to guide them. We  
20 think that's wrong and we support intro 1487 which  
21 would require the collection and reporting of that  
22 data. We have two main recommendations to strengthen  
23 some of the data that is collected. Mainly that we  
24 think the SEQR technical manual has two significant--  
25 well, many significant forms. To that I will mention  
today. First, the analysis, as we have heard,

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3 considers only low income tenants in unregulated  
4 units to be vulnerable to displacement. We know that  
5 that is not true. At legal aid we see tenants be  
6 displaced from rent regulated units all the time. So  
7 we urge that the bill make sure to incorporate these  
8 rent regulated tenants in its analysis. We also  
9 think the fact that SEQR manual does not require the  
10 analysts consider demographic information like race  
11 and ethnicity, gender, age, education, or language  
12 and its analysis is a big oversight and also ignores  
13 the fact that we know which is that displacement  
14 often follows long-standing trends of racial  
15 discrimination and segregation. So we would urge  
16 that the bill also make sure to incorporate those  
17 demographics in its study. Thank you.

18 CHAIRPERSON SALAMANCA: I have a quick  
19 question for both the legal aid and legal services.  
20 In the last three years, I know that there is been a  
21 few rezonings that have been reproved by the Council.  
22 These New York, Jerome and there is other ones. Have  
23 you-- Has your agency, have you seen your agency  
24 representing any of the tenants that live in those  
25 communities which were rezoned and you represent them

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4 in court because they are trying to get evicted or  
5 they are being evicted from their apartments?

6 ALYSSA CHEN: I would need to get you  
7 specific cases. I can get back to you with those. I  
8 don't represent tenants in those areas, so I want to  
9 get you the most accurate information, but I can let  
10 you know. I will check in with our--

11 LUIS ENRIQUE CARRERO: Yeah. We establish  
12 rezoned neighborhoods, specific practices across East  
13 Harlem, Inwood, South Bronx, East New York,  
14 Brownsville, etc. starting four years ago, you know,  
15 we've been like ramping up hiring, etc., so our work  
16 has increased just by virtue of ramping up. But I  
17 can tell you anecdotally and I can probably pull out  
18 numbers for you if you are interested. In terms of  
19 the increase casework that we have seen, for  
20 instance, like I said, unregulated housing brought by  
21 limited liability corporations which is a really new  
22 thing in a neighborhood like East New York and  
23 Brownsville which is traditionally a two, three  
24 family home and it's owned by a person and now it's  
25 owned by LLCs who are bringing these folks to court.

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3 CHAIRPERSON SALAMANCA: I want to  
4 thank you all that-- Oh. You have a question.

5 CHAIRPERSON MOYA: Just one really quick  
6 question. So, why do you think the city should  
7 include rent regulated apartments in the SEQOR  
8 analysis when it talks about secondary displacement?  
9 Can you just--

10 ALYSSA CHEN: Sure. I mean I think we can  
11 all probably speak to this. I can start. I think  
12 that-- you know, I can speak from our experience that  
13 we see tenants--

14 CHAIRPERSON MOYA: Wait. Just let me  
15 interrupt. Is there anyone from the city still here?  
16 It's a shame that they would not leave anyone here  
17 given that the public waited as long as they did to  
18 be here. It shows exactly where the mentality of  
19 this agency-- where these agencies are. This  
20 administration. I think that this is an  
21 embarrassment for them and a demonstration of their  
22 lack of commitment to what is being said here today.  
23 It's shameful that they have a representative stay and  
24 listen to everyone's testimony here today. Sorry. I  
25 didn't mean interrupt, but you're going to-- you're



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4 giving valuable testimony here and there is no one  
5 from the administration to actually take that down.

6 ALYSSA CHEN: So, there are many reasons  
7 why it's important from our perspective to include  
8 rent regulated tenants in these types of analyses,  
9 but, I think, to just know that preferential rents  
10 are a big reason. One of the biggest that we see.  
11 About 30 percent of tenants in regulated apartments  
12 have preferential rents which means that they are  
13 legal, registered rent is higher than what they are  
14 actually being charged by their landlord which leaves  
15 them vulnerable to giant rent increases. And we see  
16 the average gap between what they're actually paying  
17 and the legal registered rent is-- in Manhattan I  
18 think it's like 800. It's several hundred dollars  
19 across all five boroughs and most of our clients  
20 can't afford that kind of an increase. So that  
21 leaves them vulnerable to the same exact pressures as  
22 unregulated tenants are vulnerable to. We also see,  
23 you know, harassment by landlords. Really aggressive  
24 buyout offers. All sorts of illegal tactics that  
25 landlords use to push out rent regulated tenants. So  
we think that it's really important and that they be

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4 considered as part of the at risk population when  
5 doing these types of analyses.

