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Testimony of Manhattan Borough President to the City Planning Commission on “Minor Modification” Application Nos. M180507CZSM, M180505AZSM, N180498ZCM, and M180506BZSM

Good Morning Chair Lago and Commissioners. Thank you for the opportunity to testify on these applications.

The idea that these immensely tall towers, bringing nearly 3000 units to an area the size of a city block, are a “minor modification” is appalling. The amount of units the proposed developments will bring to the neighborhood are comparable to the neighborhood rezonings we’ve seen in East Harlem, East New York, Jerome Avenue, Far Rockaway, and Inwood – areas that span entire sections of this city, not just one block. Those plans went through a real public review process: ULURP. The fact that these proposed developments are not subject to the same review is unjust. As a public servant dedicated to promoting positive impacts on all communities, I am horrified that the Department of City Planning (DCP) is allowing a project of this magnitude to proceed without adequate public review. ULURP, on the other hand, would allow the community and its elected officials to work with the applicants to develop a plan that would have minimal negative impacts and maximize the benefits to the community.

DCP believes that these applications constitute a “minor modification.” However, this is a staff-level determination and the difference between a major and minor modification is not spelled out anywhere. The rules cited by DCP staff as to what constitutes a major vs. minor modification refer to what is permissible during ULURP, not after ULURP. Just because this is long-standing practice does not mean that it’s correct. It certainly is not right.

Council Member Chin and I have been working on a more equitable solution: a zoning text amendment that would require any development in the Two Bridges Large Scale Residential Development to obtain a special permit, which would mean full public review via ULURP. We submitted this application to DCP in January of this year. In August we made requested revisions and submitted an EAS prepared according to a framework outlined by DCP in an earlier meeting. Unfortunately, we still have not had our application referred out for public review. The fact that this application is not being considered at the same time as these applications is unfair to everyone, including the Commission.

I would like to state again what I have been asking DCP for many months now: to refer out our zoning text amendment application for public review. Our text amendment would subject these proposed developments to the public review they ought to have.

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My office and the local elected officials who represent this community have been very vocal about our opposition to this so called “minor modification” process. We have communicated at length with the Department of City Planning about their determination that this is a “minor modification” and we do not believe that DCP’s rationale is sufficient given the impact these projects will have on this neighborhood. The facts are unavoidable: these proposed developments will have a negative impact, and will drastically and permanently change this community.

This area, currently a Large Scale Residential Development, was also once governed by an Urban Renewal Plan that aimed to eliminate blight, provide housing for low and moderate income residents, and provide recreational, commercial, and community facility uses with high quality urban design and open space elements. When the Urban Renewal Plan was in effect, over 1300 units of affordable and senior housing, a supermarket, a pharmacy, and community centers were built. Since this plan expired in 2007, an 80 story luxury condo tower replaced the supermarket and pharmacy, which were the only ones in the neighborhood. Now developers are taking advantage of the FAR created when the Urban Renewal Plan expired to develop projects that are contrary to the goals of the original plan and do not meet the findings of the Large Scale Residential Development special permit.

DCP believes that the proposed developments require no new findings as they state that the proposed buildings would not require any additional height or setback waivers. However, the addition of three enormous towers fundamentally alters the nature of the LSRD. The City grants large scale development waivers based on an evaluation of the development as a whole, not based on individual buildings contained therein. Earlier waivers may no longer be appropriate given the proposed site plan modifications, which is precisely why this project is a major modification and should go through ULURP.

I would like to call your attention to the following findings that must now be met based on this proposal:

1. 78-313 (c) “Such distribution or location will not unduly increase the bulk of buildings, density of population, or intensity of use in any block, to the detriment of the occupants of the buildings in the block or nearby blocks.”

The proposed projects would bring over 5,000 new residents to this area. The Commission must find that the new, overall distribution and location of uses meets this finding.

2. 78-313 (d): The finding states: “Such distribution or location will not affect adversely any other zoning lots outside the development by restricting access to light and air or by creating traffic congestion.”

The Commission must find that the new, overall distribution and location of uses meets this finding. The DEIS details negative impacts on light and air as well as traffic on this

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neighborhood. I find it hard to believe that you can make this finding given the significant adverse impacts.

3. 78-313 (g): The finding states: “The modification of height and setback will not impair the essential character of the surrounding area and will not have adverse effects upon the access to light, air, and privacy of adjacent properties.”

This neighborhood is a community of low and moderate income residents, senior and disabled populations housed in buildings that are moderate in height – none exceeding 26 stories. The proposed developments will be triple the height, and as mentioned in their own DEIS, will have adverse effects on the access to light due to the shadows they will cast on the surrounding area. The Commission must find that the new, overall distribution and location of uses meets this finding. I find it improbable that you will determine that the new site plan complies with this finding given the dramatic impacts on the character of the area.

DCP made a terrible mistake in determining that these proposed developments were a “minor modification.” The proposed projects are not even remotely similar to what was previously approved and built on these sites and do not even meet the findings previously set in prior approvals.

The Lower East Side historically has been a home for many immigrant groups. The neighborhood has provided opportunities for these groups to live and grow in a city where it is increasingly difficult to survive. This community has a population that is largely people of color, with large numbers of disabled and elderly residents. The percentage of disabled and elderly residents in Two Bridges exceeds the rates in the rest of Manhattan as well as the five boroughs. These vulnerable groups will be very negatively affected if the proposed developments were to proceed. One of the new buildings will be cantilevered over a building of low-income seniors, enveloping this building and resulting in the permanent decommissioning of 10 senior units.

I will leave the discussion of specific mitigation measures to others. However, what has been proposed is entirely inadequate. Were this neighborhood rezoning with ULURP, the community would not only have a voice in the process, they also would be appropriately resourced to cope with the coming development. There is not nearly enough resource allocation to the surrounding community given the scale of these developments on a single city block. The Inwood rezoning, comprising of 59 blocks with several thousand units of new housing, 40% of which will be affordable, had a comprehensive plan to provide resources to the community.

- The rezoning will require HPD to spearhead an anti-displacement initiative to protect tenants, including free legal representation and affordable housing preservation;
- The rezoning will expand local hiring and Women and Minority Business Enterprise (W/MBE) opportunities and include workforce training in the healthcare, technology, and construction industries;

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- The rezoning will result in over \$200 Million dollars invested into the community

When viewed in this light, the minor modification process and the accompanying mitigation measures are not even close to adequate.

It is my understanding that there is no time limit as far as the Commission reviewing and voting on the proposed developments. Given the scale of these developments and the negative impacts that are sure to come as a result, and given what you will be hearing at length from the community at this hearing and in written comments, I ask that you take the time to carefully consider everything and not rush to vote on these applications, as these developments will have an impact that will affect this community forever.

In closing, I would like to again request that the Department of City Planning refer out our text amendment application for public review immediately, as our application is complete and should be considered alongside these applications.