

## Possible Pay-to-Play Links Between Developers and City Administration

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### 1. 67 Vestry Street (The A & P Warehouse) owned by Aby Rosen of RFR Holdings.

- a. This building is a promising candidate for the National Registry of Historic Places (according to state preservation officials). It once housed 42 rent-stabilized units, although more than half the tenants have been “bought out”. It shares a wall with Tribeca North Historic District and sits on the waterfront. At the time of historic district designation, long-term tenants report that the former owner was vehemently opposed to this property’s inclusion in the historic district.
- b. The building was later sold to Aby Rosen of RFR holdings. He is on the Board of Grand Central Partnership.
- c. Aby Rosen secured a partial demolition permit in August 02, 2014 (The Real Deal) and wants to build luxury condos, but some rent-stabilized tenants remain
- d. The LPC refuses to consider inclusion of this building into the historic district, despite multiple requests over many years from the community and extensive research on the significance of the building.
- e. Rosen’s contributions (non-exhaustive):
  - i. \$53,500 in 2008 to Democratic Senatorial Campaign Committee. <http://individual-contributors.insidegov.com/l/160966/Aby-Rosen>
  - ii. \$128,000 in federally reported contributions.
  - iii. \$50,000 from RFT to Governor Cuomo’s re-election campaign <http://individual-contributors.insidegov.com/l/160966/Aby-Rosen>
  - iv. \$5,000 to Cuomo’s 2002 campaign
  - v. <http://www.followthemoney.org/> reports Rosen has given \$386,456 to 17 different filers over 13 years, including \$143,000 to Cuomo for various positions since 2002, \$25,00 to Alan Hevis, \$42,000 to Eric Schneiderman, \$25,000 to Eliot Spitzer, and money to Julie Menin.
  - vi. Little Sis reports three contributions totally \$50,000 to the DNC.
  - vii. Influence explorer reports Rosen donating \$111,750 to Democratic Senatorial Campaign Committee and \$25,000 to New York State Democratic Party.
- f. In Jan of ’15, Aby Rosen was appointed Chair of the New York State Council of the Arts.

### 2. 30 Park Place, owned by Larry Silverstein, towering over the Woolworth, a landmark, received 421-a tax abatements in Albany legislations signed by Cuomo in January 2013.

- a. Site previously excluded from Tribeca South historic district
- b. Demolition of historic buildings on the site took place over community objections
- c. Silverstein is a governor of the Real Estate Board of NY
- d. Silverstein’s contributions (non-exhaustive):
  - i. \$235,000 to Jobs for New York, a PAC intervening in the 2013 State and City Council races.
  - ii. Gave Cuomo \$25,000 in March of 2013.
  - iii. Campaignmoney.com reports in 2010 Silverstein gave \$25,000 to Democratic Senatorial Campaign Committee.
  - iv. \$200,000 to Cuomo’s “housekeeping committee” as reported on WNYC Oct. 16, 2014 by Andrea Bernstein.

- v. “Real Estate Interest showered nearly \$790,00 on de Blasio... checks have been gathered in bundles by all the big players including... Larry Silverstein.” (Daily News, Nov. 6, 2013)
- vi. <http://www.followthemoney.org/> shows large sums to Pataki (+\$60,000), Gillibrand, and Cuomo.

### **3. 100 Franklin Street bought by DDG Partners**

- a. Irregular, tiny lot in Tribeca East Historic District
- b. Hotly contested development fought by neighbors
- c. LPC gives Orwellian approval, calls Tribeca East Historic district “a tyranny”
- d. Variance granted by BSA to DDG for 100 Franklin and then “8 days later one of DDG’s limited affiliates donated \$10,000 to Campaign for One New York” (Daily News, April 22, 2016.)

### **4. 351-3 Broadway, purchased by Toll Brothers**

- a. 3 taxpayer buildings, sharing wall with Tribeca East Historic District, but not in the district, despite requests for their inclusion in the district
- b. Housed Gelsey Kirkland Ballet school, who was kicked out and moved to Brooklyn
- c. Slated to be demolished for giant luxury condo project
- d. Toll Brothers gave \$25,000 to Campaign for One New York (Little Sis)
- e. Toll Brothers hosted important fundraiser for de Blasio (Van Spreckelsen, CEO of Toll Brothers) at his Wall Street Office. See The New Yorker, September 11, 2013.

