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SUBCOMMITTEE ON ZONING AND FRANCHISES

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

SUBCOMMITTEE ON ZONING AND FRANCHISES

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August 14, 2018
Start: 10:02 a.m.
Recess: 3:30 p.m.

HELD AT: Council Chambers - City Hall

B E F O R E: FRANCISCO P. MOYA
Chairperson

COUNCIL MEMBERS:

COSTA G. CONSTANTINIDES
BARRY S. GRODENCHIK
RORY I. LANCOUNCIL MEMBERAN
STEPHEN T. LEVIN
MARK LEVINE
ANTONIO REYNOSO
DONOVAN J. RICHARDS
CARLINA RIVERA
RITCHIE J. TORRES

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SUBCOMMITTEE ON ZONING AND FRANCHISES

A P P E A R A N C E S (CONTINUED)

Adam Rothkrug
Zoning Counsel for PHD Summit Owners and Proposed
Developers

Matt Horrigan
Development and Construction Manager at Horrigan
Development

Jay Goldstein
Land Use Attorney at the Law Office of Jay
Goldstein

Tahira Adams
Security Guard representing 32 BJ Union

Jennifer Maldonado
Executive Director of the Educational
Construction Fund, ECF

Jared Della Valle
CEO and Founder of Alloy Development

David McCarty
Director of Alloy Development

Patrick Blanchfield
Senior Technical Director of AKRF, Inc.

William Candell
Associate Director at the New York City
Department of Education

Daniel Hildreth
Department of Education's Office of Student
Enrollment

Jo Anne Simon
New York State Assembly Member for the 52nd
District

Hannah Birnbaum
Coordinator of 32BJ's Work on New Development

Regina Myer
President of Downtown Brooklyn Partnership

A P P E A R A N C E S (CONTINUED)

Pasquele Vallone
Partner at 10 Hudson Yard, 32BJ SEIU Member

Sam Bernstein
Research and Urban Planning Fellow at the New
York Building Congress

Daughtry Carstarphen
Registered Architect of Affordable Housing

Seth Meyerowitz
Resident of Boerum Hill

Lisa Verincamp
Resident of Fort Greene, Brooklyn

Jonathan Glazer
Resident of Brooklyn on State Street

Peter Gee
Board Member of Fifth Avenue Committee, FAC

Jessie Lazar
Resident of Park Slope

Sarah Willard
Resident of New York City for 18 Years

Kirk Goodrich
Partner at Monadnock Development, LLC

Howard Kolins
President of the Boerum Hill Association

Mable Long
Resident of One Hanson Place, Fort Greene

Michael Devick
Resident of Boerum Hill for 37 Years

Mary Katherine Michiels-Kibler
Member of the Rockwell Community Place Garden

Nancy Packes
Consultant to the Real Estate Industry in the
Planning of Rental Developments

A P P E A R A N C E S (CONTINUED)

Andrew Bernheimer
Principal at Bernheimer Architecture, Assistant
Professor of Architecture at Parsons School of
Design

Irene Moussa
Parent Coordinator for Khalil Gibran
International Academy

Basha Gerhards
Vice President at the Real Estate Board of New
York, REBNY

Marcel Negret
Project Manager at the Municipal Art Society of
New York

Ben Richardson
Treasurer of the Fort Greene Association

Ron Janoff
Coordinator of the Rockwell Place Community
Garden

Brent Porter
Architect at Pratt, Resident of Clinton Hall

Melissa Chapman
Senior Vice President for Public Affairs of the
Brooklyn Chamber of Commerce

Juan Barahona
Treasurer of the Board of Directors of Fifth
Avenue Committee, FAC

Victoria Calibro
Representing Brooklyn Children's Museum

Deborah Lauder
Member of the Rockwell Place Brooklyn Bear's
Community Garden

Peter Solet
Resident of Boerum Hill

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SUBCOMMITTEE ON ZONING AND FRANCHISES

A P P E A R A N C E S (CONTINUED)

- Roz Coppet
Resident of Boerum Hill
- Justin Jarboe
For the Applicant
- Jeff Ackerman
For the Applicant
- Carol Rosenthal
Partner at Fried Frank, Member of the Real Estate
Department
- Chris Havens
Managing Director of Office Leasing at RerraCRG
Resident of Boerum Hill
- Dan Marks
Partner at TerraCRG, Resident of Brooklyn, Board
Member of a Non-Profit Cultural Arts Organization
- Michael Duddy
Professional Architect, Resident of Park Slope
- Evan Baum
Reading on Behalf of a Resident that grew up on
South Portland Avenue
- Lucy Koteen
Resident of Fort Greene for 40 Years
- Darren Seifer
Member of the Rockwell Place Brooklyn Bear's
Community Garden, Resident of Brooklyn
- John Crow
Member of the Rockwell Place Brooklyn Bear's
Garden, Resident of Park Slope
- Sandy Balboza
- Benjamin Holberg
Read for David Erdman; Registered Architect in
New York State

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SUBCOMMITTEE ON ZONING AND FRANCHISES

A P P E A R A N C E S (CONTINUED)

- Ben Carlos Thypin
Organizer at Open New York
- Jack Davies
Policy and Campaign Manager at Transportation Alternatives
- Athenes Bauza
Residential Sales Agent with Brown, Harris, Stevens
- Irene VanSlyke
Community Gardener
- Peter Bray
Executive Director of the Brooklyn Heights Association
- Eileen Boxer
Resident of Boerum Hill on State Street
- Simon David
Resident of Park Slope, Professional Landscape Architect and Urban Designer, Professor at Parsons
- Eric Spencer
Architectural Designer
- Adrian Deveny
Resident of Community Board Two
- Garrick Jones
Resident of Brooklyn for 25 Years, Owner of Brooklyn Architectural Design Studio; Ten to One
- Betty Feibusch
Resident of Boerum Hill, Member of Community Board Two
- Roslyn Huebener
Resident of Fort Greene, Board Member of the Fort Greene Association, Vice President of the Clinton Hill Association

