CITY COUNCIL
CITY OF NEW YORK

------------------------ X

TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON LAND USE JOINTLY WITH
SUBCOMMITTEE ON ZONING AND
FRANCHISES

------------------------ X

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
COMMITTEE ON LAND USE JOINTLY WITH SUBCOMMITTEE ON ZONING AND FRANCHISES

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

CHAIRPERSON SALAMANCA: All right. Good morning everyone and welcome to the Committee on Land Use. I am Council member Rafael Salamanca, the Chair of this committee. I would like to welcome my esteemed colleagues who are members of the committee in here with us today. We have Council members Gibson, Constantinides, Deutsch, Koo, Richards, Grodenchik, Adams, Diaz, Chair Moya, and Rivera. I want to thank Chair Moya and Chair Adams for their work on our land-use subcommittees. Today we will be voting on a number of projects referred out of our zoning subcommittee and we will also be holding a hearing jointly with our subcommittee on zoning and franchises on the topic of city environmental quality review procedures. If you are here to testify at our joint hearing, please fill out a speaker slip with the Sergeant-at-arms and we will start now with our votes. Today we will vote to approve LU’s 391 and
COMMITTEE ON LAND USE JOINTLY WITH
SUBCOMMITTEE ON ZONING AND
FRANCHISES

392 for the 1050 Pacific Street re-zoning in Majority
Leader Cumbo’s district in Brooklyn. The proposed
actions would re-zone and existing M1-1 district to
an M1-4/R7A special mixed-use district and map the
project area as a mandatory inclusionary housing area
with options one and two. We will also vote to
approve LU’s 393 and 394, the 1010 Pacific Street
rezoning also in Majority Leader Cumbo’s district in
Brooklyn. The application sought to re-zone and
existing M1-1 district to an R7D/C2-4 district and
map the project area as a mandatory inclusionary
housing area with MIH option one and two. The city
planning commission modified the application to
rezone the area to an R7A/C2-4 and we will be
approving this decision of the commission. We will
vote to approve preconsiders LU 386 through 389, the
1921 Atlantic Avenue rezoning in Council member
Ampry-Samuels’ district in Brooklyn. The application
seeks to re-zone the project area from an M1-1R7D
district to an R8A/C2-4 district. A zoning text
amendment to map the site as a mandatory inclusionary
housing area using option one. UDAP (sic) area and
project designation disposition approval and an
Committee on Land Use Jointly with Subcommittee on Zoning and Franchises

Amendment to the Saratoga Square urban renewal plan. These actions will facilitate the development of a new 14-story mixed-use building with approximately 235 affordable apartments, retail, and community facility open space and 44 below-grade accessory parking spaces. We will also vote to approve, with modifications, LU’s 390. This application regarding the 270 Park Avenue in Manhattan. Zoning text amendment related to East Midtown subdistrict of the special Midtown district would be amended to facilitate a 10,000 square foot open publicly accessible space on the development science of Madison Avenue frontage instead of within the through lot portion as well as other changes necessary to make this alternative location for the open space viable. Our modification will make clear that this amendment will make clear that this amended zoning text only applies to the project site which was the intent of the proposal. Are there any questions or remarks from the members of the committee? All right. Seeing nine, I will now call on of the in accordance with the recommendations of the local council members and at the subcommittee to approve
COMMITTEE ON LAND USE JOINTLY WITH
SUBCOMMITTEE ON ZONING AND
FRANCHISES

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

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

CHAIRPERSON SALAMANCA: Aye on all.

COMMITTEE CLERK: Gibson?

COUNCIL MEMBER GIBSON: Aye on all.

COMMITTEE CLERK: Constantinides?

COUNCIL MEMBER CONSTANTINIDES: Aye on
all.

COMMITTEE CLERK: Deutsch?

COUNCIL MEMBER DEUTSCH: Aye on all.

COMMITTEE CLERK: Koo?

COUNCIL MEMBER KOO: Aye.

COMMITTEE CLERK: Richards?

COUNCIL MEMBER RICHARDS: Aye.

COMMITTEE CLERK: Grodenchik?

COMMITTEE CLERK: Aye on all. I’m going
to embarrass the newly appointed building’s
Commission for the City of New York and welcome Ms.
COMMITTEE ON LAND USE JOINTLY WITH
SUBCOMMITTEE ON ZONING AND
FRANCHISES

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

COMMITTEE CLERK: Adams?
COUNCIL MEMBER ADAMS: Aye.

COMMITTEE CLERK: Diaz?
COUNCIL MEMBER DIAZ: Aye.

COMMITTEE CLERK: Moya?
COUNCIL MEMBER MOYA: Aye.

COMMITTEE CLERK: Rivera?
COUNCIL MEMBER RIVERA: Aye on all.

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

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

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

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

COMMITTEE CLERK: Miller?
COUNCIL MEMBER MILLER: I vote aye.

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

CHAIRPERSON SALAMANCA: All right. Thank you very much. For the remainder of today’s meeting, the committee on land use jointly with its subcommittee on zoning and franchise will hold an oversight hearing titled Oversight: Are City Environmental Quality Review Procedures Useful For Accurately Predicting and Mitigating Impacts of City Planning Commission Decisions? This hearing will consider issues related to identifying, assessing, and mitigating significant environmental impacts in connection with city planning commission decisions with a focus on larger actions such as called neighborhood rezonings. In addition to this oversight topic, the committees will consider four related bills and a resolution which addresses the
identification and mitigation of significant impacts
of land use actions are related to residential and
commercial displacement, school capacity, and
overcrowding and transportation. Introduction number
252 by Council member Reynoso, intro number 1487, in
1531 by Council member Moya, introduction number 1523
by Council member Gjonaj, and resolution number nine
by Council member Barron. Representatives of the
Mayor’s Office of Environmental Coordination, the
City Planning Commission, the Department of City
planning, the Department of Education, the School
Construction Authority, the Department of
Transportation and the Department of Housing,
Preservation, and Development, the Municipal Arts
Society, and the Pratt Center and other experts,
advocates, and stakeholders have been invited to
testify. Environmental review has an important
procedural and substantive role in how the city makes
its land-use decisions. All land use applications
are subject to the uniform land use review procedure
and all applications for changes to the zoning
resolution must be analyzed in accordance with city
environmental quality review procedures. If a
COMMITTEE ON LAND USE JOINTLY WITH SUBCOMMITTEE ON ZONING AND FRANCHISES
determination is made that a proposed action is likely to have significant impacts on the environment, the city planning commission must prepare or cause to be prepared, and environmental impact statement, commonly referred to as EIS. The State Environmental Quality Review Act further requires that when a local agency decides to approve an action which has been the subject of an EIS, such agencies shall make an explicit finding that’s to the maximum extent practical. Adverse environmental efforts reveal that the EIS process will be minimized or avoided. As a consequence, an EIS that fails to accurately project adverse environmental impacts may not trigger mitigation measures to address likely impacts. To assist city agencies in fulfilling environmental review responsibility, the mayor’s office of environmental coordination procedure and a SEQR (sic) technical manual. The SEQR technical manual provides technical guidance and methodologies for conducting the environmental review in 19 areas of required analysis. The methodologies of the SEEKER technical manual have been the subject of significant criticism and debate for their failure to
account for development and mitigation and rather pronounced ways in connection with a number of neighborhood rezonings, including downtown Brooklyn and Long Island city. The municipal arts Society and the Pratt Center for community development notably have both produced papers on this subject and will present testimony on their analysis and conclusions today. During this hearing, members will have the opportunity to ask in the administration and these experts questions about a range of their concerns relating to the SEQR process. However, the testimony today, my questions, and I hope the majority of my colleagues questions will focus on the SEQR process as it relates to neighborhood rezonings, particularly in the development of the reason all worst-case development scenario analysis, the identification of mitigation for adverse impacts, the fulfillment of mitigation commitments, and the analysis method for determining whether there would be social economic impacts, school overcrowding, or transportation impacts. We have a lot of witnesses today and a lot of questions. But before we begin, I would like to give the sponsors of the legislation we are hearing
COMMITTEE ON LAND USE JOINTLY WITH
SUBCOMMITTEE ON ZONING AND
FRANCHISES

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

CHAIRPERSON MOYA: Thank you so much. Good
morning. Thank you, Chair Salamanca. It is my
pleasure to be able to cochair this hearing with you
on the city’s environmental quality review process
for neighborhood rezonings and the methodologies set
forth in the SEQR technical manual. I also want to
thank you for this opportunity to hear the two bills
I have before this committee today. I have been very
vocal about my concerns that neighborhood rezonings,
for the last several years have promoted the
construction of luxury housing and displays low
income residents and small businesses. I have raised
concerns that mapping mandatory inclusionary housing
area on such a rezoning is not sufficient medication
for the displacement that such rezonings actually
cause. The SEQR technical manual to find secondary
displacement, also known as indirect displacement, as
the involuntary displacement of residents,
businesses, or employees that result from a change in
socioeconomic conditions created by a change in land
Committee on Land Use Jointly with Subcommittee on Zoning and Franchises

According to the SEQR technical manual, a socioeconomic assessment should be conducted if a project may be reasonably expected to create socioeconomic changes such as rising rents within the area affected by the project that would not be expected to occur without the project. The stated purpose of the indirect residential displacement analysis is to determine whether the proposed project may introduce a trend or accelerate a trend of changing socioeconomic conditions that may potentially displace a population of renters living in units not protected by rent stabilization, rent control, or other government regulations restricting rents. If the assessment identifies a population which is vulnerable to displacement based upon income and other factors and the groups exceed five percent of the study area population, the SEQR technical manual indicates a significant adverse impact may occur. It then directs that mitigation be measured be considered. No recent EIS produced in connection with a neighborhood rezoning has found a potential for significant adverse impact with respect to indirect residential displacement. The Pratt Center argues that there are four reasons that the approach
taken by the SEQR technical manual is insignificant--insufficient, excuse me, for determining secondary displacement. First, a lack of any analysis of racial or ethnic demographic impacts. Second, the exclusion of buildings larger than six units containing rent regulated units from consideration as soft sites. And, third, the provision of the proposed action must introduce a trend or accelerate a trend of changing socioeconomic conditions in order for it to have an impact. And, lastly, the wide discretion of--the wide discretion in applicant has to determine that no significant impacts are anticipated because of mitigating factors, particularly as a result of the creation of a mandatory exclusionary housing area. Similar points were raised in a 2018 report titled Inclusive City: Strategies to Achieve a More Equitable and Predictable Land Use in New York City produced by the Regional Planning Association in collaboration with a land-use reform working group that included representative from the office of the Manhattan borough president, various advocacy organizations, including Pratt and the Municipal Arts Society, and
COMMITTEE ON LAND USE JOINTLY WITH
SUBCOMMITTEE ON ZONING AND
FRANCHISES

the staff several City Council members. Because the
city doesn’t look back at the effects of its
rezonings, we have no data on whether the CPC’s
projections or indirect displacement impacts are
accurate or whether, as suggested by the SEQR
technical manual, the existence of the MIH program is
effective in mitigating displacement. To address
this problem, I have introduced intro number 1487,
and local laws to amend the New York City charter in
relation to studying the incident secondary
displacement resulting from neighborhood rezoning.
This bill would require HBD to conduct a study of
indirect displacement resulting from a neighborhood
rezoning approved by the CPC on or after January 1,
2015. The study would be required to cover up. From
the approval of the action to a five year after such
date. If the study reveals a significant disparity
between the actual secondary displacement and that
projected in the EIS, HBD would be required to make
recommendations for changing the methodology of the
SEQR technical manual to better project such
displacement in the future. This would give the
Council and the CPC the opportunity to review the
major land-use action and work collaboratively to improve the environmental review process. To address similar problems that relate to education, I have also introduced intro number 1531, a local law to amend the New York City charter in relation to studying and reporting on the education capacity and overcrowding impacts of decision of the city planning commission in connection with certain land-use actions. This bill would require a similar retrospective review of the school capacity and utilization rates for and 10 years after neighborhood rezonings. We are familiar with unanticipated residential development that resulted from rezonings in downtown Brooklyn and Long Island city and how that development has strained the capacity of schools in those neighborhoods. However, we have had no accounting for work, in the SEQR process, failed to identify these impacts and thus failed to provide mitigation. This bill would require that, where there is a significant discrepancy between the projects in the EIS for a neighborhood rezoning in the actual impacts, the lead agency would be required to make recommendations for
COMMITTEE ON LAND USE JOINTLY WITH
SUBCOMMITTEE ON ZONING AND
FRANCHISES

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

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

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

COUNCIL MEMBER REYNOSO: I vote aye on
all.

CHAIRPERSON SALAMANCA: Thank you, Council
member. Next, I would like to recognize Council
member Reynoso who is a sponsor of intro 252, a local
law to amend the New York City Charter in relations
of tracking mitigation strategies in final
environmental impact statements as part of the ULRP. Council member Reynoso?

COUNCIL MEMBER REYNOSO: First, I want to thank the Chairs for having this important hearing on a topic that has long been under discussion in communities across the city. I also want to thank you for being here, as well. My neighborhood of Williamsburg has become infamous for the spectacular figures of the 2005 Williamsburg [inaudible 00:21:40] waterfront rezoning. What happened in 2005 was a planning failure for numerous reasons. But one of the most compelling shortcomings was the failure of the prepared environmental reviews statement which vastly underestimated the development that occurred and the resulting impacts. By now, many of you have heard me talk about how this rezoning resulted in the displacement of thousands of Latinos from the neighborhood that I grew up in. The impacts went well beyond an increase in housing costs. The rezoning converted working manufacturing districts to residential use which subsequently displaced thriving industrial businesses that my neighborhood depended on for middle-class jobs. The EIS said about direct
business displacement, quote, current real estate data and property listings suggests that business is displaced by the proposed action would have an ample opportunity to relocate in Brooklyn and some way than Greenpoint or Williamsburg, end quote. This is a nice academic argument, but we know that’s not how it played out in reality. As soon as surrounding property owners saw the profits that could be made by converting to residential, we saw an explosion in speculation, BSA variances, and the legal conversions. Those firms had nowhere to go and the people they employed lost their job, leaving them unable to afford the rapidly rising costs of living in the area. Additionally, our transportation system was completely overwhelmed as anyone who has ever waited for the L at Bedford Avenue can attest. Williamsburg was not unique, though. We’ve seen similar rezonings and LIC and downtown Brooklyn where the EIS did a terrible job at predicting the type of development and how much of it was going to occur and subsequently vastly underestimated the impacts of the surrounding area. Now, I recognize that the EIS is ultimately an educated guess, not an exact science,
however, the city does very little to address the inherent shortcomings of the EIS process. For starters, to my knowledge, the city has never gone back to the build year to assess how effective the methodology was in predicting outcomes. Additionally, the zoning used by DCP is often so flexible that a rezoning can result in vastly different outcomes than intended. The downtown Brooklyn rezoning is a perfect example of this. If DCP’s intent was to catalyze office development, why did they allow developers to choose between residential and commercial development? In Williamsburg, DCP mapped MX districts that allow for both manufacturing and residential uses. Residential won out every single time. Finally, there’s no mechanism to secure mitigations for unanticipated adverse impacts, leaving communities left with no recourse when the EIS ends up being incorrect. And for those mitigations that are proposed in the EIS, there is no obligation to implement them. So I am pleased that we will be having a hearing on my bill today that will create a tracker for all mitigation measures proposed in an EIS. This would ensure that
COMMITTEE ON LAND USE JOINTLY WITH
SUBCOMMITTEE ON ZONING AND
FRANCHISES

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

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

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

COUNCIL MEMBER TORRES: I vote aye.