6 EMILY GOLDSTEIN: Yeah. I would second  
7 all that and just add that if the point is to do an  
8 analysis of what the likely impacts are and, frankly,  
9 having sat through the testimony of DCP, you know,  
10 I'm not asking for perfect-- I'm recognized that we  
11 can't perfectly predict the future. If you come back  
12 and say, super storm Sandy happened. We didn't  
13 predict that. Like that is understandable. But  
14 that's no excuse not to improve. And so, in terms of  
15 wide to include rent stabilized tenants have  
16 potentially at risk, I think if the purpose of the  
17 analysis is to identify potential impacts, we have  
18 plenty of information, both quantitative and  
19 qualitative to tell us that rent stabilized tenants  
20 are displaced every day. And so, that-- I mean,  
21 it's just acknowledging reality. And they are  
22 displaced both through legal and illegal means. It  
23 shouldn't be happening, but it is happening. And so,  
24 that's the reality we live in and that's the reality  
25 that policymakers like yourselves should be able to

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4 analyze and consider when you are understanding the  
5 impacts of actions you are voting on.

6 LUIS ENRIQUE CARRERO: I second all of  
7 that. When neighborhoods become more desirable, for  
8 instance because of rezonings, rent regulated  
9 landlords particularly double down on their tactics.  
10 Become more cunning. Become more aggressive. Right?  
11 For instance, Atlantic Pacific Towers owner using  
12 hyper surveillance with this face recognition stuff  
13 as harassment. Right? And so, to Council member  
14 Moya's point, a study that does not contemplate the  
15 effect of a particular program on rent regulated  
16 housing specifically, to put it very lightly, is an  
17 incomplete study.

18 ALYSSA CHEN: And I'm sorry. Just one more  
19 thing. So I actually work and our homeless rights  
20 project and I just want to mention-- it's in the  
21 testimony that I submitted, so while, but if you look  
22 at shelter records, and the New York City shelter  
23 system, 43 percent of families entering shelters are  
24 coming from rent regulated units and about a third of  
25 those are coming because of an eviction directly.  
So, I mean, we have more than enough data supporting

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3 the fact that rent regulated tenants are being forced  
4 out of their apartments and are entering our shelters  
5 system. So, I think--

6 CHAIRPERSON MOYA: That's a great  
7 point, by the way.

8 ALYSSA CHEN: there's, you know, there's--

9 CHAIRPERSON MOYA: Thank you for  
10 highlighting that--

11 ALYSSA CHEN: No problem.

12 CHAIRPERSON MOYA: one that we missed here,  
13 but thank you for bringing that up.

14 CHAIRPERSON SALAMANCA: All right.  
15 Thank you so much for your--

16 ALYSSA CHEN: Thank you.

17 LUIS ENRIQUE CARRERO: Thank you.

18 CHAIRPERSON SALAMANCA: testimony. Up  
19 next we have Ms. Carmen Vega Rivera. Reverend Alan  
20 Hand Senior. Alex Fennel. And Derek Blue.

21 [background comments]

22 CARMEN VEGA RIVERA: All righty. Good  
23 afternoon. My name is Carmen Vega Rivera and I'm a  
24 resident of the South Bronx. I am also a CASA leader  
25 with Community Actions for Safe Apartment. For us,

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3 it's important to be part of the Thriving Communities  
4 Coalition because we witness first hand through the  
5 Jerome Avenue rezoning the lack of transparency,  
6 accountability, and thoughtfulness the city has had  
7 with the planning for and investing in communities  
8 like the South Bronx. From the very beginning, the  
9 city underestimated displacement of-- the  
10 displacement impact for Jerome. The environmental  
11 impact studies the city released projected that only  
12 80 residents will be directly displaced and a 92  
13 clock rezoning. We know that previous rezonings have  
14 displaced black and brown residents. After the  
15 Williamsburg rezoning, the Latino population  
16 decreased from 59 in 2000 to 34 and 2014 while the  
17 white population increased from 37 to 54. In Harlem  
18 on 125th Street, the rezoning, the black population  
19 decreased from 73 in 2000 to 56 in 2010 while the  
20 white population increased from four to 16 percent.  
21 The Bronx has the largest rent-stabilized housing  
22 stocks with automatically excludes these tenants from  
23 being at risk of displacement, although we know way  
24 are often the most vulnerable. The flawed SEQR  
25 manual allows the city to fail to acknowledge, and