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SUBCOMMITTEE ON ZONING AND FRANCHISES

A P P E A R A N C E S (CONTINUED)

- Patty Hagen
Resident of Brooklyn
- Grant Greenberg
Resident of Boerum Hill
- Brad Samuels
Founding Partner at SITU Research, Resident of
Brooklyn
- Mark Balatari
Read for Marc Kushner; Architect, Resident of
Cobble Hill and Carroll Gardens, Principal of
Hollwich Kushner
- Elisha Cooper
PTA President at Khalil Gibran International
Academy
- Jack Cooper
Senior at Khalil Gibran International Academy
- Joan Reutershan
Resident of Fort Greene for 34 Years
- Sue Wolfe
Co-Vice President of the Atlantic Avenue Local
Development Corporation
- Ray Rogers
Labor Organizer and Crusader Against Corporate
Interests
- Henry Carrier
Resident of Carroll Gardens, CEC
- Andrew Kalish
Third Generation New Yorker
- Steven Smith
Resident of Bushwick
- Lynn Ellsworth
Founder of Human Scale NYC

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SUBCOMMITTEE ON ZONING AND FRANCHISES

A P P E A R A N C E S (CONTINUED)

- George Cumbas
Resident of Boerum Hill for 41 Years

- Kate Riley
Resident of 29 3rd Avenue, Member of the Rockwell
Place Brooklyn Bear's Community Garden

- Erica Gilles
Board Chair of the Fifth Avenue Committee, FAC

- Alexandria Secahek
Resident of Park Slope, Mother

- Julie Sebinyau
Teacher in District 15, Resident of Fort Greene

- Allison Greensberg
Resident of New York City, Attorney, Member of
Steering Committee of Human Scale NYC

- Mimori Kishida
Lifelong Resident of Boerum Hill

- Jay Marcus
Member of the Fifth Avenue Committee, FAC

- Alice Taylor
Resident of Boerum Hill for 40 Years

- Claire Angelica
Resident of Boerum Hill for 40 Years

[gavel]

CHAIRPERSON MOYA: Good morning and welcome to the meeting of the Subcommittee on Zoning and Franchises. I'm Council Member Francisco Moya and we are joined today by Council Members Constantinides, Lancman, Levin, Richards, Espinal, and Lander. Today we will be holding public hearings on a number of items, if you're here to testify on any item on the calendar please fill out the white speaker slip with the Sergeant at Arms and indicate the LU number of the item you wish to testify on that slip. Before we commence our hearings, we will start with a vote on an item previously heard the 1601 DeKalb Avenue rezoning, LU's 164 and 165 for property in Council Member Espinal's district in Brooklyn. Applicant 1601 DeKalb Avenue owner LLC seeks a zoning map change and a zoning text amendment to apply MIH options one and two to the rezoning area to be rezoned from a manufacturing district to an R7A district. The applicant has partnered with affordable housing developer, RiseBoro and together they will develop the site under the ELLA term sheet. We will be modifying the application to remove MIH option two and add the deep affordability option. MIH option one

1 will also apply, we will be leaving the commercial
2 properties on Wyckoff out of the rezoning, these are
3 existing businesses which provide jobs and serve the
4 community and consistent with the goals of the
5 Bushwick community plan. They will remain zoned for
6 manufacturing in future economic development
7 opportunities. For the loft buildings between the
8 Wyckoff frontage and the development site we will
9 modify the application to... the application to apply
10 R6A zoning instead of the R7A which was proposed. One
11 of... one of the two buildings was identified in the
12 environmental review as a soft site and there is
13 legitimate concern by the tenant that they could lose
14 their homes, by limiting the residential floor areas
15 in this way but still applying, applying MIH to the
16 sites the existing residential use will be legalized
17 but there will be no incentive to redevelop these
18 buildings. We will be voting to approve this
19 application with the modifications I have described
20 in accordance with the recommendations of Council
21 Member Espinal and now I want to turn it over to
22 Council Member Espinal for a few remarks.

24 COUNCIL MEMBER ESPINAL: Thank you Chair
25 Moyo for the opportunity to speak on this project.

1 The 1601 DeKalb Avenue rezoning proposal has been at
2 the center of conversation in the Bushwick community
3 for the past few months. Before I describe the merits
4 of this project I'd like to provide some background.
5 For over four years Council Member Reynoso and I have
6 supported the community residents and organizations
7 in the Bushwick community plan process. At the center
8 of this planning work are several zoning and land use
9 recommendations that were developed by dedicated
10 members of the Bushwick community's plans steering
11 community... committee. These recommendations intend to
12 create opportunities for new affordable housing,
13 correct outdated zonings to preserve existing housing
14 and neighborhood character and promote inclusive
15 economic development in Bushwick, a community that
16 has been facing immense development pressures as
17 rents continue to rise and long-time residents
18 continue to be displaced. When this project certified
19 at the City Planning Commission in February it
20 proposed a majority market rate development with 25
21 percent affordable housing through MIH, my office and
22 members of the Bushwick community planning steering
23 committee urged the developers to engage with HPD in
24 order to take the opportunity to turn this long-time
25