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

COUNCIL MEMBER BARRON: Thank you, Mr. Chair. And I want to thank you for holding this hearing. It’s very important and for including my reso with the other intros that have been cited
already. When the federal government started advancing increased housing by transit hubs, they specifically stated in their document that this will result in disenfranchisement of housing rights for people who already live there. It would lead to gentrification and those are its words in its report. What we have seen happening here, I think, is a continuation of what my colleague had cited going back to 2005 and, unfortunately, continued by this Council in 2014 with the East New York rezoning plan. It was that plan that, at the outset, said that 50 percent of the housing in the East New York rezoning area would be at market rate. That was stated at the outset. And, as it turns out, about 12 percent of the remaining housing actually falls within the income ranges of the persons who presently live in East New York. And also talked about the density, the explosion of the population in general that results with these rezonings. I’m in the competition with the chair to see who can get the highest numbers of housing brought to their district that does not displace the people who presently live there and that includes an opportunity for housing for the formerly
homeless. In that area, is got me a little bit the, but, generally, we are neck and neck in that regard. What we are seeing happening is that the rezonings that are taking place are moving had been 20 percent affordable, 80 percent market, turned now 25 percent affordable and 75 percent market. For me, and that is unacceptable because it does not address housing need that we see here in New York City. So, my resolution talks about re-examining the ways in which the assessments are made, in determining what the impact is on communities, and, in fact, when those two spare factors are found and identified, that we seek mitigation or development of long-term or permanent protections for residents, as well as for businesses to be able to protect the character of the community and the remedies that we are looking for may include permanent affordability, and affordability for commercial space for those businesses that presently are in that area. So I just wanted to summarize that I’m looking forward to hearing from the panel and I would like to know particularly what your response is to resolution
which is the one that I have introduced. Thank you, Mr. Chair.

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

LEGAL COUNSEL: Please raise your right hands. They swear to affirmed and tell the truth, the whole truth in your testimony before these communities and responds to all Council member questions?
CHAIRPERSON SALAMANCA: And so you can begin with your statement.

SUSAN AMRON: Thank you and good morning, Chair Salamanca, Chair Moya, and members of the committee. My name is Susan Amron. I am the General Counsel of the Department of City Planning. I am joined here by Olga Abinader. She is the acting director of environmental assessment and review division of the Department of City Planning. Thank you for the opportunity to testify on the city environmental recruit—quality review procedures and on introductions member 252, 1487, 1523, and 1531. We appreciate the city council’s concern for adequate planning and take the issues raised, including residential displacement, very seriously. At the Department of City Planning, the city’s primary land use agency, we are responsible for planning for the orderly growth and development of the city of New York. We administer the city’s land use review process, known as ULRP, conduct planning standings, and collect statistical and other data that serve as a basis for land-use planning recommendations. Department of Planning staff also
COMMITTEE ON LAND USE JOINTLY WITH
SUBCOMMITTEE ON ZONING AND
FRANCHISES
aide the City Planning Commission and all matters
under its jurisdiction. The city planning commission
holds regular public hearings and votes on
applications concerning the use, development, and
improvement of real properties subject to city
regulation. The City Planning’s commi-- the City
Planning Commission’s consideration includes
environmental review. An assessment of potential
environmental impacts of land-use actions where
required by law. These environmental reviews are
conducted in accordance with the state environmental
quality review act, known as SEQRA, and the city
environmental quality review procedures, known as
SEQR. The city’s environmental review process is
among the most comprehensive and thorough in the
nation. It’s important to remember that
environmental review is a disclosure process that
applies only to discretionary decision-making and not
to the as of right development that constitute
approximately 80 percent of the projects in the city.
It is intended to provide the best information
available to decision-makers about the potential
significant adverse environmental impacts of an
COMMITTEE ON LAND USE JOINTLY WITH
SUBCOMMITTEE ON ZONING AND
FRANCHISES

action. For example, when TCP or a private applicant proposes a zoning map amendment, DCP analyzes and discloses, and a full environmental impact statement or a shorter environmental assessment statement, the potential significant adverse environmental impacts of that zoning map amendment. My colleagues at the Mayor’s Office of Environmental Coordination will discuss the process in more depth. The City Planning Commission considers those potential environmental impacts when it votes on a proposal, but the results of the environmental review process represent only one of many pieces of information considered by the City Planning Commission or, in fact, any other decision maker. Other considerations for the city planning commission include the purpose and need for an action, the appropriateness of use bulk and density considering surrounding land uses and the availability of transit. Because of environmental reviews assess potential impacts of actions that don’t occur until years later, or over a period of years, they are necessarily based on assumptions about the future. These assumptions could project conditions only a few years into the future, such as
for an application where a single building is proposed for a decade or more end of the future, such as for an application affecting a larger and geography like an area wide rezoning. Although projections are based on the best information that’s available at the time, projections made for environmental reviews, like all projections, are imperfect. There is a limit on the kind of data in indicators that are available to measure many of these issues and, even if we had perfect data, which does not always exist, it could not eliminate uncertainty about what will happen in the future. And further into the future we seek to protect, the less precise we will be. For example, past traffic analyses could not have predicted the rise of for higher vehicles such as for higher vehicles such as Uber or Lyft. Current traffic analyses are likely not to accurately predict the impact that congestion pricing or self-driving vehicles will have. Past this placement analyses could not have predicted changes in federal immigration policy, global economic trends, and the 2008 economic recession, super storm Sandy, and other influencing factors.
Committee on Land Use jointly with
Subcommittee on Zoning and
Franchises

Environmental review cannot and should not be
expected to predict the future with the degree of
precision that is suggested by the use bills.
Environmental review is also not a tool that looks
backwards to identify causes of current conditions.
Indeed, it is doubtful that one could trace current
conditions to specific causes, including rezoning.
In fact, displacement resulting from rising rents is
a challenge citywide both in areas that have been
rezoned and in areas that are not being rezoned. And
there are a myriad of reasons why households move and
medium incomes and neighborhoods rise. To focus
solely on rezoning as the driver of neighborhood
change this is the complexity— the complex reality
of New York City’s population dynamics and trades
neighborhood static places. While we take these
issues very seriously, and dressing them in the
context of environmental review is not helpful. As
environmental review is not a panacea to address
systemic issues. Again, it’s a disclosure tool
prepared at a specific moment in time intended to aid
decision-makers. I would like to know that, through
the environmental review process, the Department of
City Planning works closely with its sister agencies, particularly those with technical expertise. When DCP undertakes an environmental review, it seeks other agencies expertise on specific technical areas typically considered an environmental review. And, including, for example, hazardous materials, open space, historic and cultural resources, transportation, and community facilities such as schools, among other topics. Expert agencies provide guidance related to methodologies used for environmental review analyses, identification of significant adverse impacts, and appropriate mitigation members. However, these agencies do not rely on environmental review analyses and development projections to perform their programmatic functions. This includes the School Construction Authority with respect to the need for public schools, the Department of Transportation with respect to transportation infrastructure, and the Department of Housing Preservation and Development with respect to measures to protect tenants and implement affordable housing strategies. Environmental review represents, at most, one of many pieces of information agencies
consider before decisions are made with regard to building new schools, investing in transportation and improvement, and implementing affordable housing programs. In summary, the Department of City Planning agrees that a robust and reasoned analysis of environmental impacts of land-use actions are critical to good decision-making. At the same time, we recognize the role that environmental review was designed to play and believe that the environmental review process is not an appropriate means to address broader traffic, school capacity, and displacement concerns raised in these bills. We support better tracking of mitigation commitments which our colleagues at the mayor’s office of environmental coordination will speak to. Again, thank you for the opportunity to testify today and we look forward to continued dialogue with accounts on these issues.

HILLARY SEMEL: Good morning. Thank you, Chair Salamanca, Chair Moya, and members of the committee for this opportunity to testify on a city environmental quality review procedures and the proposed intros 252, 1487, 1523, and 1535. I am Hillary Semel, the Director and General Counsel of
COMMITTEE ON LAND USE JOINTLY WITH
SUBCOMMITTEE ON ZONING AND
FRANCHISES

the Mayor’s Office of Environmental Coordination or
OEC. I am joined by Esther Bruner who is the Deputy
Director of regulatory programs at OEC. Before I
address the legislation, I would like to provide some
background around about the role of OEC as many
members of the public may be unfamiliar with us, as
well as the development and use of the SEQR technical
manual. And I probably will refer to as the tech
manual because that’s the state-of-the-art term, but
it’s formally known as the SEQR technical manual.
OEC is an independent office within the office of the
Mayor established in 1991 under Mayor Dickens to be
the city’s central SEQR office with procedural,
legal, and policy expertise on all aspects of
environmental review. Our mission is to ensure the
integrity of the environmental review process by
providing information and assistance to agencies and
applicants. Transparency is also a main priority of
our work. We coordinate environmental reviews across
the technical agencies, assist city agencies that may
not have the expertise and capacity to undertake
environmental review on their own, maintain the
public repository for all environmental reviews
COMMITTEE ON LAND USE JOINTLY WITH
SUBCOMMITTEE ON ZONING AND
FRANCHISES

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

Now, I’ll go on to talk about the tech
manual. As mentioned by Susan, environmental reviews
are disclosure documents. They exist to inform
decision-makers what the potential environmental
impacts of a city action might be based on available
information at a point in time and what measures are
available to mitigate significant environmental
adverse impacts identified in the review to the
maximum extent practical. SEQR is New York City’s
environmental review process pursuant to the New York
State environmental quality review act, SEQRA. So
SEQR and SEQRA. SEQRA is triggered when a state or
local government agency takes a discretionary action
such as funding a project, approving a rezoning, or
COMMITTEE ON LAND USE JOINTLY WITH
SUBCOMMITTEE ON ZONING AND
FRANCHISES

disposing of government-owned property. Since SEQRA
only applies to discretionary actions, the majority
of development projects undertaken in the city are
not subject to the because they are done as of right.
The purpose of environmental review is to inform
decision-makers by disclosing the potential for
significant adverse environmental impacts and the
required mitigation measures prior to discretionary
actions being taken. If the initial review of a
project which is documented in the city by an
environmental assessment statement or EAS, determines
at a threshold level that a project has the potential
for significant adverse environmental impacts, the
lead agency will undertake a more in-depth analysis
of the action or project which is documented in an
environmental impact statement or EIS. During the
EIS process, the lead agency or applicant
collaborates with other technical agencies to scope
and review the environmental impact analysis and,
where significant adverse impacts are identified, to
identify potential mitigation measures. Public
comments are solicited and responded to with regard
to scoping and, on the analysis and mitigation
measures described in the draft EIS. The final EIS describes in detail the completed analysis in each technical area and, in addition to including the above mentioned response to comment, also describes mitigation measures for the project. The lead agency then makes findings based on the conclusions in the final EIS by which the agency commits to the identified mitigation measures. When a city action triggers the need for environmental review under SEQRA, the lead agency will utilize the SEQR tech manual, guidance, and methodologies to conduct the appropriate analysis. The manual includes 19 technical areas such as air quality, noise, transportation, and socioeconomic conditions and recommends analysis methodologies for each area. The purpose of the manual is to ensure a rigorous standard of review while maintaining uniformity and transparency for applicants, city agency reviewers, and public stakeholders. Lead agencies and applicants utilize the methodologies and guidance provided in the manual to assist in identifying potential adverse environmental impacts of proposed actions, assessing their significance, and proposing
feasible, practical--practicable measures to eliminate or mitigate significant impacts. In other words, make informed decisions with regard to the potential environmental impacts of the proposed action and potential mitigation measures based on the information that is available at the time such action is proposed. The SEQR tech manual and methodologies are developed by city agencies with the respective subject matter expertise in collaboration with OEC. The SEQR technical manual, while a living document like all technical guidance, has been cited as one of the most rigorous environmental analysis guidance documents that allows for one of the most comprehensive environmental impact review processes in the nation. The key entities in the environmental review process that use the SEQR tech manual are the lead agency and the applicant. The lead agency is a city entity that is principally responsible for undertaking funding or approving the proposed action our project. The applicant is the entity that is seeking city discretionary approvals such as funding or CPC approvals to facilitate their proposed project. The applicant can be either a private or
city into tea. For any environmental review conducted under SEQR, OECD recommends that the analysis methodologies and the SEQR technical manual be followed. As mentioned before, OEC is the keeper of the SEQR tech manual. In line with OEC’s mission, we maintain and periodically update the SEQR technical manual to ensure the integrity of environmental review for the proposed city actions. The methodologies in the tech manual are the most rigorous in the nation and help ensure that decisions by the city are made in a transparent, well-informed manner. The first SEQR tech manual was published in 1993 and it was updated and 2001, 2010, 2012, and 2014. The initial publication of the manual and subsequent updates occurred under OEC leadership. During the update process, OEC and its partner agencies aligned SEQR methodologies with applicable policies and standards and take into account relevant changes in the city. The recent updates for all structure to enable the most comprehensive and informed environmental analysis where city discretionary actions are required. City agencies with expert jurisdiction over certain technical areas
led the updating to those methodologies. Some agencies are in charge of one analysis area while others cover multiple analysis areas. For example, the department of sanitation is responsible for the solid waste analysis while the Department of environmental protection is responsible for natural resources, water and sewer infrastructure, hazardous materials, air quality, and noise analyses. The updates range from simple text revisions to making the manual more accessible to changes in how certain analysis steps are to be conducted. In parallel, these updates all included targeted stakeholder engagement to collect input on the manual from professionals who work in the urban planning and land use fields. OEC provided the public input to the respective technical agencies for consideration. City agencies provide and regular progress reports to OEC. The relevant agencies worked collaboratively throughout the update to ensure that the methodologies continue to be state-of-the-art and to reflect the environmental concerns that are unique to New York City. As mentioned, the most recent update to the manual was in 2014 and I am excited to share
COMMITTEE ON LAND USE JOINTLY WITH
SUBCOMMITTEE ON ZONING AND
FRANCHISES

that we will soon be launching the manual update.
While we are still working out the details regarding
the timing, scope, and format of the update, we look
forward to engaging with the Council throughout the
process. With respect to the proposed legislation in
regards to specifically intro 252, OEC is generally
in support of the intent of this bill with respect to
bringing more transparency to mitigation tracking.
However, we think the bill, as proposed, is not the
best approach to accomplish the intent and suggest
that the responsibility for mitigation tracking
remain with OEC for several reasons.