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3 therefore address the impacts of its land-use action.  
4 New York City is one of the most segregated and  
5 unequal cities in this country and, instead of  
6 intentionally planning for working class communities  
7 like mine, the city has just exacerbated this with  
8 its actions. Neighborhoods like mine and Jerome,  
9 like Harlem, like Williams needed investment for  
10 decades and it shouldn't come in exchange for new  
11 developments that will eventually displays current  
12 residence. After the rezoning, the majority of the  
13 house and that will be built is not affordable to the  
14 majority of the residents, many who already pay 50  
15 more percent of their rent. We were promised two  
16 schools in an already overcrowded school district and  
17 we don't organize, we'll see these changes won as  
18 they did in Williamsburg and in Harlem. And I'm just  
19 going to wrap up. I am the face of the tenant, one  
20 of those insignificant others who is disabled,  
21 senior, and a Puerto Rican descent who is actually  
22 being displaced. So the SEQR manual has failed to  
23 protect me. DHCR has failed to protect me. All the  
24 rent laws have failed to protect me and unless we  
25 have a moratorium on rezonings immediately, we are

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3 going to be displacing many more folks that look just  
4 like me, sound like me, and whose last name is  
5 spelled like mine.

6 CHAIRPERSON SALAMANCA: Thank you.

7 ALEX FENNEL: Good afternoon. My name is  
8 Alex fennel. I'm the network director of Churches  
9 United for Fair Housing and a member of the Thriving  
10 Communities Coalition. Our organization began  
11 organizing churches after the 2005 Williamsburg  
12 waterfront rezoning devastated the Latino population  
13 of Williamsburg, largely due to the failures of the  
14 SEQR technical manual. The EIS print dictated that  
15 2510 residents would be displaced, but to date,  
16 13,591 Latino residents alone have been forced out of  
17 Williamsburg. This is an unacceptable margin of  
18 error. Currently, the analysis for secondary  
19 displacement does not include rent regulated tenants,  
20 but, in rezonings, these are the residents we see  
21 most often targeted for harassment and eviction. We  
22 applaud the Council for proposing a look back to  
23 address the displacement effects of rezoning in order  
24 to move forward. As community advocates, we think  
25 it's vital to move control of the technical manual

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4 away from the mayor's office and to create real and  
5 regular public engagement by convening a SEQR  
6 revision commission every five years. The rezonings  
7 experienced in our communities have overwhelmingly  
8 affected residents of color. And the technical  
9 manual remains silent on issues of race. For this  
10 reason, the city must also move to include a racial  
11 impact study in the environmental impact statement.  
12 The racial displacement we see as ex-- Sorry. The  
13 displacement that we see is exclusively along racial  
14 lines and it's not just gentrification. And  
15 segregation. New York is one of the country's most  
16 progressive cities, yet the fifth most segregated.  
17 If we hope to live up to our progressive ideals, we  
18 need a land use process that addresses the reality of  
19 segregation. Colorblind policies that pretend this  
20 is not a race issue have gotten us where we are today  
21 and it's well past time to not just stop this trend,  
22 but to reverse it. Thank you.

23 CHAIRPERSON MOYA: Thank you for your  
24 statement.

25 DEDRIC BLUE: Yes. My name is Dedric Blue.  
I'm here representing the Harlem Interfaith



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4 Commission for Housing Equality, in addition, the 250  
5 Seventh-day Adventist churches that are located in  
6 the city of New York. I rise in support of the  
7 resolution introduced by Councilperson Barron, but in  
8 addition to that, the other legislation that was  
9 proposed here today-- See, I was aghast to like you  
10 were aghast and this is the moment, this is the time,  
11 and this is the now for city Council to step up and  
12 take charge of this process. First of all, an  
13 environmental review, we have forgotten something  
14 very important. Environmental review is not about  
15 traffic patterns. And it is not about buildings. It  
16 is about people. The people are the environment.  
17 The people are the environment. So while we look at  
18 traffic patterns, sanitation, we must also assess  
19 family stability, preservation of small businesses,  
20 workforce development, and community agencies such as  
21 churches that maintain the stabilities of our  
22 communities. Secondly, there's a mythological flaw  
23 in their work. While they are busy assessing project  
24 to project and neighborhood to neighborhood, in the  
25 city, we're playing a shell game. The shell game is  
that we're moving poor people from one neighborhood