1 vacant lot into much needed truly affordable housing
2 and more accurately to reflect the community's
3 planned goals. The developer, Camber Properties, has
4 been responsive to the concerns of the community,
5 working closely with my office and members of the
6 steering committee and has since partnered with a
7 trusted local non-profit developer to advance a
8 project that contains 100 percent affordable housing.
9 They have worked together with HPD to commit to 121
10 affordable units which will serve income levels that
11 better reflect those of Bushwick residents and are as
12 follows. Ten percent at 30 percent of AMI, ten
13 percent at 40 percent of AMI, ten percent at 50
14 percent of AMI, 30 percent at 60 percent of AMI and
15 30 percent at 100 percent of AMI and ten percent of
16 the formerly homeless through our, our space program.
17 The developer's partnership with RiseBoro has also
18 created an alternative.. alternate opportunity for
19 even more affordable housing including senior housing
20 in which one, one of RiseBoro's vacant lots could
21 also be developed as part of the same financing
22 package. Additionally, the development team has
23 committed to take.. making sure that many of the units
24 will accommodate larger families as two and three
25

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2 bedrooms are much needed in Bushwick. Amidst the
3 conversation of new affordable units, a housing
4 preservation issue on the site adjacent to the
5 proposed developed also arose. Two converted loft
6 buildings each containing 21 units have windows along
7 the lot line facing the proposed development. In the
8 past couple of months, I have met with some of the
9 tenants of the loft buildings and visited the lofts
10 to better understand the tenant's concerns and ensure
11 I was doing everything in my power to address this
12 issue. Even though the developer of 1601, 1601 DeKalb
13 has every right to build to their lot line, they have
14 agreed to address the issue and have committed to
15 filing an easement in order to guarantee a setback
16 from the lot line that will ensure adequate light and
17 air for the tenants of the loft buildings. The
18 developer's commitments to this... to this easement and
19 the levels of affordability I described have been
20 memorialized in a cooperation and development
21 agreement between Camber Properties and RiseBoro
22 Community Partnership giving us all greater
23 confidence in the development team and assurance of
24 their intention to create a project that is truly
25 beneficial to the people of Bushwick. The council

1 will also be, be making modifications to the rezoning
2 area. This original proposal included a large portion
3 of the block beyond the physical boundaries of the
4 affordable housing project and the potential
5 implications of these actions raised serious concerns
6 for community members as heard at public hearings
7 throughout the process. Rezoning the proposed
8 development site to R7A is in line with the zoning
9 and land use recommendations of the Bushwick
10 community plan to allow significant density for 100
11 percent affordable housing developments that reach
12 very low-income bands. However, the proposed R7A
13 zoning for the adjacent lofts would allow development
14 more than twice as large as the existing buildings
15 creating an incentive to redevelop the properties and
16 displace the tenants. For that reason, the council's
17 modified the proposed zoning to loft building to a
18 more moderate density of R6A which will bring these
19 buildings into compliance as a residential use with a
20 zoning district that more closely matches the
21 existing size of the buildings. In these areas MIH
22 option one will be mapped with the option for deeper
23 affordability levels... add, added as those options are
24 most relevant to the incomes of residents of
25

1 SUBCOMMITTEE ON ZONING AND FRANCHISES 15
2 Bushwick, MIH option two will be removed. Finally,
3 the council will also modify the applications to
4 remove the Wyckoff Avenue commercial properties from
5 the rezoning leaving the M1-1 zoning in place. The
6 displacement of local jobs and businesses is a stark
7 reality throughout Bushwick, historically it has been
8 the manufacturing zoning that has helped to alleviate
9 some of the development pressures faced by businesses
10 with mixed use residential districts which is why the
11 retention of manufacturing zonings is so important to
12 the community. I agree with the view... with the view
13 raised by my community members at our hearings, the
14 properties along Wyckoff provide jobs and space for
15 local businesses today and hold additional economic
16 development potential for the future as a home for
17 local industrial or commercial small businesses. The
18 Bushwick community plan also seeks to unlock the
19 potential of manufacturer zones for local economic
20 developments and preserving the Wyckoff M-zone and
21 this action will preserve the future opportunity. I
22 want to thank the Bushwick community planning
23 steering committee, the tenants of the loft
24 buildings, Camber Properties, RiseBoro Community
25 Partnership, my staff and especially Council Land Use

1 staff who put in long hours of work to get to where
2 we are today. So, thank you Mr. Chair.

3
4 CHAIRPERSON MOYA: Thank you Council
5 Member Espinal. I now ask the council to call the
6 roll.

7 COMMITTEE CLERK: Vote to approve
8 modifications of LU's 164 and 165, Chair Moya?

9 CHAIRPERSON MOYA: I vote aye.

10 COMMITTEE CLERK: Constantinides?

11 COUNCIL MEMBER CONSTANTINIDES: I vote
12 aye.

13 COMMITTEE CLERK: Lancman?

14 COUNCIL MEMBER LANCOUNCIL MEMBER AN: Aye.

15 COMMITTEE CLERK: Levin?

16 COUNCIL MEMBER LEVIN: Aye.

17 COMMITTEE CLERK: Richards?

18 COUNCIL MEMBER RICHARDS: Aye.

19 COMMITTEE CLERK: The applications are
20 approved by a vote of five in the affirmative, zero
21 negatives and no abstentions and referred to the full
22 Land Use Committee. Reynoso?

23 COUNCIL MEMBER REYNOSO: I vote aye.

24 COMMITTEE CLERK: The applications are
25 now approved by a vote of six in the affirmative, no

1 negatives and no abstentions and, and we will hold
2 the vote open for additional members.