First, because tracking mitigation is
very complicated due to a variety of factors such as
different agencies in charge of mitigation measures,
complex contractual obligations, the need for
additional monitoring and post-SEQR analyses were
required to confirm that the agreed-upon measures are
feasible, particularly in the case of long-term
projects such as rezoning, we believe that the best
suited entity to undertake this effort is OEC. As
discussed before, OEC is already tasked with overall
environmental review coordination in the CD including
mitigation and is currently actively working on initiatives that would incorporate aspects of mitigation tracking. OEC will be able to apply its unique SEQR expertise, that development of practice, and the development of the public mitigation tracker.

Second, our office is already tasked to develop and implement a tracking system to ensure that mitigation measures are implemented in a timely manner and we believe delegating this responsibility to the Mayor’s Office of Operations, which manages the NYC rezoning tracker, is not appropriate. The rezoning tracker tracks administration commitments made to counsel and communities stirring ULRP that may be outside the scope of the project and, therefore, environmental review. Thus, tracking mitigation measures identified and environmental review is something entirely different. The two should not be mixed up in the same tracker. We would like to note that developing a mitigation tracking system world requires substantial additional resources, not just in our office, but, potentially, also at certain agencies.
With regard to intros 1487, 1522, 1523, and 1531, like the Department of City Planning, OEC believes the intent of this legislation is to ensure that the city is doing all that it can to promote transparency in the SEQR process. We do not believe SEQR is the appropriate tool to address the universal concerns that these bills are raising. We reiterate that environmental review, by nature, simplifies reality at a couple of moments in time in order to inform the decision-makers about a proposed projects potential significant adverse impacts in specific technical areas and to develop measures that may mitigate those impacts or, if such measures are not practical, to inform them that proceeding with a project would lead to unmitigated impacts.

In conclusion, I would like to thank the committee for recognizing the importance of SEQR and transparent mitigation and implementation and tracking. I think you for the opportunity to testify. I am happy to answer any questions that you may have at this time. My colleagues at DOT, HBD, and SCA are submitting test of and are available for questions and answers.
CHAIRPERSON SALAMANCA: Okay. Thank you very much for your testimony. I want to start with a few questions on the reasonable worst-case development scenario framework, if possible. Does the city study areas after they are rezoned to determine how accurate their reasonable worst-case development scenario and was that predicting development compared to the actual development that happened after the rezoning?

HILLARY SEMEL: Thank you, Council member. That is a great question. With regards to the reasonable worst-case development scenario, it encompasses many different things. The projected addition—incremental units of housing in the case of a rezoning. My colleagues at other agents is to go—and, also, for example, the impacts on school seats. My colleagues at other agencies do go back at moments in time to look at what is happening on the ground like doing other types of analyses, but through SEQR, we don’t go back and look at the reasonable worst-case development scenario per say, whether it came to fruition. DEC might want to—
CHAIRPERSON SALAMANCA: [interposing] So, how do you determine if your predictions were correct if you don’t go back and check?

HILLARY SEMEL: Well, we rely on the lead agency two, first of all, look at whether mitigation measures are being implemented and coordinating with other agencies to do assessments after the development—periodically after the development scenarios should be taking place. For example, DOT goes back and looks to see whether the mitigation measures are warranted for transportation mitigation measures that are identified at the time so that, as they are not required or they need to be changed, they are adjusted for what the reality is that time. But we don’t chart, necessarily, whether the reasonable worst-case development scenario took place as described in the original SEQR document for the reasons that DCP articulated. It’s that SEQR is a forward-looking document. We cannot—especially with area of wide rezonings that take place over a five, 10, 15 years, we cannot identify certain trends that may impact how the reasonable worst-case development scenario is played out. We tried to take
the most conservative approach and overestimate the potential for effects. The most conservative of effects that would happen and then hope that the—and we believe that, by taking a conservative approach, we will be able to identify the most conservative potential for a’s environmental impacts.

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

HILLARY SEMEL: Well, I--

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

HILLARY SEMEL: I would say the-- at the initiation of the environmental review process, one of the quality control says that the reasonable--the SEQR system works like a peer review, so when the applicant proposes a reasonable worst-case development scenario, the project description in the
draft scope of work and the EIS is vetted through all
the city technical agencies using their information
about strategic planning in the city to see what
they-- if they agree with the reasonable worst-case
development scenario. And we use a consensus
approach throughout the city agency family to
agreement on the reasonable worst-case development
scenario. So, the threshold of environmental review,
there is a quality control process to make sure that
all the agencies that are responsible for
implementing mitigation measures agreed with the
proposed reasonable worst-case development scenario.

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

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

SUSAN AMRON: City Planning, when it makes
predictions about what the rezoning or what an action
will bring in the future is necessarily making
projections about what will happen. We don’t then go
back and try and figure out whether it was precisely
COMMITTEE ON LAND USE JOINTLY WITH SUBCOMMITTEE ON ZONING AND FRANCHISES

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

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

SUSAN AMRON: That’s a good point and thank you for that question. We viewed the downtown
COMMITTEE ON LAND USE JOINTLY WITH SUBCOMMITTEE ON ZONING AND FRANCHISES

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

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

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

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

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

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

SUSAN AMRON: Yes. And because Sony a flexibility and zoning creates flexibility so that the economy and the market has a room-- I’m sorry. The economy and the market can-- has room to allow a community develop. In fact, the downtown Brooklyn rezoning created a much needed housing supply in downtown Brooklyn and it created and established the sort of work, life, live character of that neighborhood and sup-- which also supports local
businesses. So we view the relationship between the housing that was created, the demand for offices, the local businesses, as having created—resulting in a very thriving community. But we also think it’s very important that zoning allows flexibility. And when zoning is too rigid and does not allow things like housing demand to be met, then, it curtails investment and it curtails investment in businesses and in housing. And so, for that reason, we— it’s important that the rezoning’s and our zoning designations not seek to micromanage what can happen, not be too rigid, but allow flexibility.

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

SUSAN AMRON: No. Of my colleague has said, we don’t go back afterwards and look at the precise impact of the rezoning or other forces in comparison to what had been predicted at the time of an environmental view and we recognize that rezoning
COMMITTEE ON LAND USE JOINTLY WITH
SUBCOMMITTEE ON ZONING AND
FRANCHISES

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

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

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

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

SUSAN AMRON: No. We take great pains and
good through significant process to make sure that
environmental review is based on the best available
information that the time the review is prepared.
COMMITTEE ON LAND USE JOINTLY WITH
SUBCOMMITTEE ON ZONING AND
FRANCHISES

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

CHAIRPERSON SALAMANCA: You know, the city
of New York is trying to move forward with these
studies that will lead to rezonings and we in the
Council, the community, community boards depend on
the city to provide us with accurate data. How can
you expect us to trust your reports when you’re not
fact checking or double checking what you-- your
recommendations?
HILLARY SEMEL: Well, reiterating what my colleague from DCP said, environmental review, since it is a forward-looking disclosure document, as I mentioned, also we take the data that we have at the time, have it vetted through multiple— have the analysis— use that data and analysis and have it vetted through multiple technical agencies to make sure that we all are in agreement as to what we see are the future projections for typically with the rezoning that are happening across the neighborhood, across five, 10, 15 years. We also know, as Susan mentioned, that the agencies that are responsible for implementing mitigation measures or responsible for providing those services like SCA and DOT or DEP, at the time, are also built into their operating process. They use the environmental review for strategic planning. It alerts them to what is happening in the city, but they also, on a regular basis, our checking what is actually happening in reality after the environmental review is projected. So, there isn’t a look back to the environmental review, but there is a look back in the real moment in time as to what is happening and what needs to be
offered to deal with the concerns that were identified in the environmental review. So there is not the periodic lock back to the environmental review. There is the real time look at what is happening on the ground through those agencies. Even with mitigation measures, they are identified in an environmental review. In some areas like transportation, DOT does look at whether what was identified in the environmental review has come to fruition. Does the analysis, again, so to speak, and then implement whatever mitigation measures is appropriate at that moment in time to make sure that it’s actually addressing the issue that has come to fruition.

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

CHAIRPERSON MOYA: Thank you, Chair Salamanca. Thank you all again for being here and for giving your testimony. Just a couple of questions. The city environmental quality review technical manual, as we know is the SEQR manual is
COMMITTEE ON LAND USE JOINTLY WITH
SUBCOMMITTEE ON ZONING AND
FRANCHISES

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

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

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

HILLARY SEMEL: We are all very
interested in the academic pursuit of environmental
review methodologies. All of the technical agencies stay abreast of the proposed methodologies and we have considered them. At the time, we are--there are some methodologies that we would like to a better-- a more rigorous look at. We are planning to do so in the SEQR tech manual update and as I--again, as we are eager to collaborate with the Council and the stakeholders to identify those.

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

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

CHAIRPERSON MOYA: Great. Okay. So, according to the rent guidelines board, since 1994, at a total of 290-- 200,000 and 950,000 rent-stabilized units have been deregulated in New York
COMMITTEE ON LAND USE JOINTLY WITH SUBCOMMITTEE ON ZONING AND FRANCHISES

City. In 2017 alone, we lost 6657 units of rent-stabilized housing. The Council and the administration have agreed to adopt several pieces of legislation and allocated significant resources to protect tenants in rent-stabilized buildings from harassment and displacement and also to stem the tide of the loss of rent-stabilized housing. While the department of housing preservation and development and human resources administration are focusing on policies and resources on this reality, SEQR does not acknowledge the vulnerability of residents in rent-stabilized housing stock. SEQR does not consider rent-stabilized buildings as possible projected development sites or consider rent increase which leads to displacement in rent-stabilized buildings despite evidence across New York City that these buildings are being vacated or demolished in strengthening the real estate market. Will you consider adjusting the SEQR manual analysis and methodology to acknowledge that low income residents in rent-stabilized buildings could be considered a population at risk of displacement?
HILLARY SEMEL: Again, we are committed to working with the Council and the public at looking at the best methodologies and committed to considering the best methodology proposed.

CHAIRPERSON MOYA: But do you see that that--

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

CHAIRPERSON MOYA: this is--

HILLARY SEMEL: Yes.

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

HILLARY SEMEL: Right.

CHAIRPERSON MOYA: To say-- Yes.

You’re giving me a very general answer that says we will consider all options. I think there needs to be an acknowledgment that this is crucial to the future of the city of New York and many of the most vulnerable in our society right now that will be affected by this.
COMMITTEE ON LAND USE JOINTLY WITH
SUBCOMMITTEE ON ZONING AND
FRANCHISES

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

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

HILLARY SEMEL: Thank you.
COMMITTEE ON LAND USE JOINTLY WITH
SUBCOMMITTEE ON ZONING AND
FRANCHISES

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

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

CHAIRPERSON MOYA: It’s ok. I--
HILLARY SEMEL: Right. Right. Right.

CHAIRPERSON MOYA: I get it.

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

CHAIRPERSON MOYA: We understand--

HILLARY SEMEL: Methodologies--

CHAIRPERSON MOYA: how this works.

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

CHAIRPERSON MOYA: So you don’t have--

HILLARY SEMEL: tech manual.

CHAIRPERSON MOYA: that here?

HILLARY SEMEL: I don’t have that here. No. So--

CHAIRPERSON MOYA: Has there been--

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

HILLARY SEMEL: Yes. We have extensive records of the previous tech manual updates and I can
COMMITTEE ON LAND USE JOINTLY WITH
SUBCOMMITTEE ON ZONING AND
FRANCHISES

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

CHAIRPERSON MOYA: Okay.

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

CHAIRPERSON MOYA: Yep.

HILLARY SEMEL: At your convenience.

CHAIRPERSON MOYA: Thank you. Okay.

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

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

SUSAN AMRON: We do-- Thank you for that
question. And I do want to say that we are very
committed to affordable housing and to creating
affordable housing in communities particularly in the
areas that have high housing demand. We do a very, I
think, rigorous analysis in environmental reviews of
trends on housing in a particular neighborhood when
we do the rezoning. What the housing stock is, what
the demand for housing is, what the regulated and
COMMITTEE ON LAND USE JOINTLY WITH SUBCOMMITTEE ON ZONING AND FRANCHISES

nonregulated housing is, what would likely happen in a community without a rezoning and what is likely to happen in a community with the rezoning. And so, there is a comparison between what the rezoning adds and what the future will be without the rezoning. It doesn’t assume that a neighborhood would remain static as is at the time. One of the things that we do rezoning for, one of the thriving impetuses rezoning is to create more affordable housing and to preserve housing that exists in neighborhoods. And one of the ways we think that the— that is best to address housing demand is to, in fact, create enough new housing to meet demand and to create affordable housing. And we’ve done that in our neighborhood rezonings by encouraging new housing and making sure that new housing has a percentage, and a significant percentage of housing that is reserved as permanently affordable housing. Those rezonings and the permanent affordable housing program that happened in the last several years. They are still— the impacts, the affects and how they will play themselves out are still occurring and we are— but we—
CHAIRPERSON MOYA: [interposing] Which sounds like a study may be necessary to take a look back at what’s going on.

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

CHAIRPERSON MOYA: So my question was about discrepancies. You’re saying there has been no discrepancies?

SUSAN AMRON: We have not--I know my--We have not looked to see whether there is a discrepancy and, as I said, we don’t think that that’s necessarily the way that we would want to--
 COMMITTEE ON LAND USE JOINTLY WITH
SUBCOMMITTEE ON ZONING AND
FRANCHISES

This analysis that would help us in the future and
even now run our programs and determine what housing
needs are and how best to provide affordable housing.

