

Lynn Kelly

From: Susan Cohen

Sent: Wednesday, March 28, 2001 7:18

To: Lynn Kelly

Subject: Villager Article

Here's the text of the Villager article that was forwarded to me. Susan

-----Original Message-----

Protestors made their feelings clear through chants and signs.

Lower East Siders elaborately dressed in bird headdress and walking on stilts came out Friday night to protest gentrification in their neighborhood.

In a show that included juggling and a "sermon" by Poe House advocate and anti-Starbucks activist "Revered" Billy Talen, the "anti-displacement circus" was a rally to support a lawsuit filed last week by the Lower Manhattan Anti-Displacement Coalition against the city's Board of Standards and Appeals for its mid-February approval of a bulk variance that gives the go-ahead for a 23-story residential tower at the corner of Ludlow and Houston Sts.

The group paraded through the Lower East Side from Charas/El Bohio at E. Ninth St. between Avenues B and C to the site of the proposed tower at 215 E. Houston St. Some held signs that read "Lower East Siders united, we will keep our homes," and "Apartments not only for the rich." Kwong Hui, a candidate for City Council in the First District and a member of the coalition, was among the protestors.

Edison Parking, the developer of the "stacker" parking lot located across the street from the local landmark Katz's Deli, claimed that without the variance, they cannot get a reasonable return on their investment. The building is slated to have 75 percent market-rate apartments with rents as high as \$2,440 a month for one-bedroom units, as well as 20 percent low-income units and five percent moderate-income rents.

The lawsuit, filed at the deadline - any party had until March 27 to take court action against the Feb. 13 decision - claims the developer did not do enough to consider the project's impact on the surrounding environment, particularly how the mostly market-rate apartments will cause secondary displacement of lower-income tenants priced out of the neighborhood. It also asserts that evidence submitted by the developer - Edison Parking - misrepresented the character of the neighborhood.

"Every time prices go up, the pressure is greater on every tenant in the building for their rent to go up," said Margaret Hughes, executive director of Good Old Lower East Side, which is a member of the Anti-Displacement Coalition. "If I can get a person out through improvements on the building, and get higher rents, so can the next person," she said, explaining the thinking of developers.

Susan M. Cohen, a lawyer with M.F.Y. Legal Services, which is representing the coalition in the suit, called the B.S.A. decision "fundamentally flawed." She said the group is taking issue with several points in the resolution and in the developer's testimony, but their major concern is that no environmental impact study was done.

"The B.S.A. violated both the city and the state environmental laws by

3/29/01

failing to look at the environmental effects of the project, and that includes the socioeconomic impacts as well," said Cohen.

In their resolution, the B.S.A. commissioners stated that no environmental impact statement would be needed for the project since they saw "no foreseeable significant environmental impacts."

Cohen said the coalition also claims that misleading information about the neighborhood was submitted as evidence for "financial hardship" by Edison Parking during the B.S.A. hearing on the project.

"The B.S.A. really relied on some inconclusive and misleading numbers supplied by the developer," said Cohen. "They based the decision on facts that were inaccurate."

She cited several examples of claims the group believes are misleading, most notably their belief that Edison selected higher-income parts of the neighborhood to support their claim that gentrification has already taken hold in the neighborhood.

"They designed this in such a way that the poorer areas are not included," Cohen said.

Pat Pacifico, executive director of the B.S.A., would not comment on the details of the suit, and said that any challenge must be based on material presented in the hearing or on the resolution written by the B.S.A. commissioners.

"The argument is always in the resolution, and that resolution is now being defended by B.S.A. counsel," Pacifico said, adding that it could be some time before the case is heard in civil court. "Suits are filed all the time," he said. "It could take a while."

Manfred Ohrenstein, a lawyer for Edison Parking, could not be reached for comment.

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