### **5. 56 Leonard Tower, owned by Alexico Group.**

- a. Alexico uses lobbyists Connelly, McLaughlin and Woloz, one of the “biggest bundlers” for De Blasio in 2014.
- b. No environmental impact assessment was made for this building, whose extraordinary height clearly impacts the surrounding neighborhood.

### **6. 65-71 West Broadway, Cape Advisors.**

- a. Six historic buildings ignored for inclusion in Tribeca South plus 2 additional buildings on Church Streets) SE corners of Murray and Chambers Streets). All merit inclusion according to Tribeca Trust historic properties survey done by a professional consultant.
- b. Demolition imminent of all of these buildings
- c. Cape Advisors uses the lobbyist and legal firm of Kramer, Levin, Naftalis and Frankel, significant contributors to de Blasio’s Campaign for One New York and other politicians. See Common Cause Report of March 1, 2005.
- d. Kramer, Levin, Naftalis, and Frankel are representing the Mayor in the current investigation/probe (New York Law Journal, April 14).

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## 1. Congregation Shearith Israel (CSI)

- a. A powerful Upper West Side religious institution's blatant attempt to exploit the City's zoning variance process to construct luxury condominiums as part of a new building that exceeds height limits by nearly 100%—in a historic district, next to a significant landmark, on a low-rise rowhouse block with contextual zoning protections.
- b. CSI hired the “political fixer” firm Capalino + Company and paid them \$75,000 in 2015-2016 to lobby agencies on its behalf.
- c. On April 18, 2016, after nearly **15 years of challenges led by LANDMARK WEST!** (and others in the community) the NYC Board of Standards and Appeals (BSA) **denied** CSI's efforts to proceed with its condo project. Why this? Why now? Here is the chronology...
  - i. **2002-2007:** CSI secured LPC and BSA approvals for **building that significantly exceeds “R8B” height and rear-yard setback limits designed to protect brownstone-scale midblocks.** The LPC, in fact, denied a special permit to waive zoning requirements, thus punting the application to BSA for “hardship” consideration.
  - ii. **2008:** CSI gained BSA approval of its “hardship” claim that “programmatic needs” (for classrooms, etc.) required a building that far exceeded zoning allowances (never mind that **more than half the building was devoted to luxury condos**).
  - iii. **May 2015:** DOB approved New Building permits for CSI's project. Drawings obtained via Freedom of Information showed that **the planned building had changed substantially since the BSA approval.** For example, the classrooms—so crucial to CSI and its “programmatic needs”, the basis of its claimed “hardship”—had vanished from the plans.
  - iv. **June 2015:** LW! and neighbors filed two independent Zoning Challenges on the basis of the significant discrepancies between the plans.
  - v. **October 2015:** Four months after the two Zoning Challenges were filed, DOB finally posted one of the Challenges on its website, but remained silent on the other. A Notice to Revoke the permits was also posted online.
  - vi. **December 2015:** DOB finally responded to Freedom of Information requests filed months earlier, producing documents that revealed interior floor plans significantly altered, a letter to DOB requesting they “not act to rescind permits” allowing site excavation & construction, Capilino's email to DOB requesting confirmation that the agency will “hold off revocation proceedings” while the architect continues with addressing audit objections, and DOB's letter on December 10 that permits will be revoked in 15 days.
- d. **March 2016:** Five months after DOB stated its intention to revoke, permits remained in effect as CSI continued site preparations.
- e. **March 29, 2016:** One week after the *Wall Street Journal* broke the story of Capalino's involvement in a decision by the de Blasio administration to lift deed restrictions on a Lower East Side nursing home, trading senior housing for a \$72 million profit to the site's owner, LW's counsel received a single telephone response from DOB on March 29. This was the very first acknowledgement of our 9-month Challenge, in contrast to the extensive record of ex parte communications between CSI and DOB
- f. **March 30, 2016:** DOB issued an order to CSI to **“STOP ALL WORK IMMEDIATELY”**
- g. **April 18, 2016:** BSA denied CSI's application for “a letter of substantial compliance,” the green light CSI needed to proceed.