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

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

CHAIRPERSON MOYA: I’ve asked about
this before, but I want to take a look at the Long
Island City neighborhood rezoning. The SEQR analysis estimated a 300 new units of housing would be created. Do you know how many were actually created?

SUSAN AMRON: I do not. I can--

CHAIRPERSON MOYA: 10,000.

SUSAN AMRON: Okay.

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

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

CHAIRPERSON MOYA: 300--

HILLARY SEMEL: impacts. Right.

CHAIRPERSON MOYA: to 10,000.
HILLARY SEMEL: But since we cannot--

CHAIRPERSON MOYA: Downtown Brooklyn

979. 8000 units were created.

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

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

HILLARY SEMEL: Well as we have said--

Thank you for the question. As we’ve said, the environmental review is one piece of the strategic planning process where all the agencies are responsible for maintaining those services in the city and we coordinate with them closely on the environmental review so that they are aware of the pending changes in neighborhoods, particularly with
COMMITTEE ON LAND USE JOINTLY WITH
SUBCOMMITTEE ON ZONING AND
FRANCHISES

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

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

SUSAN AMRON: Thank you that. And I’m
happy to explain the displacement analysis that we do
in environmental reviews. As a general matter, what
we do is we look at development trends, housing
trends, housing demand in a neighborhood. This is
just for the displa-- the residential displacement analysis. We look at the availability of housing stock, the current availability of housing stock, the amount of stock housing that is regulated. The amount of housing that is government provided. The amount of housing that is not. The population that lives in a neighborhood and we project it to the future. We project it to the future for what the analysis year is going to be and then we project with the rezoning what our reasonable worse-case development scenario suggests will be. The housing stock and the population. With the trends that have already existed in a neighborhood, and we project that into the future and in the significance of any impact as determined by the difference between the future with the action and the future without the action. We do believe very strongly that the-- one of the central purposes of rezonings is to provide additional housing and by providing additional housing, that we dis-- that we are addressing displacement pressures that may exist in a neighborhood. That by ensuring that a large percentage of that housing is affordable housing,
COMMITTEE ON LAND USE JOINTLY WITH
SUBCOMMITTEE ON ZONING AND
FRANCHISES

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

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

SUSAN AMRON: MIH ensures that private
housing that is build has a significant percentage of
housing reserved for affordability. There are
different levels of affordability, but they go into
deep affordability by creating, as I said, both new
housing and ensuring that a significant portion of
that new housing or opportunities for new housing, but then requiring that a significant portion of that new housing be reserved for-- be permanently reserved for affordable households. We believe that that very directly address displacement pressures that communities may already be feeling at the time a rezoning is suggested.

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

SUSAN AMRON: Yes. Thank you. We very much believe it is appropriate to consider MIH as a means of preserving affordable housing in a neighborhood and helping the existing population in a neighborhood retain levels of affordability. It’s
not the only program that exists. HPD has other
programs that exist that protect tenants and we look
at everything in combination.

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

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

CHAIRPERSON MOYA: I’m glad to hear
that.

SUSAN AMRON: We do believe we do a very
good job on rezoning, but we identify and we work
with communities well in advance of proposed
rezonings to understand what a community is looking
for, what the community needs are. We work with
Council members and we proceed when a community is
interested in rezoning and the Council member
supports rezoning, when there’s opportunities to
create housing and we’re in a transit area that can support it. We do look forward to working with the Mayor’s Office of Environmental Coordination on the SEQRA technical manual update and I’m sure that there will be suggestions that will be made for how analyses can be approved and we do look forward to looking at those suggestions and continuing that conversation.

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

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

CHAIRPERSON SALAMANCA: Can we swear you in before you begin?
LEGAL COUNSEL: Please state your name and raise your right hand.

MELANIE LA ROCCA: Melanie La Rocca.

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

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

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

COMMISSIONER LA ROCCA: Thank you.
CHAIRPERSON MOYA: Just a quick follow up to that, is there anything that restricts you from lowering the threshold for impacts in sub districts where overcrowding exists today?

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

CHAIRPERSON MOYA: An SCA housing projections used to determine future school capacity relies on permit applications for new housing or known planned projects. This approach is less useful for projects several years out as few developers seek building permit 6 to 10 years before construction begins. As these projects are used to determine the
future needs of the community in the SEQR no actions Marriott and often underestimate growth in years 6 to 10. The resulting cumulative impact of the project could produce an inaccurate picture of the future needs. Should City Planning consider a more accurate projection model for SEQR?

COMMISSIONER LA ROCCA: So, I would say this. Yes, we work with City Planning very closely and, yes, we have heard particularly from the Council, a very strong interest in seeing ways and finding ways to better identify potential out year growth in that 6 to 10 year. As everybody here I think knows, we work very closely with City Planning, with Department of Buildings, with HPD, EDC, and others on identifying potential, what we would call, housing pipelines. And that is identifying potential growth whether it’s through actual permits issued or projects that are making their ways through the SEQRA process or known and projected growth. So that could be both as of right conditions or future SEQR--ULRP actions. So we have expressed certainly an interesting finding opportunities to strengthen our process and we would certainly be open to
CONVERSATIONS ABOUT WAYS IN WHICH WE CAN, WITH CITY PLANNING AND OUR OTHER STAKEHOLDERS, FIGURE OUT WAYS TO MAKE OUR PLANNING PROCESS MORE ROBUST.

CHAIRPERSON MOYA: Thank you. Thank you. I’m just going to end by saying that I believe that if we don’t learn from our mistakes, then we are doomed to repeat them. If this city isn’t held accountable and doesn’t take responsibility for what it gets wrong, then I think that we are very unlikely that it’s going to correct its course at all by itself. Take the lead-- Take the lead poison scandal at NYCHA, for instance, and when the city fails to investigate how its decisions affect the thousands and thousands of New Yorkers who live in these rezoned areas, it is essentially saying to the people who were harmed, oh, well. We just don’t care. And it seems to me that we are treating New York City residents and primarily low income minority communities as guinea pigs and a badly designed experiment. We rezone these neighborhoods. We give the community markets a shot in the arm and manufacture the conditions for wholesale development. But then we never follow up to compare the results of
our original hypothesis that SEQR predictions. So, I don’t know if it’s just laziness. I don’t know if it’s arrogance, but it’s certainly, I feel, irresponsible. It’s the city’s duty to serve all New Yorkers and I think that it’s not just the developers and lobbyists and we dedicate tons of resources and time and money to educated guesses about how these neighborhood rezonings may play out. I think we owe it to everyone that is affected by these rezonings and then next community in line to find out how they will turn out. And this is why I believe the two bills that I have introduced are extremely important. We are asking for a study. I don’t think that that is something that is out of the universe to not consider, taking a look back to see if what is being implemented now is working in our communities and, especially, as we move forward in the future. So thank you very much for your testimony today. I do appreciate it. I hope we do follow up with the questions that we had discussed before. And thank you to the Chair and to my colleagues for allowing me the time to ask these questions. Thank you.
Chairperson Salamanca: Thank you.

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

Hillary Semel: Thank you for that question. As I’ve said, we are eager to work with the community and counsel to look at the appropriate updates for the SEQR tech manual and we are committed to engaging with stakeholders to consider all methodologies.

Chairperson Salamanca: What’s the timeline? When are you planning on making changes to this manual?

Hillary Semel: We don’t have the timing yet, but we are working to have that happen as soon as possible and we will work with counsel to make that happen.

Chairperson Salamanca: All right. So is the having community meetings were having community input in the works already?
COMMITTEE ON LAND USE JOINTLY WITH
SUBCOMMITTEE ON ZONING AND
FRANCHISES

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

CHAIRPERSON SALAMANCA: All right.

Going to take you on your word on that. Just have a
few questions and I’m going to allow Council member
Barron, Reynoso, and then Miller. Do you believe the
issue of displacement, whether it is residential or
commercial as a result of land-use actions are real?

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

CHAIRPERSON SALAMANCA: So why do
you— Then why do so few projects have EIS reports
HILLARY SEMEL: I think that-- Thank you for that question. I think, in a broad sense, as we said, environmental review is a forward-looking document that has certain criteria and many of the trends that lead to displacement are not in the purview of environmental review to identify, but, again, this is something that we were eager to follow up with counsel and stakeholders as to how we can refine the methodologies potentially to identify them.

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

COUNCIL MEMBER BARRON: Thank you, Mr. Chair. Thank you to the panel for coming. I have heard your testimony and I didn’t hear any reference to what your position is on reso nine. So I would like to ask what is your position on the legislation which I have introduced which is reso nine.
HILLARY SEMEL: The administration does not comment on resolutions. We comment on legislation. Substantively, as I said, we are committed to maintaining the most rigorous and comprehensive environmental review process and we are open and eager to discuss with Council what that--

COUNCIL MEMBER BARRON: [interposing]

Okay. Thank you. Ms. Amron? Is that how it is pronounced?

SUSAN AMRON: Yes.

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

SUSAN AMRON: We the downtown Brooklyn as a very successful rezoning. It created a much-needed housing supply. Clearly there was a lot of housing demand in downtown Brooklyn. It created the opportunity for that. It created sort of the character of downtown Brooklyn as sort of a live work area where people have housing. There are jobs in the area. It supports the local businesses and downtown Brooklyn is a thriving community in New York and we look at that as successful.
COMMITTEE ON LAND USE JOINTLY WITH
SUBCOMMITTEE ON ZONING AND
FRANCHISES

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

SUSAN AMRON: The rezone--

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

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

COUNCIL MEMBER BARRON: Okay.

SUSAN AMRON: When the environmental review was done--

COUNCIL MEMBER BARRON: Here comes your note.

SUSAN AMRON: Excuse me?

COUNCIL MEMBER BARRON: Your note.

[Background comments]


COUNCIL MEMBER BARRON: Yes.

SUSAN AMRON: When downtown-- When the FEIS for the downtown Brooklyn was rezoning, it was anticipated that, at the time, that there would be
more office space created and the amount of housing in the housing demand was not anticipated.

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

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

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

SUSAN AMRON: The rezoning in downtown Brooklyn allowed an array of uses. It allowed and encouraged office building. It also allowed residential. It was-- At the time, the anticipation was that there would be more office and less residential, but the demand for housing and the forces, and there were a lot of things that happened in New York City between the FEIS and the rezoning
and now has resulted in a community that the demand for housing was met first. There is now an increasing demand for office space in downtown Brooklyn. And so, it is responding to the economic trends and the demands of the community. But we look at the community and we look at downtown Brooklyn as a thriving community with housing, with jobs, with businesses and—

COUNCIL MEMBER BARRON: If—

SUSAN AMRON: that’s successful.

COUNCIL MEMBER BARRON: If all of those factors as they presently exist were accommodated by schools in transportation and other amenities and infrastructure, then that might be about to be said that it was successful. But based on the density of what their and the lack of the agents— the facilities that are needed, I wouldn’t say that it was successful. I would qualify that. When I was asked to serve as a principal other school, it was called a school in need of improvement, I was told that the school had certain criteria and that, for the next three years the state was watching that school to make sure that those
criteria were met. So there was an analysis of what it happened and a projection in an expectation of what should be the data at the end of three years. I don’t know how we can have an agency come before us and not look back on data that you had at the beginning to say whether or not you’ve been successful. To seem to even reject the fact that you can look back to do an evaluation. In your testimony, you said that environmental review cannot and should not be expected to predict the future with a degree of precision avenues implied in these bills. Environmental review is also not a tool that looks back to identify causes of current conditions. Not asking you to identify the causes. We’re asking you to look back and say is, in fact, the product that we have matches or comes close to what we said we wanted to do at the outset. So, if your projections were made at the outset and if the trend is continued awareness things stayed static or if they continued in the way that they existed, and no other hurricanes or economic conditions came in, would you expect to have achieved what you said you wanted to have at the outset? If there were none of these other
intervening factors, do you think that you should be able to look back and say we were successful? Or that you just your hands up and say, well, we did our part. We made the projections. We said what we thought it would be and whatever it is, that’s what it is. It seems to me that you don’t think that you have a responsibility to give us an evaluation as to why you may not have achieved what it is that you thought you would achieve. Are we asking developers to give us an accounting? Are we looking for developers to ensure that they did what they said they would do? Is there that requirement? Are there consequences if they didn’t do or do we not care and do we just see it on paper and say, okay. It’s there. Let’s move on.

SUSAN AMRON: We do look at downtown Brooklyn as a success. When we rezone an area or even under our current zone, the current zoning in an area if we are not rezoning it, we have development in that area that responds to the economy and to demand. And so, if there is a demand for housing, we would anticipate that development responds to that. If there is a development demand for other uses, we
would expect that to development respond to that. We do think it’s important that zoning be flexible and that when we rezone an area or an undercurrent zoning, that that flexibility be maintained and we not try and precisely manage what happens in a dynamic and growing city, but that we allow the city to grow and neighborhoods to grow as they should. We do, and I guess, I don’t want to repeat too much, but we need to look at downtown Brooklyn as a very successful rezoning. We--

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

SUSAN AMRON: And I--

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

SUSAN AMRON: I said I can’t go now and say what--

COUNCIL MEMBER BARRON: [interposing] Right. I think we should put that on hold because
COMMITTEE ON LAND USE JOINTLY WITH
SUBCOMMITTEE ON ZONING AND
FRANCHISES

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

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

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

HILLARY SEMEL: No. Environmental
review is a living process. As technology and
scientific theories develop, criteria changes all the
time. For example, with regard to quality with the
way the clean air act works, areas become
entertainment and nonattainment for different types
of contaminant, air contaminants and so, depending on
what the condition of the air quality in New York is,
various different criteria for impacts. The federal
and state standards change and evolve. For areas
that become-- We do, for example, look at climate
change. That is an evolving-- Theories are evolving
about climate change and we tried to stay, as I say,
as relevant and state-of-the-art as possible.

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

HILLARY SEMEL: The process for the
changes led by my office. We oversee-- We engage
with, first, the technical agencies who their
methodology is because they are the ones that are
responsible for implementing the mitigation measures.
The process, at times, if it’s sort of a low-level
update or a criteria change based on a standard, it--
we might just initiate the change. The more robust
updates have always involved public engagement and
engagement with stakeholders in the practice.
COMMITTEE ON LAND USE JOINTLY WITH
SUBCOMMITTEE ON ZONING AND
FRANCHISES

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

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

COUNCIL MEMBER BARRON: Can your
office make changes to the SEQR independent of the
charter? Do you make changes independent of the city
charter? Do you have control over what goes into
that document?

