

# Lenox Terrace Association of Concerned Tenants (LT-ACT)



## Winter 2020 Newsletter



Manhattan Borough President Gale Brewer's November 18<sup>th</sup> Public Hearing on the Olnick proposed rezoning of Lenox Terrace.

## MBP & CB 10 Cast Their Votes Against LT Rezoning Manhattan Borough President Gale Brewer & CB 10 Vote "No With Conditions"

On December 16, 2019, Manhattan Borough President Gale Brewer recommended "No" on Olnick's proposal to rezone Lenox Terrace to a C6-2 commercial district. This follows the November 6, 2019 Manhattan Community Board 10 vote to also "disapprove the Olnick Rezoning Plan." The proposed rezoning would allow for the construction of luxury towers and overscale retail stores. The rezoning application, filed by the Olnick Organization, is opposed by the Lenox Terrace Association of Concerned Tenants (LT-ACT).

MBP Brewer said of the rezoning, "This project puts a disproportionate impact on local residents, infrastructure, economy, and educational resources."

The Community Board's resolution also rejected the rezoning, finding it "not consistent with the present and future needs of the community."

CB10 also cited the impact of racialized

displacement. Public Advocate Jumaane Williams has introduced a bill that would mandate the city conduct a racial impact study as part of the Environmental Impact Statement in the ULURP process.

During the City Planning Commission (CPC) part of the ULURP process, Olnick amended their application slightly. The CPC, as expected, voted for the amended project on Feb. 3<sup>rd</sup>.

The proposal now moves through the ULURP process to Council Member Bill Perkins and the City Council. (See page 5 and 6 for more information on the ULURP process and the amended application Olnick mentioned in their door drop at the beginning of the year.)

Bill Perkins has been a staunch supporter of LT-ACT and LT residents. His office has assured LT-ACT that Council Member Perkins' City Council vote will express the wishes of LT residents.

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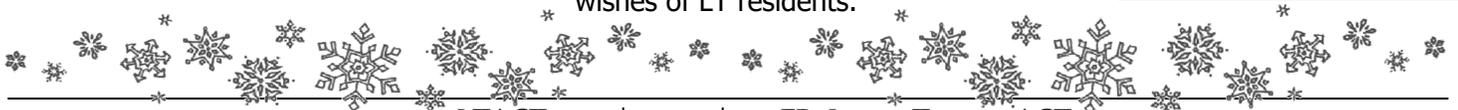
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February 12, 2020

City Council  
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## PRESIDENT'S LETTER

Lenn Shebar

Dear Resident,

I hope your year is off to a good start!

LT-ACT is celebrating its 30th anniversary advocating for the rights of its senior, rent stabilized and market-rate tenants, and we thank you for your support. For the last ten years, LT-ACT's leadership has been at the forefront leading the charge against Olnick's rezoning efforts, encouraging Lenox Terrace tenants and politicians to say "No to the Rezoning!"

During these years, every necessary strategy including letters, rallies, town hall meetings, press conferences, etc. have been employed to call attention to the negative impact of this proposed development. As you know, we are now in the most crucial part of this battle - the Uniformed Land Use Review Process (ULURP) phase.

Since becoming President of LT-ACT last spring, I was immediately charged with the responsibility of implementing a full-scale plan of action to counter Olnick's fully developed and elaborate presentation. A collaboration between several LT-ACT Executive Committee members resulted in a detailed counter package that my team and I submitted and presented at Community Board 10's Land Use Committee and General Board hearings. Also, a big "thank you" to those of you who testified at the hearings.

Happily, the hard work paid off in the first and second phases of ULURP when both Community Board 10 voted to "disapprove the Olnick Rezoning Plan" and drafted a Resolution finding it "not consistent with the present and future needs of the community." Likewise, The Manhattan Borough President voted to "disapprove" the application and added her own Recommendations. You can read the entire Resolution and Recommendation, which is posted on our website: [www.ltact.org](http://www.ltact.org). These are wonderful WINS for us!

The next phase is ensuring that Councilman Bill Perkins and the NYC Council support us with a NO vote. Please call his office at 212-678-4505 and let him know that you are counting on him and his colleagues to vote against rezoning Lenox Terrace.

This year--more than ever--your membership support is critical and I hope that I can count on you to join us during our Annual Membership Drive, which will run from February 15 - April, 2020. We also have some perks for you thanks to a few local business partners who are offering generous offers to 2020 members.

Please make it your priority to join your tenants' association and, as always, thank you for your support!

Lenn Shebar



### Your LT-ACT Membership Has Privileges!

Remember to show your Membership card and enjoy discounts from our generous business partners:

#### **Restaurants**

##### **Angel of Harlem**

2272 Frederick Douglass Blvd  
*All day Happy Hour drinks with entrée*

##### **Corner Social**

321 Lenox Ave.  
*10% Discount every day*

##### **Seasoned Vegan**

55 St Nicholas Ave.  
*10% Discount, Tues-Sun*

##### **Settepani**

196 Lenox Ave.  
*10% Discount every day*

# Rent Overcharge Class Action Lawsuit Update

## Notices Out to Class Members

On Friday, January 3, 2020 an email, "Notice of Proposed Class Action Settlement and Settlement Hearing," went out to members of the class regarding the proposed class action settlement. A letter followed the next week by mail.