**2. 361 Central Park West, First Church of Christ, Scientist Board of Standards and Appeals re: BSA Calendar Nos. 66-15-A and 65-15-BZ; principal owners Joseph Brunner and Ira Shapiro.**

- a. NYC Individual Landmark purchased in name of Shapiro's sister from the Crenshaw Christian Center, East, for c. \$26 million in June, 2014.
- b. Developer claims hardship under ZR §72-21. Developer does not meet any of the five findings that together must be met to qualify for a bulk variance.
- c. Developer did gain a Certificate of Appropriateness from LPC in March, 2015, in a deeply divided vote among commissioners concerned about the extensive changes to the building's façade, ultimately pushed through by Chair Meenakshi Srinivasan. Council Member Mark Levine has written letters and testified in opposition to the variances.
- d. 361 CPW LLC paid lobbyists Capalino + Company \$42,000 to influence BSA from July to December 2015, according to NYC Lobbyist Search.
- e. Since September 2015, BSA has held four public hearings on this item, each time sending the applicant back for revisions. One commissioner called the applicant's financial analysis "a shell game."
- f. The record was closed January 12, 2016, and a vote was scheduled for February 9, 2016. BSA then deferred the vote until February 23, 2016, on its own motion, then again until March 8, 2016, at the applicant's request.
- g. On February 29, 2016, the applicant submitted a letter to BSA requesting to withdraw its application "without prejudice," which the BSA's rules allow "for good cause only" after the record is closed. On March 8, 2016, BSA denied the request to withdraw. BSA Vice Chair Susan Hinkson stated, "This is a complicated, and difficult application, made even more complicated and difficult by the error-filled application presented to the Board."
- h. In early April 2016, 361 CPW LLC fired its attorney, Howard Zipser (Akerman), and hired Mitchell Korbey (Herrick, Feinstein).

**3. 711 West End Avenue: 10 story tower to be placed atop of current rent-stabilized building. Owners are SJP Properties and lobbyist team is Capalino + Company.**

- a. Building is located in the newly created Riverside-West End Historic District Extension (this could explain why district designation was delayed for so long - so that the permits could be issued without LPC review).
- b. "The building is in poor condition and the project was set up by the developer hastily and does not include an adequate tenant protection plan," said one resident, Stephanie Cooper, a member of the Tenant Action Group (TAG) executive committee.  
<http://www.westsiderag.com/2016/03/21/residents-raise-worries-about-10-story-addition-to-west-end-avenue-building>

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**1. "Extell Tower" aka One Manhattan Square (250 South Street)**

- a. De Blasio received at least \$18,000 in campaign donations from Extell, as Public Advocate <http://www.crainsnewyork.com/article/20130813/BLOGS04/130819970/longshot-dem-blasts-rivals-real-estate-cash>
- b. NY State Democratic Committee received at least \$100,000 from Extell in 2013 <http://www.commoncause.org/states/new-york/press/press-releases/common-cause-ny-releases-analysis-of-nysdc-soft-money-fundraising-top-donors.html>
- c. In 2011, former HPD Commissioner Rafael Cestero resigned to become L+M Managing Director <http://www.nytimes.com/2011/01/22/nyregion/22cesteros.html>
- d. Ron Moelis, the City's top affordable housing developer, has close ties to two main de Blasio appointees, HPD Commissioner Vicki Been and Deputy Mayor Alicia Glenn, who shaped Mayor de Blasio's housing plan <http://www.nydailynews.com/news/politics/de-blasio-affordable-housing-appointees-ties-developers-article-1.1616075>
- e. Ron Moelis, CEO of L+M is amongst biggest fundraiser for Bill de Blasio, raising \$75,000 for his mayoral campaign in 2013 <http://littlesis.org/news/2016/03/22/the-real-estate-developer-behind-mayor-bill-de-blasios-affordable-housing-plan/>
- f. Good-hearted "affordable housing" developer Ron Moelis, CEO of L+M, made his start flipping rent-stabilized apartments turned co-ops [http://therealdeal.com/issues\\_articles/l-ms-secret-weapon/](http://therealdeal.com/issues_articles/l-ms-secret-weapon/)
- g. Ron Moelis, CEO of L+M sits on the board of the Mayor's Fund to Advance New York City <http://littlesis.org/news/2016/03/22/the-real-estate-developer-behind-mayor-bill-de-blasios-affordable-housing-plan/>
- h. L+M is the arm of or shoe-in for Goldman Sachs real estate investment and vehicle to receive public subsidies. They set up a joint partnership GSLM Capital Partners to invest in urban infill development. <http://www.businesswire.com/news/home/20081002005171/en/GSLM-Capital-Partners-Finalizes-Investment-Mixed-Income>
- i. L+M, together with developer BFC, bought 50% stake in 900 NYCHA apartments in Dec. 2014, just months before Mayor de Blasio unveiled the NextGen NYCHA plan that will create privately-owned, mixed-income in-fill developments <http://www.nydailynews.com/life-style/real-estate/city-sell-stakes-housing-projects-developers-article-1.2037359> and <http://www1.nyc.gov/assets/nycha/downloads/pdf/nextgen-nycha-web.pdf>