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3 to the next neighborhood. So what happens uptown  
4 impacts downtown. What happens downtown impacts the  
5 South Bronx. What happens in Brooklyn impacts Queens  
6 and all the time we're looking only at the minutia  
7 and not pulling back and seeing the total picture.  
8 Until we see the total picture, the methodology has  
9 failed. Secondly, I was also aghast when they talked  
10 about worst case scenario and then backing that down  
11 to a conservative analysis. Why are we backing it  
12 down to a conserva-- the conservative analysis has  
13 failed. The methodology has failed. MI fails.  
14 Right? With 80-20 development, it has failed. And  
15 so, finally, I would just say this. Assessing the  
16 impact is not the same as addressing the impact.  
17 Until the city Council takes control of the process,  
18 then we will be left the vicissitudes. We as the  
19 people are counting on you. We are depending on you  
20 and we will do, from the standpoint of congregations,  
21 we will stand with you. We will rally the troops.  
22 We will do what we have to do to get you the votes  
23 when it gets to the floor.

24 CHAIRPERSON SALAMANCA: Thank you.

25 Thank you for your testimony. We're going to bring

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3 up the next panel. We have Ms. Vasha Gerhardt.  
4 Reverend Clyde. Bishop James Clark. Claver Tucker.  
5 And Reverend Robert Jones Junior.

6 [background comments]

7 CHAIRPERSON SALAMANCA: And then,  
8 lastly, is there a Reverend Alan Hand Senior?

9 [background comments]

10 CHAIRPERSON SALAMANCA: All right.  
11 You may begin.

12 REVEREND ROBERT JONES JUNIOR: Okay. To  
13 the Chair, good afternoon. My name is Reverend  
14 Robert Jones Junior. I'm the pastor of the Second  
15 St. John Baptist Church and we are located in the  
16 village of Harlem and I'm also representing the  
17 Baptist Ministers Conference of Greater New York and  
18 Vicinity. It's about 200 churches from the Bronx and  
19 Brooklyn and Manhattan and we are concerned with the  
20 situation that is happening in our neighborhood with  
21 the contractors and developers. It's affecting our  
22 membership because when they come in and remodel and  
23 rebuild, the rent goes up and it's like two or 3000  
24 dollars an our residents that's there now, if it's a  
25 re-zoned out or is they have to move, they will never

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3 be able to come back to pay those type of prices.  
4 The rezoning law was created to benefit the residents  
5 and businesses, not to soar leading to mass  
6 displacement. Rezoning should provide long-term and  
7 permanent protection for residents and businesses,  
8 including the provision of permanent affordable  
9 housing and commercial spaces. The members are  
10 requested to conver-- we are requesting to convert  
11 RES 0009-201A into a law because that's the only way  
12 to ensure residents and businesses are protected by  
13 the laws of New York City. The workforce earn  
14 between 20 and 90,000 per year. The median rent is  
15 around 3000 dollars a month. Soaring rates are  
16 causing mass displacement of families, disstabling  
17 (sic) neighborhoods and causing community-based  
18 institutions to disappear. They only benefitions  
19 (sic) are developers. District Council-- All right.  
20 I'll stop there.