3
4 CHAIRPERSON MOYA: Thank you. Thank you,
5 we will now move on to our hearings. Our first
6 hearing will be on LU's 188 and 189, the 5563 Summit
7 Street rezoning for property in Council Member
8 Lander's district in Brooklyn. Applicant PHD Summit
9 LLC seeks to rezone the property from M1-1 to R6B and
10 apply MIH options one and two. Before I open up the
11 public hearing on this application I wanted to give
12 Council Member Lander the opportunity to, to state
13 his remarks.

14 COUNCIL MEMBER LANDER: Thank you Chair
15 Moya. Good members to members of the committee. This
16 is smaller than Council Member Espinal's project, but
17 I feel very enthusiastic about it and we'll hear
18 about the project in just a minute. This is a small
19 project, it's just one site, 8,000 square feet, 14
20 residential units but I want to appreciate PHD Summit
21 because they were willing to work with my office to
22 solve a problem created by what in my opinion is a...
23 is a loop hole for small projects in the MIH text. If
24 you have a site... a project that winds up getting
25 built under 12,500 square feet, you have no MIH

1 obligations whatsoever, from 12,500 to 25,000 you
2 have a choice, you can build on site or you can pay
3 into an in lei fund but if you just choose to build
4 right under 12,500 all your obligations go away and
5 we had that happen on a project in my district that
6 got all the way to the council saying that they were
7 seeking a rezoning to build 14,000 square feet or
8 13,000 something just over and it became clear to us
9 at the last minute that it was a bait and switch and
10 they were going to build a 12,000 and do nothing for
11 affordability. These developers are proposing to
12 build a, a larger project, 17,600 with 14 residential
13 units but I asked them to provide us with a real
14 assurance that that could not happen here, and they
15 have agreed to. So, they are entering into a
16 community benefits agreement with the 5th Avenue
17 committee that references the Brooklyn community
18 foundation. As you'll hear they are planning to build
19 on site affordability which is very rare in this neck
20 of the woods either four or five units, four units in
21 option one, five units in option two in this 14 unit
22 project so truly affordable housing right on site in
23 a beautiful part of Carroll Gardens but they are also
24 signing this binding legal agreement that if for any
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2 reason they or a subsequent developer were to build a
3 smaller project under the 12,500 square feet which
4 would not any longer contain the MIH obligation that
5 they would be obligated to pay to the Brooklyn
6 Community Foundation at the price established for the
7 larger projects in the zoning resolution, 605 dollars
8 per square foot into a fund which would add up to
9 some millions of dollars to then bring the affordable
10 housing. So, ultimately I wish we would fix that
11 12,500 square foot loophole in the MIH text but that
12 was beyond the reach of this development team and I'm
13 really grateful that they were willing to partner
14 with the community and with me to guarantee that we,
15 to build affordable housing on site but also to
16 provide a guarantee that that loophole does not get
17 abused in the future and that was some creative work
18 and I appreciate their work and the 5th Avenue
19 Committee and the Brooklyn Community Foundation for
20 being willing to find a way to make it happen.

21 CHAIRPERSON MOYA: Thank you Council
22 Member. We have Matt Horrigan and Adam Rothkrug?

23 ADAM ROTHKRUG: Yes, although I feel...
24 [cross-talk]

25 CHAIRPERSON MOYA: One... [cross-talk]

1 ADAM ROTHKRUG: ...like a lot has... [cross-
2 talk]

3 CHAIRPERSON MOYA: ...one second... [cross-
4 talk]

5 ADAM ROTHKRUG: ...already been said
6 already... [cross-talk]

7 CHAIRPERSON MOYA: ...one second... one
8 second, Council could you please swear in the panel.

9 COMMITTEE CLERK: Before speaking each
10 state your names and do you each swear or affirm that
11 the testimony you're about to give will be the truth,
12 the whole truth and nothing but the truth and that
13 you will answer all questions truthfully?

14 ADAM ROTHKRUG: I do.

15 MATT HERRIGAN: I do.

16 CHAIRPERSON MOYA: Thank you, you may
17 begin.

18 ADAM ROTHKRUG: Good morning Chair Moya
19 and Council Members. My name is Adam Rothkrug, I'm
20 Zoning Counsel for PHD Summit owners and proposed
21 developers of a new residential building at 5561
22 Summit Street between Columbia Street and Hamilton
23 Avenues. I'm here this morning in connection with our
24 pending applications for rezoning and MIH text change
25

1
2 to facilitate residential development of the subject
3 property. The property is currently located in a
4 small pocket of M1-1 zoning along this section of
5 Summit Street which was removed from a prior rezoning
6 of the area apparently due to the presence of a
7 beloved kennel which no longer exists. It's an 80 by
8 100 site, 8,000 square feet currently vacant. The
9 rezoning includes one additional site to the East of
10 the development, 20 by 100 that's included in the
11 rezoning but not under the ownership or control of
12 the applicant. It is proposed to rezone the premises
13 from M1-1 to R6B which is the predominate zoning in
14 the area and amend the zoning resolution to designate
15 the area as a mandatory inclusionary housing area.
16 The develop... the rezoning would permit development of
17 a 14-unit residential building, 17,600 square feet
18 which uses the increased 2.2 FAR of the MIH with
19 accessory parking for seven autos and seven bicycles.
20 The building would be approximately 50 to 55 feet in
21 height depending on whether we have a community
22 facility use on the first floor. Pursuant to option
23 one of the mandatory inclusionary housing it's
24 proposed to maintain 25 percent of the building as
25 on-site affordable floor area at a weighted average