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1. **1907 Bedford Union Armory (110 Bedford Avenue, Brooklyn): Possible “Pay to Play” Give-Away to Slate/BFC Partners/Marvel Architects**
  - a. Despite community alarm and dismay about the current development proposal for the Bedford Union Armory, NY EDC managed to come up with a deal that privatizes a major portion of the Art Nouveau treasure for luxury condos and lumps a mega development off the back of it in a area undergoing massive displacement with the usual promises for “affordable housing” most of which will NOT be affordable for those who live in the neighborhood.
  - b. Site/Project Timeline:
    - i. **2011**: Boro President Marty Markowitz and local politicians hold community meeting at Medgar Evers College to get input on potential use of the Bedford Union Armory with promises to continue dialogue with community.
    - ii. **2011-2012** Armory gets transferred to City from State.
    - iii. **NO COMMUNITY INPUT for THREE years.**
    - iv. **2014**-December: As Markowitz and Bloomberg are heading out the door; RFP gets tossed out- literally weeks before de Blasio takes office- with NO community component.
    - v. **2015** - Outcry in Community to call back the RFP is IGNORED.
    - vi. **2015**- NY EDC instead runs “focus” groups to get community input with questions that satisfy limited criteria but KEEPS current developer pool unchanged which includes Slate/BFC and Marvel. They RETROFIT the “community input” to produce a watered down version of what the community asks for that maximizes profit with minimal fiscal input from developers that includes a transfer of city property for Luxury Condos.
  - c. **Landmarking** requests ignored, as building has “no merit” according to LPC despite National Register Eligibility and same architect share landmark Status at Kingsbridge Armory.
  - d. **SLATE/BFC Partners/Marvel Architects** are selected, who then proceed to hold community meetings limiting discussions about the already limited programming. (What color does the community want the basketball courts to be? Basically)
  - e. Community concerns about lack of programming, loss of President Street portion, access, insight into process ignored.
  - f. **“Gift” from EDC to developers** is in the form of the President Street portion of the head house to build luxury condos, which will generate \$80 to \$100 million in revenue, plus the revenue from 300 rental apartments. Therefore locking in a guaranteed return and not requiring an out of pocket investment.
  - g. Slate Property Group client involved in Rivington House Flip-Capalino lobbyist used.
  - h. BFC Partners involved in NYCHA Privatization deals.
  - i. Marvel Architects.

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- 1. 4650 Broadway, Manhattan 10040 (Inwood – Sherman Plaza Building); Key Players – Albee Development, LLC, Acadia Realty Trust, Washington Square Partners, and Capalino + Company**
  - a. Washington Square Partners, with Acadia Realty Trust, is currently developing Sherman Plaza.
  - b. These are the same developers for City Point in Brooklyn; along with BFC Partners.
  - c. James Capalino is lobbying for Washington Square Partners through Albee Development.
  - d. The impact on the viewscape of the Cloisters was not considered in the EAS. “Because the Proposed Action would not occur within 90 feet of a historic structure, no evaluation regarding construction impacts on historic resources is necessary.” (Environmental Assessment Study)

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- 1. Pier 6 Development Project (Brooklyn Bridge Park)**
  - a. Robert Levine’s RAL Co + Associates (development corporation) were selected as the Pier 6 development team one week after contributing to the campaign for “One New York.”
  - b. Park staff, without approval of park board members, selected RAL.
  - c. RAL utilizes the lobbying services of James Capalino.
  - d. NYS has, so far, refused to push through this development.