If you are a member of the class you should have received instructions on how to proceed. If you have not received instructions contact:

**Settlement Administrator**  
**info@rg2claims.com**

**The last day to opt into the settlement is**  
**March 2, 2020!**

The lawsuit began over ten years ago when David Hershey-Webb was hired by the class action members on a referral by LT-ACT's Executive Committee. Olnick had removed apartments from rent stabilization while still receiving the J-51 tax abatements. LT-ACT supports the lawsuit but is not directly involved.

**Nearly 175 current residents and over 700 former residents are affected** and members of the class.

Last summer a preliminary settlement agreement of the class action lawsuit brought by Lenox Terrace residents was reached with Olnick, according to long time tenants' rights attorney, David Hershey-Webb (Himmelstein, McConnell, Gribben, Donoghue & Joseph LLP) who is representing Lenox Terrace residents.

## LT-ACT MEMBERSHIP DRIVE STARTS

**FEB. 15, 2020**

**We are stronger with your voice!**

In February you'll be able to

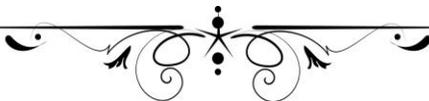
Join thru  
a door drop to your apartment

or

Sign up in your building lobby

**(On-line membership will return next year!)**

**Working for the rights  
of Lenox Terrace residents!**



## Rezoning Questionnaire

In November a questionnaire was distributed to LT residents. The questionnaire surveyed tenants on if they were for or against the Olnick commercial rezoning plan. Ninety-five percent (95%) of respondents OPPOSED the commercial rezoning plan.

## Schomburg Center for Research in Black Culture Black History Month Events

In addition to the current exhibition, Subversion & The Art of Slavery Abolition, the Schomburg Center has a full slate of events honoring Black History Month including:

- Langston Hughes Birthday Bash Edition, Fri., 2/7
- 2020 Black Lives Matter Teen Conference + Teen Night Open Mic, Sat., 2/8
- I Love Myself When I Am Laughing: A Zora Neale Hurston Reader, Tues. 2/11
- Malcom X Remembered, Fri., 2/21

For more information and additional events:  
<https://www.nypl.org/events/programs/schomburg>



# CENSUS 101

What is the census and why is it important to Harlem?

The next census is coming in 2020. Once a decade, America comes together to count every resident in the United States, creating national awareness of the importance of the census and its valuable statistics.

The census counts our population and households, providing the basis for reapportioning congressional seats, redistricting, and distributing more than \$675 billion in federal funds annually to support states, counties and communities' vital programs — impacting housing, education, transportation, employment, health care and public policy.

## HOW THE CENSUS BENEFITS HARLEM

Federal funds, grants and support to states, counties and communities are based on population totals and breakdowns by sex, age, race and other factors. Our community benefits the most when the census counts everyone.

Counting an increasingly diverse and growing population is a massive undertaking. It requires years of planning and the support of thousands of people. The decennial census was first taken in 1790, as mandated by the Constitution.

When you receive your census form in the mail, be sure to fill it out. You count!



## Calendar

**February 12, 2020**  
**City Council Public Hearing**  
**LT ULURP application**  
City Council Zoning & Franchises  
Subcommittee  
City Hall – 250 Broadway  
Committee Room  
**10 am**

**February 15, 2020**  
LT-ACT Membership  
Drive Begins!

**February is**  
**Black History Month!**

## WHAT'S AT STAKE?

- Billions in federal funds for public education and housing, roads and bridges, and more.
- The number of seats New York City has in Congress.
- Your community. Your voice.



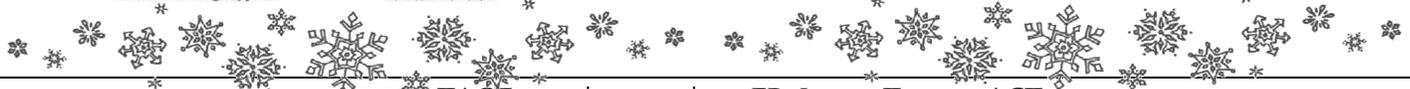
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United States  
Census  
2020

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2020census.gov/jobs

The U.S. Census Bureau is an  
Equal Opportunity Employer.



## Where The Proposed Rezoning Stands

Why Olnick pulling the C6-2 rezoning piece is just a start

After presenting a compelling counter-argument at several public hearings, in meetings with elected officials, coupled with intense pressure and activism from LT-ACT's leadership and executive committee, Olnick is withdrawing their application for a commercial C6-2 rezoning. This removes the huge commercial component that they were seeking. While this is important, it does, however, still leave them with several options.