1 of 60 percent AMI. As Councilman Lander's testified,
2 we were happy to work with his office to come up with
3 a way to assure the community that we shared their
4 concern about providing affordable housing even on
5 smaller sites that could be exempt from the
6 requirements and as he mentioned we have entered into
7 an agreement with the 5th Avenue Committee which
8 provides in the event the developer or any future
9 developer because this will be recorded against the
10 property elects not to participate that they'll be
11 responsible for the payment that would be due for a,
12 a, a project that met the 12,500 square feet and I
13 think actually the per square foot payment recently
14 went up from 605 to 660 dollars so it's a... it's a, a
15 couple of million dollars that would go toward
16 affordable housing in the event someone elects to
17 proceed without a building pursuant to the MIH. This
18 area is the site of several prior rezoning's
19 including 37 to 39 Carroll Street, 45 Summit Street
20 which is a 35-unit residential building, 2009 Carroll
21 Gardens rezoning which created R6B in the area and
22 2011 33 and 25 Carroll Street. If you look at the
23 land use map the vast majority of the, the area here
24 is residential in nature. The owners, developers,
25

1
2 Horrigan Development is a family owned community
3 that's developed in Brooklyn since 2005, Chris and
4 Crystal Horrigan live in Park Slope, she is a, a
5 minority woman owned business and the architect for
6 the project. As requested by the community board and
7 the borough president's office the proposed
8 development will include use of local minority and
9 women owned business enterprises as well as
10 environmentally sensitive construction including LED
11 lights, low flow plumbing, cast and place concrete,
12 high efficiency appliances, high recycled content
13 finishes, energy efficient windows and doors, low VOC
14 adhesives and paints and locally sourced materials so
15 we're very happy to have worked with the, the
16 Councilman and especially Annie and her staff, the
17 members of the 5th Avenue Committee and we think that
18 this is a... hopefully a blueprint for smaller projects
19 moving forward. Matt Horrigan one of the developers
20 and principals is here to answer any questions the
21 councilman has, thank you.

22 CHAIRPERSON MOYA: Thank you.

23 ADAM ROTHKRUG: Thank you.

24 CHAIRPERSON MOYA: You're, you're
25 dismissed, thank you so much for... [cross-talk]

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ADAM ROTHKRUG: Okay... [cross-talk]

CHAIRPERSON MOYA: ...your testimony.

ADAM ROTHKRUG: Thank you.

COUNCIL MEMBER LANDER: Thank you, thank you Chair, I've... you know asked all my questions previously. I feel very satisfied with this project and grateful to them for working on this with us.

CHAIRPERSON MOYA: No problem. Are there any members of the public who wish to testify on this application? Seeing none I now close the public hearing on this application and it will be laid over. Our next hearing will be on 205 Park Avenue rezoning, the LU's 190 and 191 for property in Majority Leader Member Cumbo's district in Brooklyn. The applicant for 62 Lexington, Lexington Ave LLC seeks to rezone the property from M1-2 to R7D C2-4 and to apply MIH options one and two. I now open the public hearing on this application. I'm sorry, I did not see our Majority Leader come in, how are you Council Member Cumbo? We will... okay. Okay, Jay Goldstein, Justin Jarboe, Jeff Ackerman, great. I ask the council now to swear in the panel.

COMMITTEE CLERK: Do you each swear or affirm that the testimony that you're about to give

1 will be the truth, the whole truth and nothing but
2 the truth and that you will answer all questions
3 truthfully? Be... please state your name and speak... and
4 speak into the microphone, turn it on pushing the
5 button and then make the affirmation.
6

7 JAY GOLDSTEIN: Jay Goldstein for the
8 applicant, I do.

9 JEFF: Jeff Ackerman for the applicant, I
10 do.

11 JUSTIN: Justin Jarboe for the applicant,
12 I do.

13 CHAIRPERSON MOYA: You may begin.

14 JAY GOLDSTEIN: The application... my... good
15 morning, my name is Jay Goldstein, I'm the land use
16 attorney for the applicants 462 Lexington Avenue LLC
17 and Miss Brookie Lefkowitz. The subject site is 205
18 Park Avenue which is the North side of Park Avenue
19 between Clairmont Avenue and Vanderbilt Avenue. The
20 subject site itself is a 12,800 square foot property
21 located in M1-2 zoning district. The subject site is
22 surrounded while in an M1-2 district to the North
23 there's the R8 C2-4 overlay which is the Navy Green
24 project. The proposed application seeks to create an
25 R7D app... rezoning with a C2-4 overlay and an MIH

1 designated district. The property has approximately
2 204 feet of frontage along Park Avenue, 84 feet along
3 Vanderbilt and 43 feet along Clairmont Avenue. The
4 property is as you see here, surrounded by M1-2 R5B
5 across Park Avenue, R6B and R6 zoning district with
6 an R8 directly North of the property. As you can see
7 from this map while the subject site is an M1-2 the
8 site itself is surrounded on all sides by residential
9 and therefore we feel that a residential use with a
10 ground floor commercial would be a beneficial use to
11 this property to make appropriate and productive use
12 of the site. The project itself would... is proposing a
13 six story with setbacks 7th and 8th story building,
14 it's approximately 71,000 square feet. The ground
15 floor would have... as you can see here, sorry, these
16 are the views along Park Avenue, you can see it in
17 the back, the shadowed area are the buildings at the
18 Navy Green project, the proposal is in line... excuse
19 me, in line with the bulk of those projects and
20 therefore we feel that the requested zone is
21 appropriate. The ground floor commercial space would
22 be limited to four small commercial units, the
23 purpose of this is really to gear and try and funnel
24 these units to locally sourced businesses and
25