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- 1. 110 Wall Street/Water Street Zoning Text Amendment**
  - a. 110 Wall Street is one of the properties to benefit from substantial gain by the proposed zoning change allowing infill of 110,000 square feet along 13 blocks of Water St. with the passing of the Water Street Text Amendment.
  - b. "The 27-story building at 110 Wall St. is owned by Rudin Management, whose chief executive, Bill Rudin, is No. 5 on the list of de Blasio’s big-money bundlers, having collected \$25,150 for the mayor’s planned 2017 re-election campaign." *New York Post* 4/26/16
  - c. With the Text Amendment Rudin will gain 3,163 square feet of ground floor public arcade space at 110 Wall Street to use for retail stores --for free.
  - d. The Downtown Alliance, NYEDC and the Department of City Planning that put forth the Water Street Text Amendment. Bill Rudin is on the Board of Directors of the Downtown Alliance.

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**1. Brooklyn Bridge Park Pierhouse. Development by Toll Brothers & Jonathan Marvel**

- a. David Von Spreckelsen, President of Toll Brothers' City Living, is a long time friend, funding host and contributor to Bill DeBlasio.
- b. Jonathan Marvel, Pierhouse architect, is also listed as a DeBlasio "fund raising host" and contributor.
- c. The Pierhouse in Brooklyn Bridge Park has multiple violations of the Park's planning documents including roof top structures and protrusions into the protected Brooklyn Promenade Scenic View District ("SV-1"). This is the only scenic view district in all of NYC.
- d. These violations have stolen the iconic and what should have been protected views of the Brooklyn Bride from the millions of tourists and native New Yorkers who walk along the Promenade.
- e. This enabled Toll Brothers to reap \$100+ million in excess profits.

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**1. Redevelopment of LICH & loss of Public Space. Owner Fortis Property Group & lobbyist James Capalino.**

- a. Cobble Hill has watched as a hospital that served the community for over a hundred years was sold under questionable procedures and then handed over to a developer who has so thoroughly co-opted the mayor that it has become impossible for the community to get a hearing or accommodation on any aspect relating to that redevelopment.
- b. Fortis has generously donated to the mayor's "The Campaign for One New York."
- c. Fortis has also hired many de Blasio connections to represent them; from their lobbyist, James Capalino – former de Blasio fundraising bundler – to their strategic public relations firm, Hilltop Public Solutions which was co-founded by Nick Baldick, the mayor's close friend, and as land use counsel Kramer Levin, a firm with numerous ties to the mayor. Hilltop currently employs multiple de Blasio allies like Bill Hyers and Rebecca Katz and its alumni include people like de Blasio's aide Stephanie Yazgi, the partner of Emma Wolfe, de Blasio's chief of intergovernmental affairs who was recently subpoenaed by the US Attorney and the Manhattan District attorney for her involvement in alleged illicit fund-raising practices.
- d. Twenty-five years ago, in exchange for the sale of nearby city parkland to LICH, written deed restrictions were put in place creating four "permanent and perpetual" public recreation areas on the LICH site. The areas were designated as toddler playgrounds, a sitting park and a recreational corridor for pedestrians and toddler activities. Two of those areas -- the immensely popular Henry Street toddler playground and Pacific Street recreation corridor -- have now been taken over by Fortis and NYU Langone for the demolition and construction of a new medical facility. The developers have rebuffed all efforts by the community to discuss alternatives to the complete closure of these areas and have kept these areas closed to the public despite the complete cessation of construction work since February 17, 2016, due to a stop work order.
- e. The Departments of Buildings and Parks, the city agencies charged with defending the public's interest in these deeded recreation spaces, have given priority to the developers' interests. They have refused to meet with the community to discuss the closures, have issued approvals in secret



and have refused to discuss alternatives that would keep the recreational spaces open during the upcoming multi-year process of demolition and construction.

- f. Fortis' James Capalino and Hilltop Public Solutions have actively promoted the elimination of the deed restrictions in meetings with de Blasio's senior staff at City Hall. In turn, the de Blasio administration has pressured the Cobble Hill community to support the elimination of these deed restrictions.
- g. The residents of Cobble Hill, through the Cobble Hill Association, reject the ongoing usurpation of our public spaces for private development. We reject the idea that our public spaces are for sale to those who have made significant political contributions like Fortis Property Group.