

Minutes of the Chinatown Working Group (CWG) Full Group Meeting
Monday, April 7, 2014, 5:30pm-7pm
American Legion L.T. Kimlau Post 1291

Voting members present: American Legion Post 1291 (Gabe Mui); Bowery Alliance of Neighbors (Mitchell Grubler); Asian American Arts Centre (Robert Lee); Chinatown Chamber of Commerce of New York (Mary K. Tong); Chinatown Partnership Local Development Corporation (Patrick Kwan); Chinese Progressive Association (Mae Lee); Committee Against Anti Asian Violence (Anj Chaudhry, Amary Mafouz, Terren Wing); Community Board 2 (Antony Wong); Community Board 3 (MyPhuong Chung, Gigi Li); Good Old Lower East Side (Ginger Lopez); Hotel Chinese Association (Lin Fat Jim); International Chinese Transportation Professionals Association (Jerry Cheng); Museum of Chinese in America (Herb Tam); National Mobilization Against Sweatshops (David Tieu, Louise Velez); Property Tax Payers Association (Dean Fong, Irving Lee, Mee Wong); Two Bridges Neighborhood Council (Victor Papa, Wilson Soo).

Planning consultant: Mercedes Narciso.

Media: Sing Tao (April Xu), World Journal (Rachel Liu)

Also present: Sarah Boujardine (student); Yolanda Donato (Lower East Side Mujeres & Hombres), Rob Hollander (Save the Lower East Side), Sam Stein (writer), Susan Yung (artist).

1. Introductions

2. Agenda and minutes

Victor Papa: Can we do the CAPZ report first while Mercedes is here?

AntonyWong: First let us approve the minutes with the spelling and typo error changes that the secretary has advised us of. Are there any other changes?

Amended minutes approved by all present.

3. CAPZ report, Victor Papa, CAPZ co-Chair, presenting.

Antony Wong: There were two CAPZ meetings during March, one just prior to the CB3 Land Use Committee meeting, and another the day prior the CB3 Full Group meeting March 25.

Victor Papa: CAPZ continued discussing the options 1 and 2 of subdistrict A with Eva Hanhardt's help. CAPZ came to consensus.

Irving Lee: There was no consensus on option 1.

Dean Fong: My understanding is that there was no consensus.

Irving Lee: There was no vote on subdistrict A.

Victor Papa: I asked for a vote...

Irving Lee: I did not raise my hand...

Victor Papa: I will acknowledge that.

Irving Lee: So there was no vote on consensus.

Victor Papa: I don't know what a consensus means. If it is a more than a majority, then it is almost a consensus.

Irving Lee: No, Consensus means that everyone agrees.

Dean Fong: Why not state for the record that the Property Tax Payers did not vote for option 1.

Victor Papa: I will. Perhaps the word consensus was wrong, but there was a vote and option 1 seems to get a majority vote, and subdistrict B option 2 seemed to be the preference.

Irving Lee: There was no vote on subdistrict B.

Victor Papa: There was no dissent on option 2, subdistrict B.

Irving Lee: Subdistrict B is still under discussion. And there is no consensus on option 1 subdistrict A.

Victor Papa: All options require votes from CWG.

Dean Fong: The group should understand that the Property Tax Payers did not vote in favor of option 1, and option 2 of subdistrict B was not put up for a vote.

Victor Papa: There was a vote on option 1, and there was an abstention.

Dean Fong: It was not an abstention...

Victor Papa: Since there was no negative vote, there was consensus.

Dean Fong: You didn't ask for a negative vote. You asked for a vote in favor. You got everyone in favor except Irving, who was there.

Gigi Li: So the vote was not unanimous.

Victor Papa: It was not unanimous but it certainly was a majority vote in favor. I will correct the minutes that I sent out this morning.

Rob Hollander: I thought Jan said that he wanted to take the options back to PTP.

Victor Papa: That was at the prior meeting. Jan was not at the voting meeting.

Anj Chaudhry: We asked Irving if he objected to our coming to consensus and Irving said that he would abstain.

Irving Lee: That's not in the minutes.

Dean Fong: You asked only who was in favor of the option.

Victor Papa: I will correct the minutes to reflect the objection. Maybe CWG can discuss these options today. I think CAPZ has exhausted its discussion.

Antony Wong: CAPZ will give its report. No vote will take place today. Organizations need to take the discussions back to their membership. I anticipate a vote in June when we will also elect the co-Chair for next term.

David Tieu: Shouldn't CAPZ go through all the subdistricts before CWG's vote?

Wilson Soo: To clarify, we asked if Irving would vote in favor of option 1 if the tax abatement/exemptions were passed.