1
2 minority businesses. In addition, one of the spaces
3 is... seeks to be occupied by my client who operates an
4 affordable, a home health care business which
5 provides affordable home health care and jobs for
6 medium and low-income families. The company is a
7 minority and women owned business which provides
8 excellent benefits to its employees and we feel that
9 by placing it in this building it will create job
10 opportunities within the neighborhood. The upper
11 floors will be a mix of two bedroom and one-bedroom
12 units, the proposal has 70 units, 20 of which are two
13 bedrooms and one... and 50 of which are one bedroom. As
14 part of the application and the design buildout we
15 and in response to questions and comments along the
16 way we do intend to look at the one-bedroom
17 apartments and to make them into larger units to, to
18 service the needs of the larger families in this area
19 and to provide housing for the larger families. The
20 project itself will be seeking the MIH option one
21 which will require 25 percent affordable housing, ten
22 percent of the affordable housing will be limited to
23 40 percent AMI with the remainder at 60 percent AMI.
24 The 40 percent housing, we seek to gear it towards
25 senior residents which has been a... an expressed need

1
2 in this community and we seek to work with a local
3 non-for profit to run the affordable housing lottery.
4 If there are any questions regarding this property..
5 project I'm happy to answer them.

6 COUNCIL MEMBER CUMBO: You can ask
7 questions then I'll ask, uh-huh.

8 CHAIRPERSON MOYA: Thank you. Yeah, just
9 a couple of questions.

10 JAY GOLDSTEIN: Sure.

11 CHAIRPERSON MOYA: What will you be
12 doing... what will you do during the construction to
13 mitigate the air quality issues that were brought up
14 at the community board?

15 JAY GOLDSTEIN: I believe the air quality
16 issues that were brought up at the community board
17 with regard to the actual built project and the built
18 project is subject to... will be subject to a little e-
19 designation that will require us to work with the
20 office of, of Environmental Remediation to ensure
21 that the indoor air quality of the site is... protects
22 the tenants and doesn't cause a... any potential
23 hazards to anyone.

24 CHAIRPERSON MOYA: Okay and, and will you
25 be following the Brooklyn borough president's

1 SUBCOMMITTEE ON ZONING AND FRANCHISES 29
2 recommendations that studio and one-bedroom
3 apartments should be allocated to those possible
4 tenants who make 40 percent of the AMI?

5 JAY GOLDSTEIN: So, we... as stated we
6 intend to focus the 40 percent AMI towards senior
7 residents which is an express... an expressed request
8 of the borough president as well as the remainder of
9 the units we're seeking larger units with a 50
10 percent mix and even distribution throughout the
11 building in accordance with his requests.

12 CHAIRPERSON MOYA: Okay and will you
13 commit to the good jobs standards that were outlined
14 throughout your negotiations and will you commit to
15 the real benefits and job protection for this
16 building?

17 JAY GOLDSTEIN: Yes, we've committed to
18 having locally sourced businesses for the
19 construction projects and these building projects...
20 the, the jobs during... in the building after
21 construction we've committed to prevailing wage and
22 we've put that in writing to the Council Member.

23 CHAIRPERSON MOYA: No... I understand...
24 right, I understand the prevailing wage part but
25 there is also... [cross-talk]

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JAY GOLDSTEIN: With... [cross-talk]

CHAIRPERSON MOYA: ...the... [cross-talk]

JAY GOLDSTEIN: ...with benefits.

CHAIRPERSON MOYA: Okay, so the benefits and job protection are included?

JAY GOLDSTEIN: That's the commitment that was made, yes.

CHAIRPERSON MOYA: Okay, thank you. I have no further questions, so I turn it over to Council Member Cumbo.

COUNCIL MEMBER CUMBO: Thank you so much Chair Moya. This project offers a great deal for the community in terms of its ability to have local hiring as part of it, the ability to have MWBE as an anchor tenant for the commercial aspects of it. One of the concerns is that this project is going to be 30 feet away from the most heavily trafficked elevated highway and truck route in Brooklyn the BQE. What measures are you taking to mitigate the noise and air pollution generated by the BQE?

JAY GOLDSTEIN: So, I have with me the environmental team, I can try and respond and if it's not clear I can have the environmental team speak to this matter. Throughout the process we've worked with

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2 the city planning and the environmental team, they
3 have assigned little e-designations which require us
4 to work with the Office of Emergency.. of the
5 Environmental Remediation, the little e-designation
6 requires that we install windows in a closed window
7 condition which means that the windows will have to
8 be a certain DBA which ensures that the internal
9 decimal level of the sound level in... within the
10 apartments doesn't reach above 45 DBA which is
11 standard. So, that will be part of the application
12 approval and that will require us during construction
13 before we get permits to go to the... to go to the
14 Office of Emergency.. Environmental Remediation to
15 provide a work plan and get approval on that aspect.
16 In terms of air quality, we have a little e again
17 that will require a second means of... [cross-talk]

18 COUNCIL MEMBER CUMBO: I'm sorry, I
19 didn't hear that term that you utilized.

20 JAY GOLDSTEIN: Which term... for the
21 second one in terms of air quality...

22 COUNCIL MEMBER CUMBO: Right, what were
23 you saying?

24

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1 JAY GOLDSTEIN: We... the... again there's a
2 little e-designation that will require us to work
3 with OER... [cross-talk]

4 COUNCIL MEMBER CUMBO: Uh-huh... [cross-
5 talk]

6 JAY GOLDSTEIN: ...That will require a
7 second means of ventilation to be placed on the roof
8 above 95 feet where the building is already at 91
9 feet, so we place this stack above 95 feet which
10 ensures that the intake from the BQE is clean air and
11 doesn't cause potential issues to the tenants.
12

13 COUNCIL MEMBER CUMBO: Are you familiar
14 with the Navy Green project?

15 JAY GOLDSTEIN: I am.

16 COUNCIL MEMBER CUMBO: Why was this
17 project not included in the rezoning ten years ago as
18 part of that particular process?