**Each of these plans has opportunities and challenges for us to consider as residents:**

### **Option 1: Pursuing a higher residential zoning (R8).**

This is the option they are currently seeking. They are amending their current application in the ULURP process to an R8. This option has challenges for the residents of Lenox Terrace. The City Planning Commission and the City Council can make modifications to this proposal which includes a "restrictive declaration" that limits the heights and sizes of the buildings. **The amended plan at this time still calls for five 28-story towers.**

**LT-ACT and Lenox Terrace tenant activism will be very important to significantly curtail the size of this plan or working to challenge this plan.**

**Under a new residential zoning (R8),** Olnick is required to get community and political input and permission to build through the ULURP process. Part of those permissions currently include a completed Tenant Benefit Agreement (TBA) to be submitted for negotiations with residents through LT-ACT.

Part of the TBA will include terms around "Scope and Scale," that is, the size of the buildings and the number of additional apartments/square footage tenants want in exchange for benefits. It can also include financial considerations for residents among other things.

The trade-off may be more density at the complex in exchange for more tenant benefits to you as a tenant during any construction phase and post-construction.

**Option 2: Building under what is called "as-of right"** - what the current zoning (R7-2) allows Olnick to build. They have approximately 425,000 square feet left in which they can build between approximately 450-500 new market rate apartments at Lenox Terrace.

**Under "as-of right,"** Olnick **does not** need to get community or political input or permission to build. They also do not have to extend a TBA to residents. (We have been advised that a TBA should be prepared and submitted under any construction scenario since you as a resident of Lenox Terrace will be greatly impacted by ANY construction occurring here.)

The trade-off is having less density built here in exchange for potentially fewer or no tenant benefits.

**Option 3: Pulling their current application, not building at this time,** and waiting several years for a more favorable political climate to see if they can build what they want. This could potentially put C6-2 commercial rezoning back on the table.

### **The last phase of the ULURP Process**

The last phase of the ULURP process is the City Council and Council Member Bill Perkins. CM Perkins has been a staunch supporter of LT-ACT and the Lenox Terrace residents. His office has assured us they will support what LT residents vote for.

**We need your input!**

**LT-ACT will submit recommendations based on your input.**

## What is a Tenant Benefit Agreement?

In their “NO” recommendations Manhattan Borough President Gale Brewer and Community Board 10 (CB10) mention a tenant benefit agreement and a community benefit agreement. A tenant benefit agreement (TBA) and a community benefit agreement (CBA) is a contract between a developer and community representatives committing the developer to fulfill specific obligations in connection with a particular project.

The TBA or CBA is a legally binding contract based on negotiations between the developer and residents/community members who have banded together to safeguard their community’s interests. These commitments are typically monetary in nature but can include monetary and non-monetary benefits (i.e., affordable housing, air quality monitoring and protections, rent adjustments, educational scholarship funds, size and scope of the project, and so on). Done properly, TBAs/CBAs can be an effective tool for making sure a development project’s benefits are

shared across the community, including by its most vulnerable populations. TBAs/CBAs give community members a voice in how the fruits of economic development are shared.

There are concerns to be addressed to make sure that any TBA/CBA done as part of a project is enforceable. Manhattan Borough President Gale Brewer said in a meeting that a development’s permits can be tied to benchmarks a developer has promised in a TBA/CBA. If those benchmarks are not met on behalf of the community, the approval of the developer’s next required permit can be delayed until benchmarks are met.

CB10 can, and should, play a role in monitoring and overseeing enforceability. (A CBA falls more within the realm of CB10 and community stakeholders of the district, whereas a TBA falls more within the realm of Lenox Terrace residents.) All of these concerns need to be addressed in any potential TBA/CBA at Lenox Terrace.

### Lenox Terrace ULURP Process at New York City Council

#### Tentative 60 Day Timeline\* (Subject to change by the City Council)

<p><b>February 12, 2020 Wednesday, 10 am</b></p> <p><b>All residents are encouraged to attend!</b></p>	<p><b><u>Public Hearing</u></b> City Council Zoning &amp; Franchises Subcommittee City Hall – 250 Broadway Committee Room</p> <p>Public comments can be made - 2 or 3 minute limit. (Similar to the CPC hearing.) Available to watch online: <a href="https://council.nyc.gov/live/">https://council.nyc.gov/live/</a></p> <p>After the public hearing residents can submit digital testimony up to 72 hours by emailing: <a href="mailto:hearings@council.nyc.gov">hearings@council.nyc.gov</a></p>
<p><b>February 26, 2020 or March 11, 2020</b></p>	<p>City Council Zoning &amp; Franchises Subcommittee <b>VOTE</b> on Lenox Terrace application (7 council members)</p>
<p><b>March 16, 2020</b></p>	<p>Land Use Committee <b>VOTE</b> (17 council members)</p>
<p><b>March 26, 2020</b></p>	<p>Full New York City Council <b>VOTE</b> – 51 members</p>