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

COUNCIL MEMBER BARRON: [interposing]
So, you don’t need the city charter to implement any
of the things that you want to change?
HILLARY SEMEL: They give us the mandate to implement--

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

HILLARY SEMEL: Yes. But we--

COUNCIL MEMBER BARRON: without--

HILLARY SEMEL: We--

COUNCIL MEMBER BARRON: without--

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

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

HILLARY SEMEL: Um--

COUNCIL MEMBER BARRON: Is there a requirement that--

HILLARY SEMEL: I’m sorry. I don’t understand. There is no approval process outlined in--
COUNCIL MEMBER BARRON: [interposing]

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

HILLARY SEMEL: Well, it’s-- It’s not-- It’s guidance, so--

COUNCIL MEMBER BARRON: Right.

HILLARY SEMEL: it’s not subject to--

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

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

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

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

COUNCIL MEMBER BARRON: [interposing]

So, can the city Council passed these laws and then we are going to say, okay. We’ve passed the demand this is what we want you to do?
COMMITTEE ON LAND USE JOINTLY WITH
SUBCOMMITTEE ON ZONING AND
FRANCHISES

HILLARY SEMEL: Excuse me. Sorry. I
don’t understand the question.

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

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

COUNCIL MEMBER BARRON: Okay. Just a
few more questions. Getting back, once again, to the
downtown business, if you could let me know how many
businesses existed in that area previous to the
rezoning and what became of those businesses. Were
any of them returned to that area and what-- If not,
do you know what became of those businesses. If you
may not have that now, but I’d like to know that
going forward. And just, finally, I had a toothache
and I went to a dentist and he said, oh. You got
some infection here. We’ve got to do some work.
We’ve got to do some drilling. When he finished
COMMITTEE ON LAND USE JOINTLY WITH SUBCOMMITTEE ON ZONING AND FRANCHISES

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

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

COUNCIL MEMBER REYNOSO: Thank you, Chair. I just feel like there is a disconnect here between what we are talking about and what you are presenting. Maybe it’s because you lived in your silo and maybe we live in ours. But there is a complete disconnect. The fact that you believe SEQR require some changes because everything requires changes or everything can be improved and not speak to like the gross miscalculations made by whatever formula exists in the SEQR manual, that you would
come in here and say that the downtown Brooklyn rezoning was a success and that it’s something you’re proud of, it’s just-- it’s beyond me. And the Chair said something. He said arrogance is how I feel about what your department believes or the work that you do. And in an opportunity to grown and improve ourselves, one side can’t come to the table arrogantly. One side can’t come to the table not thinking that there are significant issues with a document that is proven flawed. And I’m going to get a show of your arrogance and then a show of what I consider is your ignorance. The arrogance comes from the SEQR technical manual, quote-- this was said by Ms. Semel. Quote, the SEQR technical manual, while a living document, like all technical guidance, has been cited as one of the most rigorous environmental analysis guidance documents that allows for one of the most comprehensive environment impact review processes in the nation. But what I think that that says more clearer than is anything is that you work harder, not smarter. You might put more money into a review process, but your outcomes are not necessarily something to cheer for. So I want to make it clear
COMMITTEE ON LAND USE JOINTLY WITH
SUBCOMMITTEE ON ZONING AND
FRANCHISES

to the nation, because this is something that the
country thinks you do a good job, but I want to do
something very quickly. Downtown Brooklyn, which you
have stated as a success and that’s something that
you believe SEQR did right, and I want to be clear.
I think you are the only people in this room that
might believe that. The administration believes
downtown Brooklyn rezoning was a success under the
qualifications of the SEQR. In 2002, been 10,000 new
residents that have moved in in the study area. The
City Planning Commission and rezoning said it would
only generate 979 units. 979. 10,000 people can’t
live in 979 units. I want to be clear. 3000 units
of housing were built, not 979. You were off by 75
percent. That’s like a 0.7 on a grade. You’ve
grossly failed at predicting the future one time
there. Then, you said there were going to be 446 new
school-aged children. Instead, there are 4000.
That’s 10 times. You were wrong by 10 times. So,
congratulations that you think it’s a success, but
anyone reading straight data, which is what you do,
would never make that statement. That’s an incorrect
statement and I think it’s either you don’t want to
see change or you’re-- you don’t get it. So I want to assume that it’s the first. That you guys just don’t want to change anything because I actually think then this is beneficial to developers and making sure that we limit the mitigations so that they can build in the city and not care about the impacts of the residence that currently live there. For you to say that downtown Brooklyn was successful-- I was here when you send back, but it was repeated by somebody, one of the Chairs, and it was unbelievable to me. That even the Council member that is from there that did that rezoning believes there was missteps hap-- that happened there. The current Council member that’s there. So, it’s extremely frustrating to see you do that. So, just-- that’s data. So I hope we could re-engage or have a more honest conversation because it’s not honest right now and it’s frustrating. SEQR was created a long time ago with scope and formulas and whatever you want to call it that were relative to a city of that time. We have a new city that’s growing at a pace that SEQR couldn’t figure out, that we couldn’t figure out, that past mayors weren’t prepared for.
COMMITTEE ON LAND USE JOINTLY WITH
SUBCOMMITTEE ON ZONING AND
FRANCHISES

No one was prepared for it. But the city now has to accommodate all these new residents. The least we can do is look to push a SEQR manual that actually prepares us for the future. That speaks to displacement. That speaks to the need for parks. I want to talk about that, too. The one thing that did come out of the study in the downtown Brooklyn area is that they were going to get to parks. J Street Plaza at Willoughby Square Park. And guess where those parks are? Nowhere to be found. They are not done. They are not completed. So the one thing you mitigate for in a reasonable way is not even. It’s just a very frustrated that you came in here, and I believe it’s arrogance, to think that this is a small problem that might need minor changes to it. I think it needs significant changes and downtown Brooklyn is an example. And I come from a place called Williamsburg, Brooklyn where you have made huge mistakes. There’s no way, unless-- and if you accounted for this in SEQR, then you are part of the problem and part of the reason why 30,000 Latinos were displaced in 10 years. You did that intentionally if you don’t think you have a problem
with your manual. The manual needs to be modified so it seeks to real-world problems. And so we don’t have an administration that sits in front of here, recognizes its faults, and looks to solutions, we’re gonna (sic) be-- this is going to be about all that I don’t think you are going to win. I want to be clear. That’s why I have imple-- I want changes to the charter to speak to a better environmental impact study because what’s happening is that, in these black and brown community is where most of these rezonings are happening, is where the displacement is happening. In Queens, and there is no seats for these kids because you are SEQR manual fails miserably. So chose that saying that you think something is successful unless you give me the reason in a real-world-- in a real-world data set. The regular review, this is another thing that is important. It’s the only document where you fail miserably and you don’t need a review, but you are allowed to-- there is no accountability, I guess is what I am saying. In no other business can you fail so bad and not have any repercussions. There is no look back. If my son takes a test and does a bad
job, I want him to look back at the test so that he can improve and do better in the future. You don’t do that. You fail and you just keep it moving. Keep it moving while my people are getting displaced. I want that after a certain amount of time you can look back on it and say, look, we must appear. This community means resources so we can continue to make sure that we are a city for all and not a tale of two cities. But ignoring that you found miserably doesn’t allow you to solve for that. And that’s a big problem that I have. I think that the— for you to testify that way and embarrassment to the administration. I don’t even want to ask questions because I think you are full of it right now. And I hope that after this we can have a more formal conversation when you guys are honest about the fact that this is a problem that we need to solve for in a meaningful way. Thank you.

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

COUNCIL MEMBER MILLER: Definitely leadership just dropped the mic on that one honestly. It’s since meant to echo throughout and what is so
obvious by the members that stood around for the conclusion of this hearing and having an opportunity to speak that it is reflective of those black and brown communities. Those communities that have been displaced by virtue of the work that has been done by planning. And so, as the Chair of the black, Latino, and the Asian caucus, this is absolutely what we talk about each month. This is precisely the concerns of communities of color. And to hear the cavalier attitudes that downtown Brooklyn and Long Island City that of a rezoned gentrified, displacing communities was done properly is disingenuous at best. As my colleague said a few—- man, if you were a major league player and batting 100, you’d be out. There is absolutely no industry standards exist and allows you to keep a job with such a renders track record of success. But that being said, when we look at the lack of success and the initial plan name and I know you said it allows for individual agencies to have input, but you are having input after-the-fact. And so, if you are looking at transportation, you are looking at transportation for significantly more people. You are looking at a significantly more
dense population so it is impacting all of municipal services. Municipal service says that we, as a console, have a responsibility as overseers of budget, to ensure that they are being provided. How do we make sure that that happens? How do we, more importantly, make sure that these services get provided equitably, remembering that these are 10, 15, 20,000 folks that work here before. Services were being provided that necessarily a level that they should have been prior to the people being displaced and now, how does that happen? Is there now-- Does there now become a priority to provide transportation, schools, libraries, public servants and so forth? And so, there is just created a plethora of problems. The level of involvement by the agencies to this point, quite frankly, I would submit that you all are complicit in not just displacing folks, but in creating more problems for the city and the city’s budget. How do we then provide for-- How many affordable units were created between downtown Brooklyn and Long Island City?

SUSAN AMRON: We don’t have the precise number. We can see if we have--
COUNCIL MEMBER MILLER: [interposing] How many units?

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

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

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

COUNCIL MEMBER MILLER: Okay. Let me tell you how many units have been-- how many units have been developed in Jamaica in the 20 seventh district. I know precisely how many units. I know how many units are affordable. I know AMI’s. I know how many are market. How could-- And what scares me is that the work that we have done to maintain the integrity of communities while creating housing opportunities, economic development, could all be for not because you guys can come in and just pivot and do things differently. So there has to be some synergy, some collaborations beyond what has occurred to make sure
that the people, the members that have really articulated their concerns about the communities that they serve and more than 60 percent of the population being represented by this body, this caucus, I think lends itself to further engage men and I would hope that very serious engagement and that we take advantage of the opportunity and I would say that we very specifically look towards these members that are communities that are being rezoned that we look at this caucus that represent these members as we move forward. Because, in this case, intent does not match reality. Reality is that, not only have folks been displaced, there is no significant new housing being developed for them which means that they are essentially being moved down along with the businesses. But the infrastructure demands that have been created by virtue of this have not and cannot be met. When we achieve density 10 times greater than was planned, I just don’t see where we have the resources to provide the services that are necessary. So I think we certainly, the Chairs, have indicated time and time again at the hearing that they are willing to set and help to revamp and move forward,
but as this is currently constituted, it just does not work and it is really a sad indictment of what we have become and what we potentially will be if we keep on this track. So, with that, I want to thank you all for coming and really shining light, as dim as that light may be, on this situation. The Chair for your due diligence in bringing this up and--

CHAIRPERSON SALAMANCA: Thank you.

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

CHAIRPERSON SALAMANCA: Thank you, Council member Miller. Just a few more questions. No. I’m just kidding. I think you’ve suffered enough. But I just hope that you hear the frustration that is coming out of this body because of the neighborhood that are being rezoned are in our communities. There is a reason why we’ve come up with this legislation. We look forward to sitting down with all of you on following up on questions that we really want to get our answers to. But also if the technical manual is being updated, we would really like to have ongoing
COMMITTEE ON LAND USE JOINTLY WITH
SUBCOMMITTEE ON ZONING AND
FRANCHISES

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

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

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

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

CHAIRPERSON SALAMANCA: Thank you,
Council member. And thank you all for your testimony
today. Thank you for being here. I’d like to now
call up the next panel. Marcel Negrete. Thomas
Devaney. Elena Conti. Thank you, sir.
COUNCIL MEMBER MILLER: Great job.

CHAIRPERSON SALAMANCA: Thank you.

Thank you. I appreciate it.

COUNCIL MEMBER MILLER: [inaudible 02:14:00]

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

MARCEL NEGRETE: Hello. My name is Marcel Negrete. I made planner with the Regional Plan Association. The legislative pack and under consideration would bring important improvements to the SEQR procedures evaluating the impacts of neighborhood rezonings. These bills would require additional oversight transparency and, when necessary, the refinement of methodologies used by the SEQR technical manual. Intro 252 is a positive step in bringing oversight and transparency to the provisions of SEQR intended to mitigate adverse impacts. Typically, environmental impact statements do not provide sufficient information about proposed mitigation measures lacking clarity and when or where will they be executed and who is responsible for
COMMITTEE ON LAND USE JOINTLY WITH
SUBCOMMITTEE ON ZONING AND
FRANCHISES

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

First, the city could develop models for
proactive decision-making without having to wait five
years to conduct an analysis. For example, RPA
COMMITTEE ON LAND USE JOINTLY WITH
SUBCOMMITTEE ON ZONING AND
FRANCHISES

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

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

Number three, while SEQR procedures can
provide important analytical information, these
should not be seen as replacement to planning tools
and long-term vision efforts. In particular,
mitigation measures related to transportation impacts
should be careful as to not overemphasize approaches that would favor private vehicular infrastructure over public transit.

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

THOMAS DEVANEY: Good afternoon. Thomas Devaney. Senior Director of Land Use and Planning at
COMMITTEE ON LAND USE JOINTLY WITH
SUBCOMMITTEE ON ZONING AND
FRANCHISES

the Municipal Arts Society in New York. The
Municipal Arts Society of New York has long been one
of the city’s strongest advocate for SEQR reform. In
recent years, we have published two comprehensive
reports that highlight ways to strengthen the SEQR
process. SEQR and climate change, released in 2009,
raised to the importance of measuring greenhouse gas
emissions for projects subject to SEQR. Last fall,
MAS released a tale of two rezonings taking a harder
look at SEQR. An in-depth, comprehensive, and
comparative analysis of projected and actual
development fostered by the rezonings of Long Island
city and downtown Brooklyn. The report also examined
the environmental consequences that resulted from the
gross miscalculations of development that happened
under each plan. To answer the question posed on
today’s agenda, are SEQR procedures useful for
accurately predicting and mitigating impacts of City
Planning Commission decisions? We respond with an
emphatic no. Although the downtown Brooklyn and Long
Island city rezonings happened over 15 years ago, the
same deficiencies and flaws remain today. We are
pleased that SEQR reform has advanced with the
legislative measures introduced today. While these proposes are commendable, we believe that more robust, whole scale changes are necessary for SEQRA to be truly transparent, dependable, and effective. To achieve this goal, we pose several recommendations to reinforce the bills introduced today and spent any inherent flaws in the SEQRA process. Strengthening mitigation procedures is vitally important to SEQRA reform. In reference to-- Although intro 0252 seeks to improve the tracking of mitigation measures identified in environmental review documents, the bill needs to go further. In our report, MAS recommends that the draft EIS-- that draft EIS’s include specific details of approved mitigation measures that address significant adverse impacts and identify the agency responsible for implementing them. Typically DEIS’s provide very few details about mitigation other than to state that measures have not been approved. When details of proposed mitigation are finally made available in the final EIS, it is too late for the public to review and comment. Applicants must be held accountable, including city, for adverse impacts of development
permitted under large-scale rezonings. One way to accomplish this is to require the fulfillment of mitigation commitments as a condition for granting significance of occupancy for new development.