19 JAY GOLDSTEIN: I've asked the client,
20 the client didn't own the property at the time, they
21 bought it I think right before the Navy Green was
22 actually approved... [cross-talk]

23 COUNCIL MEMBER CUMBO: Uh-huh... [cross-
24 talk]

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2 JAY GOLDSTEIN: ...it was owned by a not-
3 for profit Yeshiva at the time and they never
4 utilized the property and I guess they didn't
5 understand or they weren't approached to do a... to be
6 a part of that rezoning.

7 COUNCIL MEMBER CUMBO: And you are
8 intending to develop according to the MIH option one,
9 correct?

10 JAY GOLDSTEIN: Correct.

11 COUNCIL MEMBER CUMBO: Okay. This current
12 zoning proposal includes the option of developing to
13 MIH option two, why is this still present in the
14 application if you intend to develop under option
15 one? So, I want to be very clear about the selection
16 of option one at this hearing.

17 JAY GOLDSTEIN: We've made... we've made
18 representations at city council as well that the
19 option two was language that city planning put into
20 the proposal but we've throughout our application and
21 our application materials have requested option one
22 for the MIH option.

23 COUNCIL MEMBER CUMBO: Okay and what are
24 your plans for ensuring local residents have an
25 opportunity to participate in this development?

1
2 JAY GOLDSTEIN: So, we've began
3 conversations with Impact Brooklyn which actually
4 represented the building next door, 40 Vanderbilt,
5 they have a unique knowledge of this immediate area
6 and they actually have a stated goal going forward of
7 proposing to focus on providing senior housing as
8 well. We've started conversations with them to
9 represent us during the process, they hold
10 informational meetings for the local community, they
11 do the outreach in the local community and we think
12 that that will ensure that the units that are being
13 provided affordable housing will be located and
14 targeted towards this community.

15 COUNCIL MEMBER CUMBO: Okay, it's very
16 important for us and we're going to work towards
17 making sure that option two is removed from the
18 proposal because we want to be clear on what we're
19 supporting.. voting on, the sustainability as far as
20 environmental making sure that this project is safe
21 in the long term for the residents is also very
22 important and we also want to make sure that our
23 MWBEs, our locally owned businesses are a part of the
24 building and construction as well as there being
25 good quality jobs following. So, I have no further

1 SUBCOMMITTEE ON ZONING AND FRANCHISES 35
2 questions and I'll turn it back over to Chair Moya,
3 thank you.

4 CHAIRPERSON MOYA: Thank you Council
5 Member Cumbo, any other questions? No. Thank you very
6 much for your testimony today, thank you and we
7 appreciate it. Are there... are there any members of
8 the public who wish to testify on this item? Seeing
9 none I now close the public hearing on this
10 application and it will be laid over. Our next
11 hearing will be... oh, I'm sorry. I'm sorry, Tahira
12 Adams. Yeah and this is again on 205 Park Avenue.

13 TAHIRA ADAMS: Good morning Council
14 Member Cumbo, Chair Moya and members of the
15 Subcommittee. My name is Tahira Adams and I work as a
16 security guard. I am here on behalf of the Union,
17 32BJ which represents over 80,000 people who clean
18 and maintain buildings throughout New York City. New
19 York City is a tough economic... economy for working
20 families in Brooklyn is an increasingly expensive
21 place to live. In light of this we believe that the...
22 that for the... we believe that the developers
23 especially those building market rate housing should
24 commit to providing good jobs... good building service
25 jobs with strong standards, jobs that provide workers

1 with the mobility and security they deserve.

2 Unfortunately, 462 Lexington Avenue LLC has not made
3 this commitment, we believe their project should not
4 undermine the standards that building service workers
5 citywide has fought for. Thank you very much for your
6 time.
7

8 CHAIRPERSON MOYA: Thank you for your
9 testimony. Now is there any other member of the
10 public that wishes to testify on the Land Use item
11 that we have in front of us which is 205 Park Avenue?
12 Seeing none I now close the public hearing on this
13 application and it will be laid over. Our next
14 hearing will be on the 5 Bement, Bement, sorry,
15 Bement Ave rezoning, LU 170... 195 for property in
16 Council Member Rose's district in Staten Island. The
17 applicant Pelton Place LLC seeks an extension of an
18 existing C2-2 commercial layover to the project site
19 to facilitate the development of a one-story
20 commercial retail building with accessory parking. I
21 now open the public hearing on this application. We
22 have Adam, Adam Rothkrug.

23 ADAM ROTHKRUG: Thank you Chair Moya and
24 Council Members. I'm Adam Rothkrug.. [cross-talk]

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2 CHAIRPERSON MOYA: One, one.. just one
3 second.. [cross-talk]

4 ADAM ROTHKRUG: Oh, I have to be.. [cross-
5 talk]

6 CHAIRPERSON MOYA: Council, Council
7 please swear in the..

8 COMMITTEE CLERK: Do you again swear or
9 affirm that the testimony that you are about to give
10 will be the truth, the whole truth and nothing but
11 the truth and to answer all questions truthfully?