Dean Fong: But the community board took actions that changed all that.

Antony Wong: CAPZ met just before CB3 Land Use's meeting. At the Land Use meeting, the committee voted on subdistrict A so their CWG voting member would be empowered to vote in CWG. CAPZ had to follow up on the Land Use decision made prior to CWG's decision. CB3 informed us that their vote was just to allow their representative in CWG to participate in the CWG discussion, but it doesn't mean that CB3's decision is written in stone.

Gigi Li: CB3 will reconsider its vote following CWG's vote, though there is no guarantee that CB3 would change its position.

Irving Lee: CB3 did not announce that they would be voting on this item. The vote was a surprise and a shock. Their vote undermined the premise behind the CAPZ work.

Dean Fong: When we arrived at the CB3 Full Group meeting, we were not allowed to speak, even though there was a vote taken, and the vote was not announced. That was unfair to us. I asked to be heard and was told I did not register in time -- but I had not been told there would be a vote that night. Other property owners were also not allowed to register to speak.

Gigi Li: CB3 Full Group meetings begin at 6:30pm. I have instructed CB staff to close the public speaking registration at 6:45pm at the meeting.

Dean Fong: But you never had on your announcement that you'd be voting.

Gigi Li: When a committee holds a vote in committee, the vote automatically goes to a vote at the Full Board meeting.

Victor Papa: He is saying that the vote is not recorded on your agenda.

Gigi Li: The agenda announcement does not designate whether a vote will be taken.

Dean Fong: How would people know about the vote?

Gigi Li: Because...

Dean Fong: I used to be on CB3. Whenever there was a vote, it was on the agenda. You didn't put it on the agenda. There were at least three property owners who ask to register to speak and were told we could not speak.

Gigi Li: What time did you arrive?

Dean Fong: 6:30.

Gigi Li: No way you could have applied to register at 6:30 and been denied.

Dean Fong: I sat in front of you at 6:30.

Gigi Li: I always announce that the public can fill out a speaker registration form until 6:45pm.

Dean Fong: The vote was not on the agenda.

Mae Lee: I saw the agenda item. Whether you understood that it meant it would be voted on is another matter.

Irving Lee: The Land Use Committee agenda made no mention of a vote. The fact that the Property Tax Payers were not present at that meeting is where the problem lies. To be fair, PTP should have been able to present its opposition to option 1.

Gigi Li: The "Sunshine" law requires that every agenda item be published, but we are not required to indicate whether the members will decide to vote on an agenda item, and there is no way for us to know when the members will choose to vote on an agenda item at a meeting on that item.

Rob Hollander: Gigi, how would you like to resolve this?

MyPhuong Chung: Maybe the property owners can make a presentation at the Land Use Committee.

Gigi Li: Yes, I am a little taken aback. All along I have said that this was an initial discussion that our members were able to take a vote on at that point based on the information they had at that meeting, and that we would be willing to take back any information once CAPZ or other members of CWG if they wanted to further inform the board members on other options. That was also stated by Linda who is the Land Use chair, at the Full Board meeting. She said this was not written in stone and the committee would welcome any further presentations.

Dean Fong: So you were taken aback. But read your own minutes. Nothing is mentioned there that you are going to revisit it. The first time I've heard about revisiting is today.

Antony Wong: Mr. Fong, CB3 informed us of their vote and told us that they would revisit it after the Full Board votes and after CWG makes its decision.

Dean Fong: I can only rely on what I read in the document.

Antony Wong: I had recommended to CB3 that revisiting be included as a "whereas" of the resolution, but that was not done.

Victor Papa: I wrote a letter to the Coordinating Committee about how surprised we were that the Land Use Committee had taken a vote. It does undermine -- or in the words of the letter, pre-empt -- the ability of CAPZ to make its determinations. The CB chair replied that they were committed to revisiting it. Revisiting may not be the same as visiting for the first time when the public should be heard. I don't know what should be done about it.

Gigi Li: Moving forward, the Land Use Committee has stated that it will not consider the other subdistricts until CWG has a decision on it.

Dean Fong: But you have already voted on A.

Antony Wong: They needed to vote so that the CB3 representative on CWG could have an opinion in CEG discussion and votes.

Dean Fong: You don't find this disingenuous? Lots of members can participate in discussion without having had a vote from their membership.

Gigi Li: Without a CB vote, the CB member cannot vote even in CAPZ.

Dean Fong: Why did you vote so soon?

Rob Hollander: The problem is that CWG has to make its decision, then wait for the CB's to review it and come back with their vote. It's a tortuous method. They moved forward no doubt thinking they were being helpful, and it is useful to know that CB3 has a problem with air rights. That is important to know.