21 CHAIRPERSON SALAMANCA: Thank you.

22 FATHER CLYDE COOMERLY: Good afternoon. My  
23 name is Father Clyde Coomerly and as Chair of the  
24 Housing Commission of the MICAH Institute, I  
25 represent more than 200 multi-faith leaders from the

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4 five boroughs of New York. We seek passage of  
5 resolution 0009. In fact, we urge that it make its  
6 way to the full city Council as an intro, a law, with  
7 enforcement teeth. Gentrification and untrammelled  
8 development are rapidly changing the fabric of our  
9 city. It is be no way by displacement of the people  
10 and the small businesses from our neighborhoods whose  
11 vitality and variety have been the envy of the world.  
12 The beautiful mosaic of which we have been so proud  
13 and which makes New York a worldwide tourist  
14 destination bringing huge tourist dollars is  
15 disappearing before our eyes. Worse yet, every day  
16 workers who make New York function are being  
17 displaced at unprecedented rates. Our firefighters,  
18 teachers, sanitation workers, our police, our  
19 caregivers, our service workers cannot afford the  
20 rents which are being charged as development  
21 continues to displace our people. The people who  
22 make up the congregations in our houses of worship.  
23 This is not what our faiths teach us is the creator's  
24 way. We believe as people of faith that we have been  
25 placed on this earth to flourish and that the creator  
has provided resources so that all may share in the

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4 bounty which is so freely given. It is the sinful  
5 nature of human greed that results in low wages,  
6 unchecked development, and 63,000 people living  
7 homeless in the richest city on earth. You, our  
8 lawmakers, have not created this mess, but now you  
9 are in a position to take action to make change. Now  
10 is the time. Displacement must end. And radical  
11 reorientation of SEQR is the key. Thank you.

12 CHAIRPERSON SALAMANCA: Thank you.

13 BISHOP JAMES R. CLARK: Thank you for the  
14 opportunity to testify this afternoon. I am Bishop  
15 James R. Clark Junior. I am the presiding Bishop of  
16 the Churches of our Lord Jesus Christ with 550  
17 churches domestically and foreign with very good  
18 representation here in the city of New York. I'm  
19 here this afternoon to join my colleagues and  
20 appealing to the land-use committee to convert  
21 resolution nine into law. This is the only way that  
22 we will be able to set limits on the radical  
23 displacement of residents and small business owners  
24 from locations they have lived and worked in for  
25 decades. We are not against all development. We  
simply want to ensure that the unjust and radical

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4 displacement of these community members be curtailed.  
5 We need a law to do that. This resolution will not  
6 accomplish that end. Current rezoning practices  
7 cause rents to soar. Apartments are unaffordable to  
8 the workforce of the communities who are  
9 predominantly people of color whose wages range  
10 between 20,000 and 90,000 dollars a year which falls  
11 far short of the 120,000 that is being demanded under  
12 current conditions. In order to change these  
13 injustices, resolution nine needs to be converted to  
14 a law with teeth that will correct the injustices  
15 that are being imposed upon members of our  
16 congregations and our neighbors in the community.  
17 Thank you.

18 CHAIRPERSON SALAMANCA: Thank you.

19 CLUVER TUCKER: Thank you. Thank you,  
20 Mr. Chairman. I am Cluver Tucker, a member of the  
21 interfaith community, a Seventh-day Adventist pastor  
22 representing a large number of faith believers in  
23 this community. As a recent member of the great  
24 family of New York and also a member of the immigrant  
25 family, was excited today to be part of this grant  
process. To be able to hear the concerns not only of

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3 my members addressed, but of my own family members  
4 addressed. I was moved to great frustration and  
5 hurt this afternoon by the blatant arrogance and  
6 disregard by the Council here and those that  
7 represent the issues that are affecting our  
8 community. I want to say that I rise in strong  
9 support of the resolution to be made into a law, for  
10 the issues that are affecting our community are not  
11 going anyway. Those of us that are being given the  
12 responsibility to represent and speak on behalf of  
13 and defend the rights of those who cannot speak for  
14 themselves, the rights of those who do not have the  
15 privilege of sitting where I'm sitting this afternoon  
16 must be protected and must be considered to be  
17 sacred. Must be considered, even, to be holy. And I  
18 ask us to think carefully on these things as we  
19 consider this issue that is before us today and I  
20 support us on hundred percent because it is a matter  
21 of urgency. Thank you.

22 CHAIRPERSON SALAMANCA: Thank you.

23 Thank you for your testimony. Is there any member in  
24 the public who has not spoken and or did not call on?  
25 They didn't sign up? No? With that, seeing none,



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3 today's business is concluded. I would like to thank  
4 members of the public, my colleagues, counsel and  
5 land-use staff for attending today's hearing. This  
6 meeting is hereby adjourned.

7 [gavel]

8 [background comments]

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C E R T I F I C A T E

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



Date June 7, 2019