Further, environmental review documents must take into consideration unmitigated and unfulfilled mitigation measures from previous rezonings within a project's quarter mile study area to effectively address the cumulative environmental impacts of the rezoning. And, finally, SEQRA lead agencies should provide follow-up technical memoranda at designated times during project construction and operation to evaluate the efficacy of identified mitigation measures. This information would provide an inventory of successful mitigation measures that could be applied to other large-scale rezonings in the SEQRA process. In terms of improving the tracking of mitigation measures, local law 175 should be strengthened to include written commitments for mitigation identified in EIS’s including the type, location, and schedule of the specific measures such as traffic signal changes at specific intersections.
That would be implemented, monitored, and, if applicable, tested for effectiveness. Excuse me.

Strengthening SEQR evaluation methodology. Intros 1487, 1523, and 1521 seek to improve SEQR evaluation methodology and increase transparency and areas of indirect residential displacement, traffic, and school capacity, respectively. Resolution 009 calls for improved coordination with involved city agencies and re-examining SEQR evaluation and mitigation criteria for impacts on neighborhood character and socioeconomic conditions. While these measures are a step in the right direction, we feel no effective change in the SEQR process can happen without strengthening the criteria and the methodology in the SEQR technical manual for establishing the worst-case-- reasonable worst-case development scenario. The analytical framework of SEQR evaluations. One way to accomplish this, MAS recommends using expanded build year that includes all developments sites under a rezoning. Furthermore, under large-scale rezonings, a significant amount of development occurs on soft sites that are not identified or evaluated in
COMMITTEE ON LAND USE JOINTLY WITH
SUBCOMMITTEE ON ZONING AND
FRANCHISES

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

Increased range and scope of alternatives evaluated in SEQRA. Another fundamental improvement needed in the SEQR process is the evaluation of a wider range and scope of alternatives. Typically, SEQR documents are limited to the evaluation of no action and with action development scenario. MAS has several recommendations for strengthening alternatives analysis and disclosing full development potential of large-scale rezoning. For the sake of time, I will just enumerate them here. The recommendations include an alternative that would evaluate development that would be reasonably--reasonable to curve through zoning lot mergers and the transfer of developments. Time and time again, we have seen rezoning completed and approved, the subsequent development occurs through lot mergers and transfer of development rights that isn’t evaluated in EIS’s. Another is a reverse land use alternatives in which the-- a different primary zoning use that
COMMITTEE ON LAND USE JOINTLY WITH SUBCOMMITTEE ON ZONING AND FRANCHISES

is permitted under the rezoning is evaluated. And this would address potential market and economic conditions changes over the course of the build year and past the build year. We also recommend an optimal sustainable development scenario that looks at the sustainability of the project based on various number of sustainable mechanisms and metrics. And, finally, to strengthen the community and put it in the planning process, where applicable, we suggest an alternative that evaluated the community-based plan alter--a community-based plan with an existing plan and a 190a or otherwise. SEQRA lead agencies should be provided clear and accurate explanation for the purpose and need section of EIS’s as to how a particular project would balance its goals with environmental concerns. For city sponsored projects, stated objectives and SEQR documents must correspond with how the project would meet the public needs and respond to applicable policies. For example, if a project proposed is to provide affordable housing or result in sustainable benefits, the EIS must evaluate the impacts of various income levels under the cities
COMMITTEE ON LAND USE JOINTLY WITH
SUBCOMMITTEE ON ZONING AND
FRANCHISES

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

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

ELENA CONTI: Hi. Good afternoon. Thank
you for the opportunity to testify. My name is Elena
Conti. I’m Director of Policy at the Pratt Center
for Community Development and in our extensive expertise supporting low income and communities of color and urban planning, we have encountered many of the shortcomings of the city’s environmental review process and we have witnessed the ways these technocratic exercises have supported and financed direct harm in communities. There is nothing wonky about the documents that dress wolves in sheep’s clothing and become the repeated basis for decisions that exacerbate inequality and rob communities of the physical and social investments they need to thrive.

The shortcomings of the city environmental quality review process are extremely detrimental in several fundamental ways. First, as they set up unreasonable expectations and provide false information to decision-makers who are considering them merits, impacts, and ways to mitigate a proposed project. Second, even when a significant adverse impact is found, suggested mitigations are not required to address the impact in any meaningful way. Mitigations are not required to be instituted and there are no funding or accountability mechanisms to ensure that commitments come about or, in the future,
COMMITTEE ON LAND USE JOINTLY WITH
SUBCOMMITTEE ON ZONING AND
FRANCHISES

to measure whether the issue has been addressed.
Yet, for all the obvious harm of these grave flaws,
they become all the more maddening because of the
larger failings of our current planning system.
Because the SEQR process is detailed and produces a
long report, this creates the guise that it is
accurate and thorough or, as we heard today,
rigorous. And this is often used as an excuse not to
provide communities with the kind of planning
analyses and follow up activities that they are truly
seeking. In turn, communities place major
significance on the review process because it is the
only official one made available to them. But the
manual provides far from a complete look at what’s
important. For example, and it’s 833 pages, races
avoided almost entirely, save for its mentioned in
the state’s definition of environmental justice and a
prohibition against survey bias. This hearing is a
vital first step to creating a type of rigor and
accountability in the environmental review process
that is necessary and an honest process and the
intros that are being heard today, 1487, 1523, 1531,
are important conversation starters that points to
the three key areas where the guidance and the technical manual is deficient: measuring secondary residential displacement risk and impact, transportation effects, and accounting impacts on--for impacts on school capacity. Intro 252 elaborates on important questions that were unaddressed when the neighborhood commitment tracker was heard as intro 1132 in June 2016. So we have done extensive exploration of the ways that the guidance of technical manual belies logic and common sense in order to erase the vulnerability of those facing significant residential displacement risk through loopholes and assumptions. Building on the work of Renée Whittison (sp?) to articulate these flaws, we further examined eight environmental impact statements conducted as part of the rezonings from 2005 two 2018 spanning the Bloomberg and Fazio administrations to see how the guidance was applied. We found wildly inconsistent results with significant impact rarely been found. In the instance where it was found, Greenpoint Williamsburg and the Columbia expansion, the scale of the impacted population identified was less than 3400 people while, and other
instances such as East New York, the number of vulnerable people was identified as more than 49,000, but dismissed as being insignificant. In still other neighborhoods: Inwood, East Harlem, far Rockaway, the number of people at risk was never quantified at all.

As a follow-up to this work, we have performed a deep dive into the methodology for assessing commercial displacement risk. Similarly, we find tremendous gaps related to the functions businesses serve in neighborhoods and as employers, complete avoidance of consumer differences, and inaccurate conception of industry clusters as functions. For our forthcoming publication, 12 EIS’s, dating back to the downtown Brooklyn rezoning, including Greenpoint Williamsburg, Gateway in the Bronx, Gateway in the East New York, Willets Pointe, and more recent ones as Inwood and Jerome were looked at. And what we learned here is that none of the EIS is concluded that there would be any displacement impact, direct or indirect, on businesses. In fact, we believe there is never been an EIS that is found a business displacement impact, although I await anybody pointing it out to me otherwise. I’m looking around for the other experts
COMMITTEE ON LAND USE JOINTLY WITH
SUBCOMMITTEE ON ZONING AND
FRANCHISES

in the room. The methodology here appears to be an elaborate exercise designed to declare that there is no impact and therefore that no scrutiny should be paid to the way that land-use actions affect economic activity or policy. So these two pieces of research illustrate some of the egregious ways that the SEQR review paints over the impacts of rezonings, but the flaws and the methodologies and the socioeconomic conditions section of the manual or just one illustration of the larger issues across the manual. Many of the sections of the manual perform the same function, glossing over impacts so as to facilitate approval, robbing decision-makers of the tools needed to properly assess projects and create public policy. At a minimum, factions that are well overdue for overhauls include school capacity, transportation, open space, climate change, public health, and the overall consideration of environmental justice. So the introduced resolution is very well come. So summing up-- getting close. The question for that is not what is the best methodology for any given section, but rather how do we change our systems to incorporate the wisdom of the public and how do we
develop the forecasting, measuring, and accountability tools that can provide us with shared information from which we can learn and create policy. So we propose regular, public, and transparent process for updating the guidance of the SEQR technical manual. Currently, the manual is updated and intermittent time frames subject to the whim of different administrations or interest is dominated by the policy perspective of the administration instead of data from the environmental review and landing processes working the other way to inform policy. So we propose that an update process be required every five years and that process should include official transparent methods of taking input from the public including hearings and a published summary of all the input offered and how it was considered. This process should also incorporate data that looks at neighborhood change over time in areas where EIS’s have been conducted in order to learn from the ways different public actions have impact. And second, we call for expanding planning processes to include goal setting, measurement, and accountability tools in the context of new
development and beyond. These should be used to inform policy. One of the greatest tensions in the debate over environmental review is whether a particular impact can be tied exclusively to the proposed action. For communities, that completely misses the point. They care about what they are experiencing and seeing from a cumulative perspective. Residential displacement, for example, is rampant across the city and we have the tools to measure risk and create policy and response. However, we failed to do so. We need a comprehensive planning approach that identifies goals and principles, squarely aiming at racial and economic disparities seeking to overcome the unequal legacy of historic decisions, set citywide and local targets with active participation from the public, and implement measurement and accountability measures such as budget alignment and look back provisions. We are striving for this now in the charter revision process alongside the Thriving Communities Coalition as part of their effort. And if that process does not go far enough, as we fear it may not, check us out Thursday night. We will be rallying in
participating. The Council house and should exercise its power to legislatively require a citywide residential displacement risk analysis as well as other key measures of issues of unmet need across communities. So we look forward to sharing and discussing our research in more detail and to working with the Council to strengthen the proposed intros to align with these goals, as well as working with you to craft an overarching SEQR and planning agenda. We also look forward to working with the Mayor’s Office of Environmental Coordination and other relevant agencies including Department of City Planning to incorporate more specific recommendations methodology that grow out of our research and expertise. Thank you.

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

ELENA CONTI: I would certainly hope so.

That is definitely our recommendation and I think
COMMITTEE ON LAND USE JOINTLY WITH
SUBCOMMITTEE ON ZONING AND
FRANCHISES
that even if it doesn’t change the methodology, it
will lead to many other positive incomes. Outcomes.

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

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

MARCEL NEGRETE: East midtown.

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

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

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

CHAIRPERSON MOYA: And I know you had run
down a couple of suggestions that you would like to
make changes for in the SEQR manual to create sort of
the estimates on impacts that we as councilmembers,
community boards, and borough presidents can use to
protect communities of color from displacement in
residential and commercial. We would love this sort of work with you a little bit more on that, as well. My last question I’m upset for me and used to you think that the downtown Brooklyn and Long Island city rezonings were successful?

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

THOMAS DEVANEY: And I will add to that the, yes. Keeping in mind that both of these rezonings were intended to be an expansion of commercial office space. There were to create third and fourth central business districts, but what happened was that these two neighborhoods became-- they became residential neighborhoods and not necessarily affordable residential neighborhoods and,
COMMITTEE ON LAND USE JOINTLY WITH
SUBCOMMITTEE ON ZONING AND
FRANCHISES

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

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

CHAIRPERSON SALAMANCA: Thank you.

THOMAS DEVANEY: Well, I can’t really
speak on that, but I can speak on the reasonable
worst-case development scenario in general. It is
problematic in the SEQRA technical manual and that we have found time and time again that there are flaw in how the reasonable worst-case development scenario as assessed and it is the framework for the entire evaluation. So I need time the R deficiencies, then it affects the whole of valuation. We talked about soft site analysis. I know that there was a discussion on not considering rent-stabilized units in the no build analysis. So, these are all things that affect what gets evaluated in the SEQRA technical manual. And is it truly the worst-case development scenario? And we question that.

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

THOMAS DEVANEY: Absolutely. We recommended-- I mean, think-- I mean, it falls into the category of mitigation and as far as we can tell-- Well, first of all, there is very little input-- the public doesn’t have much input and what mitigation is proposed because, as I mentioned, by
the time the public is aware of it, it’s in the final EIS and there’s no chance for comment. But there’s little in the way of public disclosure and transparency into the follow-up of mitigation. So EIS’s are done. Rezonings are approved, but the public has no way to know if, for example, if traffic mitigation that was proposed in their neighborhood is actually being carried through and, more importantly, if it’s effective. There’s no— you know, what we are saying is that if the public is made aware, if there is more disclosure in the city goes back and looks at the mitigation for the impacts that we can build up an inventory of successful mitigation measures that can be used in other rezonings. But—

MARCEL NEGRETE: If I can just add quickly, the scientific method is based on observation, documentation, and reflection of what’s happening in our environment, and urban or natural environment and by this legislation would just force the city to do that analysis, that retrospective analysis, to inform the models and methods that they are using for casting the future. Essentially, that is— Science was mentioned throughout the hearing
and I think this is just basic science 101. It’s just you document existing in previous commissions.