Antony Wong: Mercedes will explain the differences in the options.

Victor Papa: I think it's unfair to Mercedes. Issues have come up tonight that required more discussion. I would like to revisit all this at our next CAPZ meeting. We're not going to vote tonight anyway, so it seems too haphazard to give a presentation.

Antony Wong: Please recap the CAPZ meeting outcome.

Victor Papa: CAPZ considered the options for subdistrict A and voted in favor of option 1. I will correct the minutes.

Anj Chaudhry: It's important for CWG members to know that Pratt made some changes to option 1 especially since there was consensus on those changes including a tax incentive which the property owners would get in return for accepting option 1. That is why I thought we had achieved consensus. So I think we should explain those changes.

Antony Wong: The CAPZ chair has committed to revisiting the plan for the purpose of presenting a clear determination next month.

David Tieu: But it's only one group that is dissenting.

Dean Fong: Bear in mind that this whole plan affects the property owners the most in terms of zoning with an economic impact that you may not view as important, but it is important to us.

Antony Wong: Irving has distributed a document from the Property Tax Payers Association with suggestions, which we should look at.

Victor Papa: I am committed to CAPZ revisiting these issues. There is also a problem with the community board that also needs to be better resolved. We need a better procedure.

David Tieu: My concern is that there was a near consensus on the goal of protecting rent regulated housing.

Dean Fong: The property owners here subsidize those rent regulated apartments.

David Tieu: That's why we opted for a downzoning.

Dean Fong: We are not evicting our own tenants.

David Tieu: Maybe not you, but plenty are.

Dean Fong: Who? Identify the building owner and we will find out if it is a member of our group. Why are you accusing us?

Rob Hollander: Let David give his rendition of the rationale behind the CAPZ vote. Also we have to consider the details of the CB vote because it impacts the property owners and requires a review of the entire plan.

David Tieu: We do recognize that property owners have a hard time maintaining low income housing, which is why this proposal calls for a tax abatement for landlords who are maintaining low income housing. We recognize that such a proposal lies beyond zoning, but both Eva and Harvey Epstein stressed that now is an optimal time to get this done, with a lot of support from the state.

Dean Fong: There is no legislative support for such an abatement. Ask the Speaker.

David Tieu: We also pushed for at least 50% affordable housing in any new developments. This reflects significant progress.

Rob Hollander: Thank you, David. Mr. Fong is correct that the tax abatement is entirely speculative, and there is no guarantee that such a proposal will ever happen. We should respect that that is the livelihood of the property owner and not move forward under the false assumption that the abatement will succeed. But the problem the community board had was the selling of air rights. They made it clear that the Pratt proposal did not include the actual square footage of available air rights in subdistrict A. If the community board does not know how much in air rights can be transferred, or where they are being transferred to, they have a deep concern about overdevelopment in the receiving area. Since there was no one at that meeting who could explain how the CWG planned to move the air rights and how much there would be to move, that part of the plan was vulnerable to being voted down, as it was. It doesn't affect only subdistrict A -- it impacts the entire special district.

MyPhuong Chung: The tax abatement is not the only speculative element of the plan. But the community has formed a group to advocate for recommendations for the future of Chinatown, using a lot of new and creative tools to do so. The tax abatement, the rezoning -- everything that Pratt has come to us with -- none of that is guaranteed. But we agreed as a group to move forward with this plan using the channels we understand that can promote them. Regarding the air rights, CB3 agreed only to discuss subdistrict A. They are more comfortable waiting for CWG on the other subdistricts. We only reviewed A because we felt that the committee was under pressure from the community to move, and CB3 needs to have a vote in order for the CB representative to be able to vote in CWG.

Rob Hollander: But CB3 voted on its own proposal and it conflicts with the Pratt/CWG plan. That's the problem.

Victor Papa: Couldn't CB3 merely guide you as to how to vote either way?

MyPhuong Chung: I can't without the CB mandate.

Rob Hollander: But CB3 voted in effect to deny the CAPZ/Pratt plans, unless CWG conforms to CB3's changes.

MyPhuong Chung: No. We are committed to revisiting. I encourage all of you to attend the meetings with your concerns. It should be understood that unless a presentation is entirely informational, as for example, a city agency presentation, an item on the agenda may be voted upon at a meeting.

Dean Fong: That is not a reasonable assumption. A committee does not have to vote yea or nay on any particular subject. Their rationale was that they needed a vote to participate. But they could certainly have participated without closing the door making a statement on what you want.

Mitchell Grubler: If we didn't get a detailed analysis of the air rights, isn't that an omission in their work? Shouldn't be expect to get that from them?

Dean Fong: If property owners don't get a tax abatement, transferring air rights are the only other means to subsidize our rent regulated housing. Otherwise we have no support to continue supporting rent regulated tenants. By voting against air rights transfers, CB3 told the Property Tax Payers that property owners will get no economic benefit from this plan. If we get no benefit, why should we support the plan?

Anj Chaudhry: All of the groups except Irving's did favor option 1 because the inclusionary zoning proposal with a residential FAR equal to the commercial FAR would incentivize more affordable housing. CWG recognizes a deep need for affordable housing in this community. Option 1 both preserves affordable housing and encourages more residential development opposed to commercial or hotel development. Our group would not have proposed a tax abatement, but we compromised by accepting the tax abatement as part of the plan.

Dean Fong: Have you done a survey of lots available for development?

Anj Chaudhry: It's in the Pratt plan.

Dean Fong: Tell us. Most of the property owners here are not developers.

Antony Wong: We understand your frustration, Mr. Fong. As Victor said, we will take this back to CAPZ next Monday, April 14, at CB1. Irving, can you forward the document to Wilson and Victor to distribute to the CAPZ participants, so they can read it ahead of the meeting.

Gigi Li: if you want to have a meeting in June, you'd have to place it on the Land Use agenda for May.
Victor Papa: How can we wait for this process?

Gigi Li: CB3 tried to move forward with its vote on subdistrict A.

Victor Papa: If CAPZ can't define a position, then CWG should vote without CAPZ. How much longer can we wait?

Rob Hollander: We all know that we need to move as fast as possible, but not faster than that. Constantly saying that we need to move faster is to push the process faster than it should go. There is crucial information still missing and there are still areas of understanding that we haven't explored, and we have to explore them. We have to figure out whether we do not want to have air rights transfers.

Gigi Li: We will be meeting with the Department of City Planning to update them with our progress and find out what the outcome might look like if and when CWG can come to consensus.

Rob Hollander: Who will attend the meeting?

Gigi Li: Antony, Wilson, myself, Linda Jones, CB3 Land Use Committee Chair, as well as MyPhuong.

Mitchell Grubler: I think you should not use the word "consensus."

Gigi Li: In the future, Community Boards 1, 2 and 3 would have to come up with a plan to go through ULURP. That will have to reflect if not a consensus, then a majority or a position.

Anj Chaudhry: Will the Land Use Committee consider CWG at its next meeting?

Gigi Li: No, because it's not on the agenda. However, you are welcome to attend and make a statement at the beginning on any subject, even if it is not on the agenda. If you want to present to the committee, forward the documents and we will place it on the agenda for May.

4. Reminder – Co-Chairs nominations for May meeting

Antony Wong: Next month we're taking nominations for the CWG co-Chair.

5. Meeting time survey, Rob Hollander reporting.

Rob Hollander: At the 4pm meeting three months ago, there was a slight preference for 4pm as a meeting time: 5 preferred 4pm, 4 preferred 5:30pm. At the 5:30pm meeting last month there was a strong preference for 5:30pm: 11 preferred 5:30pm, only a few [3] preferred 4pm. However, at that meeting we also surveyed a 5pm option. 9 people were available to meet at 5pm. So the preference is for 5:30, however 5pm is also a popular time. Our host, the American Legion, cannot have meetings always at the later time, and would prefer 5pm over 5:30pm.

Antony Wong: I would like Gabe to check to see if 5pm is okay as a regular meeting time or stretch for 5:30pm.

6. Community Announcements

Mae Lee: This Thursday April 10 there will be a national day for immigrant reform event at noon in Foley Square. There will also be an interfaith event. I will send out an email for that humane and just immigration reform event.

Irving Lee: Will all the documents and minutes be available on the website?

Antony Wong: Yes.

Mary Tong: The Chamber of Commerce will hold a Cherry Blossom festival including various booths in the Confucius Plaza courtyard April 26 beginning at 11:30, with a ribbon-cutting at noon.

Antony Wong: There are 3 booths still available. \$500 includes a tent, a table and two chairs.

Wilson Soo: Two Bridges will host an emergency preparedness meeting at 82 Rutgers Street April 12, 2-4pm in collaboration with the Governor's Office and the Coast Guard.

Bob Lee: I have a lot of books to give to the community. Does anyone know who would be interested in them? The NYPL does not want more books.

Antony Wong: Next meeting will be held here on May 5 at 4pm. Meeting adjourned, 7:04pm.

Respectfully submitted,
Rob Hollander, Secretary