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

THOMAS DEVANEY: Well, I mean, I’ll reiterate that no planning practitioner has a crystal ball and not the SEQRA process is a disclosure process and it’s probably not fair to hold a lead agency responsible if there are major economic changes that affect the kind of development that happens, which is one of the reasons why we feel that the SEQR process could be improved if there is a wide range of alternatives that are evaluated so that it informs and-- the public and gives a sense of predictability in case there are market changes or economic changes. It is clear that the projections in both of those rezonings were way off and the environmental consequences were never addressed and never evaluated in those respective EIS’s. So, you
COMMITTEE ON LAND USE JOINTLY WITH
SUBCOMMITTEE ON ZONING AND
FRANCHISES

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

ELENA CONTI: Chair Salamanca, if I may
just, I guess, bundle my responses to those questions
all together, I-- for me, personally, I am less
specifically concerned with the Office of
Environmental Coordination going back and doing the
look back. I think it could-- I think they could
have a role in it, but I am more concerned about
where is the planning and the looking back and the monetary matters supposed to be happening between the times when we are seeking approval for something that they administration wants. Right? Sort of be ongoing planning process. So I thought it actually was proper and correct from the faceted Department of City Planning attempted to talk about the planning systems that are in place that they look at between rezonings, but I would beg to differ with sort of their self-assessment that we are aware of transportation problems and we are addressing them. Then we are aware of school capacity problems and we are addressing them. It’s very clear that those issues are not being addressed sufficiently in the crisis of quality that we have. So I think that there needs to be a look back in there needs to be a feedback about information gained based in reality and in terms of what happens that we don’t have the same conversation prior to every single rezoning where folks say, no, no, no. Is our numbers and they are perfect and they are fine and we have lots of real-life experience that document said otherwise, but the process still precedes the same do we need to
COMMITTEE ON LAND USE JOINTLY WITH
SUBCOMMITTEE ON ZONING AND
FRANCHISES

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

CHAIRPERSON SALAMANCA: Okay. And
then my last question is the panel prior mentioned
that they are planning on making changes to the SEQR
manual and that they are open to input. Have they
reached out to you at all about any type of community
impact? Number one and number two, this predates me.
When they have made changes in the past on the SEQR
manual, have they ever seen community input in the
changes?
Committee on Land Use Jointly with Subcommittee on Zoning and Franchises

Thomas Devaney: To answer your first question, not. They haven’t reached out. And then, to your second question, not to my knowledge. The SEQRA technical manual is usually updated by a consortium of consultants and city agencies.

Chairperson Salamanca: Okay. That’ll have any further questions. Do you have any further questions, Chair Moya?

Chairperson Moya: Nope.

Chairperson Salamanca: Well, I think you so much for staying here through this hearing and giving us your statement.

Thomas Devaney: Thank you.

Elena Conti: Thank you very much.

Chairperson Salamanca: All right.

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

Pedro Estevez: My name is Pedro Estevez. I’m the President of the United Auto Merchants Association.
COMMITTEE ON LAND USE JOINTLY WITH
SUBCOMMITTEE ON ZONING AND
FRANCHISES CHAIRPERSON SALAMANCA: Just make sure
that you-- the microphone is turned on and then--
PEDRO ESTEVEZ: Yes.
CHAIRPERSON SALAMANCA: You’re just
speaking into the microphone. Thank you.
PEDRO ESTEVEZ: my name is Pedro
Estevez. I’m the President of the United Auto
Merchants Association representing over 700
automotive businesses and their employees in the
greater city of New York. And we would like that the
resolution 009 2018 be passed into law. Why?
Because what happens to 250 business is in the
Willetts point sector in Queens. Also because of what
happened to 45 businesses and their employees
allegedly moving to 1080 Leggit (sp?) Avenue in the
Bronx from Queens paid by 4.8 million dollars that
was awarded by the court for the relocation. Those
is what’s happening to the 200 plus businesses in the
Jerome Avenue corridor and their employees. They
have 85 percent none of them have any more leases
because the speculators and the landlords. And, by
the way, 75 percent of those businesses live in the
same community that they are working. They all have
something in common. They are all being displaced
COMMITTEE ON LAND USE JOINTLY WITH
SUBCOMMITTEE ON ZONING AND
FRANCHISES

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

CHAIRPERSON SALAMANCA: [interposing]

Mr. Estevez, I’m going to ask you to wrap up, please.

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

CHAIRPERSON SALAMANCA: Thank you.

ROBERT CORNWALL: Hello. My name is
Robert Cornwall. I’m a senior housing attorney with
Make the Road New York, a nonprofit organization
based in Bushwick, Brooklyn, Jackson Heights, Queens,
Port Richmond, Staten Island, Long Island, and
Westchester. Make the Road supports intro 1487 to
study the secondary displacement that has occurred
from neighborhood rezoning since 2015. We believe
this study is a needed tool to enable the city to
capture the real world of facts that rezonings have
had on neighbor hands already facing displacement due
to market forces. We believe this data will also be
useful in future rezoning process is so that
communities in the city will have quantifiable data to analyze and mitigate the likely effects that will occur in these neighborhoods. Prior to this bill, applications for neighborhood rezonings repeatedly brushed aside or failed to analyze indirect displacement in a meaningful way. The SEQR manual is notably flawed in that it requires rezoning understudied to introduce or accelerate existing trends of displacement for there to be a finding of significant socioeconomic change. Moreover, the SEQR manual fails to include analysis of secondary displacement of rent regulated units, incorrectly assuming that rent regulation laws effectively prevent any threat of displacement to rent regulated tenants. In prior rezoning applications, the city relied on the SEQR manual’s flawed methodology to purchase a conclusion area argument that rezonings are not harmful to communities because those communities are already experiencing gentrification and displacement. Moreover, the city did not study the risk of indirect displacement of rent-stabilized units due to the untenable reasoning that rent regulation protects against the risk of such
displacement. Notwithstanding the merits of the proposed law, we do believe the bill should be strengthened specifically to include a focus on measuring the acceleration of displacement and the loss of rent regulated units in contrast to what is laid on the SEQR manual. As I have mentioned and as many of us know, this is contrary to the reality on the ground. In addition, it is important to hear from the communities who have been impacted by these rezonings. In conclusion, at a time when such—a time when much of our conversation is about producing new affordable housing, it is important to recognize the loss of existing affordable housing that occurs from rezoning and how we can better study that. Thank you.

CHAIRPERSON SALAMANCA: Thank you.

[background comments]

PAULA SEGAL: Good afternoon. Thank you so much for holding this hearing. My name is Paula Segal. I am a senior staff attorney in the Equitable Neighborhoods Practice at the Community Development Project at the Urban Justice Center. I believe you have my testimony there. I’m just going to invite
COMMITTEE ON LAND USE JOINTLY WITH
SUBCOMMITTEE ON ZONING AND
FRANCHISES

you to flip it over. Footnote nine gives you a
snapshot of the world we know we live in. Tenants,
longtime tenants, low income residents are subject to
harassment and displacement in our neighborhoods.
Harassment spikes when city actions make land use--
land values go up. This is the reality that the
folks who are following the technical manual and
writing environmental impact statements have been
given permission by this administration to ignore.
They are not only ignoring the reality, they are also
ignoring state law. State law requires that
environmental impacts, including secondary
displacement, be studied and be presented to a lead
agency above for that agency makes a decision to do
an action that could cause those impacts. What the
technical manual, as drafted now, allows lead
agencies to do is just hide them. They say nobody
who lives in a unit that’s in any kind of program is
going to be impacted, even though we have a whole
industry of buyout experts in this city. We need to
get the administration in line with state law. I’m
not reading from my testimony. I invite you to do
that. We support move. I do not think that a
resolution is enough. We need to punish the environmental review process into a much more public arena. We need to legislative process that will have public review and that will bring the city into line with state law and keep us from having to go to the courts every single time that impacts are improperly ignored.

CHAIRPERSON SALAMANCA: Thank you.

IVAN GARCIA: Good afternoon. My name is Ivan Garcia and I am the neighborhood rezoning coordinator at Make the Road New York. I am here today to speak in favor of intro 1487. Currently, I oversee Make the Road’s housing and land use portfolio and spend much of my time coordinating the Housing Dignity Coalition, a Staten Island faith and community-based coalition that is responding to yet another bad rezoning targeting the North Shore of Staten Island. For the past two years and my role, our coalition has engaged hundreds of community leaders and [inaudible 02:57:48] to articulate what irresponsible North Shore rezoning would look like. In that time, we have also trained dozens of local leaders to become many planning experts alongside
technical partners like the Association for neighborhood and housing development. There is much wrong with the way that our city trades neighborhood place planning. For a start, the keyword, neighborhoods are always left out of the process. But for the sake of this hearing, I will limit my comments to the underground experiences of our members and what SEQR gets wrong about their experiences. The housing stock of the North Shore is made up of smaller homes that today are not protected under the Emergency Tenant Protection Act. 85 percent of the housing stock is unregulated and renters who make up a significant stock of the market are vulnerable to displacement at any moment as they have no access to guaranteed lease renewals and can have their rent increased by any amount at any time after the current lease expires. Given the tens of thousands of renters in the district and the lack of protections, we know the impact that a rezoning will have when the market heats. However, the impact is underestimated per the displacement analysis of the Department of City Planning. According to the EIS, only 1700--1782 renters were identified as being
potentially vulnerable to displacement. I can tell you my first-hand account that speculation of the market has already resulted in several members of my coalition, including one church being displaced by this rezoning. The problems are many. For one, SEQR currently only considers low income tenants who are in unregulated units as at risk of displacement. The city must understand that every low income tenant in a study area of a rezoning is at risk of displacement. It does not matter if they live in a rent-stabilized apartment-- well-- or have a housing voucher. Our tenants, even those with some level of protection, our facing landlord neglect and harassment so they can self-evict. These tactics that landlords use to get tenants out are used more frequently when landlords believes that the market can bear higher rents. Thank you.

CHAIRPERSON SALAMANCA: Thank you.

Thank you very much for your statements. Do you have any questions? All right. Thank you very much. We’re going to call up the next panel. We have-- and I’m sorry if I pronounce your name wrong. But
COMMITTEE ON LAND USE JOINTLY WITH
SUBCOMMITTEE ON ZONING AND
FRANCHISES

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

[background comments]

LUIS ENRIQUE CARRERO: Good afternoon,
Chair Salamanca and Moya. My name is Luis Enrique
Carrero. I work with Legal Services New York City.
I believe you have copies of my testimony. I ask
that you take the time to examine it carefully. I’m
just going to use my time to highlight a couple of
things. I direct the Tenant Rights Coalition which
is a Legal Services NYC program devoted to providing
tenant advocacy services in the rezone specifically.
So I direct the Tenant Rights Coalition which we’re
concentrated in East New York, Brownsville, and the
surrounding neighborhoods. In early 2016, we were
testifying as the time of the proposed mandatory
inclusionary housing program and [inaudible 03:01:12]
rezoning alongside scores of tenant and community-
based organizations raising the red flags about what
we expected could happen with these rezoning attempts
of the spinning up of gentrification. Based on the
word that we have been doing in East New York and
Brownsville in the past three years, I am unhappy to
COMMITTEE ON LAND USE JOINTLY WITH
SUBCOMMITTEE ON ZONING AND
FRANCHISES

confirm that a lot of those red flags, we have seen them in our own case work, right? In East New York and Brownsville we have seen the increase in the amount of eviction proceedings in unregulated housing, which is now being purchased and owned by LLC’s. It’s no longer an individual person who owns two or three family homes. It’s limited liability corporations, right? We have seen it and landlords in East New York and Brownsville increasingly bringing more complex evictions proceedings. The type of proceedings that you usually see in Manhattan housing court, not in primary residence, owners use, chronic rent delinquency eviction proceedings. These landlords are now bringing them in neighborhoods like East New York and Brownsville. We have seen it with one of the largest landlords in Brownsville, Nelson Management Group wanting to install a face recognition keyless entry system at Atlantic Pacific Towers which has garnered incredible opposition by the residents of that project and we are working with those folks there to oppose that application, but they all know that Nelson Management is doing it to make Atlantic Towers more attractive to for more
COMMITTEE ON LAND USE JOINTLY WITH
SUBCOMMITTEE ON ZONING AND
FRANCHISES

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

CHAIRPERSON SALAMANCA: So, while I
appreciate that, the reason why we do it is that’s
the definition that they use in the SEQR manual for
five years and we need to look at what has gone on in
the major neighborhood rezonings that have happened
since 2015. That’s the reason why we need to have
that analysis and we look at what is being used as
their definition to seek further studies as we go
forward.
COMMITTEE ON LAND USE JOINTLY WITH
SUBCOMMITTEE ON ZONING AND
FRANCHISES

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

CHAIRPERSON SALAMANCA: In 10 seconds,
can you just repeat what you mentioned about the face

LUIS ENRIQUE CARRERO: Nelson Management
Group filed an application with the DHCR. Atlantic
Pacific Towers is 700 units and he wants to install a
face recognition keyless entry system into his--
just for tenants to be able to come in and out.
Tenants, predominantly black and Latino predominantly
female tenants know that Nelson Management Group is
doing this to track their every movement and to set
the stage for eviction proceedings and, at the same
time, to create a more high tech and secure living
environment that will attract the new folks that
Nelson Management Group knows are moving in the places like East New York and Brownsville. New newcomers, white, young people.

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

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

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

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

EMILY GOLDSTEIN: Good afternoon and thank you for the opportunity to testify. My name is Emily Goldstein and I’m the director of organizing and advocacy at the Association for Neighborhood and Housing Development or ANHD. I have longer written testimony that you have before you. I’ll just sort of summarize in my two minutes. Frankly, in every rezoning hearing for years now in neighborhoods across the city, as has been pointed out primarily low income communities of color, community residents have testified at nausea regarding their own experiences of harassment, rising trends, displacement pressure and speculation on the homes where they have often lived for decades. Only to be told that their concerns are out of scope or contradicted by official DCP projections because the methodology used to evaluate residential displacement risk is extraordinarily outdated and inaccurate. Most notably, the SEQR methodology incorrectly assumes that many populations, including rent-stabilized tenants, face no risk of displacement. We
know this to be untrue. To continue using a methodology that ignores so many residents that is so clearly out of touch with reality of most New Yorker’s experiences, discredits the entire land use process for Manny and prevents the acknowledgment, let alone mitigation, the actual negative impacts many land-use actions have on existing residents. I think there is a phrase if we ignore history, we are doomed to repeat it. And, frankly, this administration in previous administrations have insisted on continuing to ignore history and have therefore been heating. The doom doesn’t fall on administrative representatives. The doom falls from low income communities of color and on the residents who are consistently pushed out of their homes. Beyond that, even when-- in the rare situation when a negative impact is found, there is no actual requirement that a mitigation plan be enacted or that a land use plan be changed to prevent or reduce the harm. Most recently, in the past few years, MIH often gets cited as a mitigation for displacement ignoring the gap between those affordability levels and the actual names of local residents. I will sum
COMMITTEE ON LAND USE JOINTLY WITH
SUBCOMMITTEE ON ZONING AND
FRANCHISES

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

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

EMILY GOLDSTEIN: I’m glad we’re able to
be helpful.

ALYSSA CHEN: Hi. My name is Alyssa Chen
and I’m here to testify on behalf of the Legal Aid
Society. Thank you to Chair Salamanca, Chair Moya,
and the committee for having this very important
hearing. Legal Aide’s housing attorneys fight for
COMMITTEE ON LAND USE JOINTLY WITH
SUBCOMMITTEE ON ZONING AND
FRANCHISES

...
COMMITTEE ON LAND USE JOINTLY WITH
SUBCOMMITTEE ON ZONING AND
FRANCHISES

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

CHAIRPERSON SALAMANCA: I have a quick
question for both the legal aid and legal services.
In the last three years, I know that there is been a
few rezonings that have been reproved by the Council.
These New York, Jerome and there is other ones. Have
you-- Has your agency, have you seen your agency
representing any of the tenants that live in those
communities which were rezoned and you represent them
in court because they are trying to get evicted or they are being evicted from their apartments?

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

LUIS ENRIQUE CARRERO: Yeah. We establish rezoned neighborhoods, specific practices across East Harlem, Inwood, South Bronx, East New York, Brownsville, etc. starting four years ago, you know, we’ve been like ramping up hiring, etc., so our work has increased just by virtue of ramping up. But I can tell you anecdotally and I can probably pull out numbers for you if you are interested. In terms of the increase casework that we have seen, for instance, like I said, unregulated housing brought by limited liability corporations which is a really new thing in a neighborhood like East New York and Brownsville which is traditionally a two, three family home and it’s owned by a person and now it’s owned by LLCs who are bringing these folks to court.
CHAIRPERSON SALAMANCA: I want to thank you all that— Oh. You have a question.

CHAIRPERSON MOYA: Just one really quick question. So, why do you think the city should include rent regulated apartments in the SEQR analysis when it talks about secondary displacement?

Can you just--

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

CHAIRPERSON MOYA: Wait. Just let me interrupt. Is there anyone from the city still here? It’s a shame that they would not leave anyone here given that the public waited as long as they did to be here. It shows exactly where the mentality of this agency— where these agencies are. This administration. I think that this is an embarrassment for them and a demonstration of their lack of commitment to what is being said here today. It’s shameful that they have a representative stay and listen to everyone’s testimony here today. Sorry. I didn’t mean interrupt, but you’re going to-- you’re
COMMITTEE ON LAND USE JOINTLY WITH
SUBCOMMITTEE ON ZONING AND
FRANCHISES

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

ALYSSA CHEN: So, there are many reasons
why it’s important from our perspective to include
rent regulated tenants in these types of analyses,
but, I think, to just know that preferential rents
are a big reason. One of the biggest that we see.
About 30 percent of tenants in regulated apartments
have preferential rents which means that they are
legal, registered rent is higher than what they are
actually being charged by their landlord which leaves
them vulnerable to giant rent increases. And we see
the average gap between what they’re actually paying
and the legal registered rent is— in Manhattan I
think it’s like 800. It’s several hundred dollars
across all five boroughs and most of our clients
can’t afford that kind of an increase. So that
leaves them vulnerable to the same exact pressures as
unregulated tenants are vulnerable to. We also see,
you know, harassment by landlords. Really aggressive
buyout offers. All sorts of illegal tactics that
landlords use to push out rent regulated tenants. So
we think that it’s really important and that they be
COMMITTEE ON LAND USE JOINTLY WITH
SUBCOMMITTEE ON ZONING AND
FRANCHISES

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

EMILY GOLDSTEIN: Yeah. I would second
all that and just add that if the point is to do an
analysis of what the likely impacts are and, frankly,
having sat through the testimony of DCP, you know,
I’m not asking for perfect-- I’m recognized that we
can’t perfectly predict the future. If you come back
and say, super storm Sandy happened. We didn’t
predict that. Like that is understandable. But
that’s no excuse not to improve. And so, in terms of
wide to include rent stabilized tenants have
potentially at risk, I think if the purpose of the
analysis is to identify potential impacts, we have
plenty of information, both quantitative and
qualitative to tell us that rent stabilized tenants
are displaced every day. And so, that-- I mean,
it’s just acknowledging reality. And they are
displaced both through legal and illegal means. It
shouldn’t be happening, but it is happening. And so,
that’s the reality we live in and that’s the reality
that policymakers like yourselves should be able to
COMMITTEE ON LAND USE JOINTLY WITH
SUBCOMMITTEE ON ZONING AND
FRANCHISES

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

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

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

CHAIRPERSON MOYA: That’s a great point, by the way.

ALYSSA CHEN: there’s, you know, there’s--

CHAIRPERSON MOYA: Thank you for highlighting that--

ALYSSA CHEN: No problem.

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

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

ALYSSA CHEN: Thank you.

LUIS ENRIQUE CARRERO: Thank you.

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

[background comments]

CARMEN VEGA RIVERA: All righty. Good afternoon. My name is Carmen Vega Rivera and I’m a resident of the South Bronx. I am also a CASA leader with Community Actions for Safe Apartment. For us,
it’s important to be part of the Thriving Communities Coalition because we witness first hand through the Jerome Avenue rezoning the lack of transparency, accountability, and thoughtfulness the city has had with the planning for and investing in communities like the South Bronx. From the very beginning, the city underestimated displacement of-- the displacement impact for Jerome. The environmental impact studies the city released projected that only 80 residents will be directly displaced and a 92 clock rezoning. We know that previous rezonings have displaced black and brown residents. After the Williamsburg rezoning, the Latino population decreased from 59 in 2000 to 34 and 2014 while the white population increased from 37 to 54. In Harlem on 125th Street, the rezoning, the black population decreased from 73 in 2000 to 56 in 2010 while the white population increased from four to 16 percent. The Bronx has the largest rent-stabilized housing stocks with automatically excludes these tenants from being at risk of displacement, although we know way are often the most vulnerable. The flawed SEQR manual allows the city to fail to acknowledge, and
therefore address the impacts of its land-use action. New York City is one of the most segregated and unequal cities in this country and, instead of intentionally planning for working class communities like mine, the city has just exacerbated this with its actions. Neighborhoods like mine and Jerome, like Harlem, like Williams needed investment for decades and it shouldn’t come in exchange for new developments that will eventually displays current residence. After the rezoning, the majority of the house and that will be built is not affordable to the majority of the residents, many who already pay 50 more percent of their rent. We were promised two schools in an already overcrowded school district and we don’t organize, we’ll see these changes won as they did in Williamsburg and in Harlem. And I’m just going to wrap up. I am the face of the tenant, one of those insignificant others who is disabled, senior, and a Puerto Rican descent who is actually being displaced. So the SEQR manual has failed to protect me. DHCR has failed to protect me. All the rent laws have failed to protect me and unless we have a moratorium on rezonings immediately, we are
going to be displacing many more folks that look just like me, sound like me, and whose last name is spelled like mine.

CHAIRPERSON SALAMANCA: Thank you.

ALEX FENNEL: Good afternoon. My name is Alex fennel. I’m the network director of Churches United for Fair Housing and a member of the Thriving Communities Coalition. Our organization began organizing churches after the 2005 Williamsburg waterfront rezoning devastated the Latino population of Williamsburg, largely due to the failures of the SEQR technical manual. The EIS print dictated that 2510 residents would be displaced, but to date, 13,591 Latino residents alone have been forced out of Williamsburg. This is an unacceptable margin of error. Currently, the analysis for secondary displacement does not include rent regulated tenants, but, in rezonings, these are the residents we see most often targeted for harassment and eviction. We applaud the Council for proposing a look back to address the displacement effects of rezoning in order to move forward. As community advocates, we think it’s vital to move control of the technical manual
COMMITTEE ON LAND USE JOINTLY WITH
SUBCOMMITTEE ON ZONING AND
FRANCHISES

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

CHAIRPERSON MOYA: Thank you for your
statement.

DEDRIC BLUE: Yes. My name is Dedric Blue.
I’m here representing the Harlem Interfaith
COMMITTEE ON LAND USE JOINTLY WITH
SUBCOMMITTEE ON ZONING AND
FRANCHISES

Commission for Housing Equality, in addition, the 250 Seventh-day Adventist churches that are located in the city of New York. I rise in support of the resolution introduced by Councilperson Barron, but in addition to that, the other legislation that was proposed here today-- See, I was aghast to like you were aghast and this is the moment, this is the time, and this is the now for city Council to step up and take charge of this process. First of all, an environmental review, we have forgotten something very important. Environmental review is not about traffic patterns. And it is not about buildings. It is about people. The people are the environment. The people are the environment. So while we look at traffic patterns, sanitation, we must also assess family stability, preservation of small businesses, workforce development, and community agencies such as churches that maintain the stabilities of our communities. Secondly, there’s a mythological flaw in their work. While they are busy assessing project to project and neighborhood to neighborhood, in the city, we’re playing a shell game. The shell game is that we’re moving poor people from one neighborhood
COMMITTEE ON LAND USE JOINTLY WITH
SUBCOMMITTEE ON ZONING AND
FRANCHISES

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

CHAIRPERSON SALAMANCA: Thank you.

Thank you for your testimony. We’re going to bring
COMMITTEE ON LAND USE JOINTLY WITH
SUBCOMMITTEE ON ZONING AND
FRANCHISES

up the next panel. We have Ms. Vasha Gerhardt.
And Reverend Robert Jones Junior.

[background comments]

CHAIRPERSON SALAMANCA: And then,
lastly, is there a Reverend Alan Hand Senior?
[background comments]

CHAIRPERSON SALAMANCA: All right.

You may begin.

REVEREND ROBERT JONES JUNIOR: Okay. To
the Chair, good afternoon. My name is Reverend
Robert Jones Junior. I’m the pastor of the Second
St. John Baptist Church and we are located in the
village of Harlem and I’m also representing the
Baptist Ministers Conference of Greater New York and
Vicinity. It’s about 200 churches from the Bronx and
Brooklyn and Manhattan and we are concerned with the
situation that is happening in our neighborhood with
the contractors and developers. It’s affecting our
membership because when they come in and remodel and
rebuild, the rent goes up and it’s like two or 3000
dollars an our residents that’s there now, if it’s a
re-zoned out or is they have to move, they will never
COMMITTEE ON LAND USE JOINTLY WITH
SUBCOMMITTEE ON ZONING AND
FRANCHISES

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

CHAIRPERSON SALAMANCA: Thank you.

FATHER CLYDE COOMERLY: Good afternoon. My
name is Father Clyde Coomerly and as Chair of the
Housing Commission of the MICAH Institute, I
represent more than 200 multi-faith leaders from the
COMMITTEE ON LAND USE JOINTLY WITH
SUBCOMMITTEE ON ZONING AND
FRANCHISES

five boroughs of New York. We seek passage of
resolution 0009. In fact, we urge that it make its
way to the full city Council as an intro, a law, with
enforcement teeth. Gentrification and untrammeled
development are rapidly changing the fabric of our
city. It is be no way by displacement of the people
and the small businesses from our neighborhoods whose
vitality and variety have been the envy of the world.
The beautiful mosaic of which we have been so proud
and which makes New York a worldwide tourist
destination bringing huge tourist dollars is
disappearing before our eyes. Worse yet, every day
workers who make New York function are being
displaced at unprecedented rates. Our firefighters,
teachers, sanitation workers, our police, our
caregivers, our service workers cannot afford the
rents which are being charged as development
continues to displace our people. The people who
make up the congregations in our houses of worship.
This is not what our faiths teach us is the creator’s
way. We believe as people of faith that we have been
placed on this earth to flourish and that the creator
has provided resources so that all may share in the
bounty which is so freely given. It is the sinful nature of human greed that results in low wages, unchecked development, and 63,000 people living homeless in the richest city on earth. You, our lawmakers, have not created this mess, but now you are in a position to take action to make change. Now is the time. Displacement must end. And radical reorientation of SEQR is the key. Thank you.

CHAIRPERSON SALAMANCA: Thank you.

BISHOP JAMES R. CLARK: Thank you for the opportunity to testify this afternoon. I am Bishop James R. Clark Junior. I am the presiding Bishop of the Churches of our Lord Jesus Christ with 550 churches domestically and foreign with very good representation here in the city of New York. I’m here this afternoon to join my colleagues and appealing to the land-use committee to convert resolution nine into law. This is the only way that we will be able to set limits on the radical displacement of residents and small business owners from locations they have lived and worked in for decades. We are not against all development. We simply want to ensure that the unjust and radical
displacement of these community members be curtailed. We need a law to do that. This resolution will not accomplish that end. Current rezoning practices cause rents to soar. Apartments are unaffordable to the workforce of the communities who are predominantly people of color whose wages range between 20,000 and 90,000 dollars a year which falls far short of the 120,000 that is being demanded under current conditions. In order to change these injustices, resolution nine needs to be converted to a law with teeth that will correct the injustices that are being imposed upon members of our congregations and our neighbors in the community.

Thank you.

CHAIRPERSON SALAMANCA: Thank you.

CLUVER TUCKER: Thank you. Thank you, Mr. Chairman. I am Cluver Tucker, a member of the interfaith community, a Seventh-day Adventist pastor representing a large number of faith believers in this community. As a recent member of the great family of New York and also a member of the immigrant family, was excited today to be part of this grant process. To be able to hear the concerns not only of
my members addressed, but of my own family members addressed. I was moved to great frustration and hurt this afternoon by the blatant arrogance and disregard by the Council here and those that represent the issues that are affecting our community. I want to say that I rise in strong support of the resolution to be made into a law, for the issues that are affecting our community are not going anyway. Those of us that are being given the responsibility to represent and speak on behalf of and defend the rights of those who cannot speak for themselves, the rights of those who do not have the privilege of sitting where I’m sitting this afternoon must be protected and must be considered to be sacred. Must be considered, even, to be holy. And I ask us to think carefully on these things as we consider this issue that is before us today and I support us on hundred percent because it is a matter of urgency. Thank you.

CHAIRPERSON SALAMANCA: Thank you.

Thank you for your testimony. Is there any member in the public who has not spoken and or did not call on? They didn’t sign up? No? With that, seeing none,
today’s business is concluded. I would like to thank members of the public, my colleagues, counsel and land-use staff for attending today’s hearing. This meeting is hereby adjourned.

[gavel]

[background comments]
CERTIFICATE

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