12 ADAM ROTHKRUG: I do. Chair Moya and
13 Council Members, Adam Rothkrug of Rothkrug, Rothkrug
14 and Spector in connection with the rezoning on behalf
15 of Pelton Place LLC for a zoning map amendment to
16 extend an existing C2-2 district within an existing
17 R3-1 district at 5 Bement Avenue at the corner of
18 Richmond Terrace in the West Brighton neighborhood of
19 Staten Island. [clears throat] excuse me.. the
20 rezoning would facilitate development of a retail
21 building approximately 4,800 square feet with
22 accessory parking for 16 automobiles on a lot that's
23 15,655 square feet in area. According to historical
24 land use records the development site has never been
25 previously developed. In December 2011, Department of

1 City Planning and the city's economic development
2 corporation released a study entitled North Shore
3 2030, Improving and Reconnecting North Shores Unique
4 and Historical Assets. This was the culmination of a
5 collaborative two-year effort among city and state
6 agencies, 200 local experts, residents, business
7 leaders to craft a vision for the North Shore of
8 Staten Island. The final report detailed long term
9 recommendations necessary to meet the 2030 vision
10 that will guide public and private investment and
11 included a recommendation for expanded commercial
12 amenities and other compatible uses which support the
13 new park, encourage the reuse of existing buildings
14 and serve nearby residents and businesses. In 2012,
15 City Planning partnered with the West Brighton
16 Community Local Development Corporation and issued a
17 report on the West, West Brighton Brownfield
18 opportunity area with recommendations that also
19 included proposed commercial development along
20 Richmond Terrace for franchises and small businesses.
21 Adjacent to the subject property in Richmond Terrace
22 is a former automotive service use and while auto
23 uses are not permitted in the C2-2 overlay
24 redevelopment with commercial use we... would be
25

1 permitted so that the proposed action will be
2 consistent with community vision for Richmond Terrace
3 and the proposed action would facilitate, facilitate
4 new commercial uses. The application received the
5 support of Community Board one and the affected area
6 committee which was excited with the prospect of new
7 retail activity as well as the borough president's
8 office. We met with Council Person Rose and she had
9 some appropriate and very helpful recommendations
10 including providing a second curb cut onto Bement
11 Avenue, screening for mechanical equipment and
12 prohibition against left turns exiting onto Richmond
13 Terrace and our office has provided the council with
14 a letter on behalf of the property owner agreeing to
15 incorporate these recommendations into future
16 commercial development on the site. Thank you.

18 CHAIRPERSON MOYA: Thank you for your
19 testimony today, are there any other members of the
20 public who wish to testify? Seeing none I now close
21 the public hearing on this application and it will be
22 laid over. Our last hearing will be on LU's 192, 193
23 and 194, the 80 Flatbush application in Council
24 Member Levin's district. In this application the
25 developer, Alloy Development is a co-applicant with

1 the New York City Educational Construction Fund
2 seeking a zoning map amendment from a C6-2 to a C6-9
3 and a zoning text amendment to establish a mandatory
4 inclusionary housing area, establish applicable
5 regulations for a new C6-9 district within the
6 special downtown Brooklyn district and create a new
7 special permit by which the City Planning Commission
8 may permit modifications, modifications of bulk MIH
9 ground floor use, parking and loading regulations for
10 a development in conjunction with ECF in the special
11 downtown Brooklyn district. These proposed actions
12 would facilitate the development of two new schools,
13 two new mixed-use towers up to five.. 561 and 989 feet
14 high and the adaptive re-use of portions of the
15 existing historic Khalil Gibran International Academy
16 buildings. This proposed development would include
17 over 1.1 million total square feet with 922 housing
18 units, 201,000 square feet of office space, 115,000
19 square feet of new school space, 42,000 square feet
20 of retail, and 10,000 square feet for other community
21 facility. This development is located on the edge of
22 the special downtown Brooklyn district where the 2004
23 rezoning added a tremendous amount of density while
24 envisioning extensive commercial office building
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2 development as part of the growth of an additional
3 business district for New York City. Instead, many
4 longtime residents of the area have watched with
5 alarm as residential sky scrapers after residential
6 sky scrapers have risen bringing thousands of new
7 apartments to the area and thousands of new children
8 in need of school seats. While this development has
9 helped address the city's need for housing, the lack
10 of planning foresight has left downtown Brooklyn with
11 a, a shortage of both commercial space and school
12 seats. This 80 Flatbush project seeks to address both
13 issues, but it does by proposing a super-sized zoning
14 district of 18 FAR that has no precedent in the
15 borough and it proposes... it proposes the zoning
16 district immediately across the street from low
17 density brownstone townhouses. Here at the council we
18 are closely reviewing this application with all of
19 these complete, completing planning and policy
20 considerations in mind, to this end we are looking
21 forward to hearing from a diversity of perspectives
22 about what is the best policy for development at this
23 site... the policy for development at this site may be.
24 We ask that everyone remain respectful to other
25 people's time to testify, as per our normal rules

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2 please hold any applause or disruptions during
3 other's testimony. We will hear firsthand from the
4 applicants then from panels of five speakers
5 alternating panels in favor and in opposition. Due to
6 the number of speakers we have signed up we will be
7 limiting testimony to two minutes per person and one
8 second.. before we swear in the panel I'd like to turn
9 it over to Council Member Levin for his remarks.

10 COUNCIL MEMBER LEVIN: Thank you very
11 much Chair Moya. I want to welcome everybody here for
12 this very important hearing. This is a process that
13 has been going on now for a long time, well over a
14 year and a half and it has from my perspective we've
15 really sought to get input from everybody who has an
16 interest here and that includes local community
17 members, neighbors, residents of Boerum Hill,
18 downtown Brooklyn and Fort Greene and, and it's been,
19 you know a pretty.. I'd, I'd, I'd say it's a.. been a
20 robust process but it's also been, you know pretty
21 well organized, I think that we've been able to have
22 a meaningful dialogue about the issues that are at
23 hand here and you know by in large I think that the
24 community, those that have expressed opposition to
25 the project have come in good faith and well-equipped

1 and, and well informed to be able to have a
2 meaningful dialogue, understanding that there is an
3 as of right development scenario, understanding the
4 needs of... for schools in, in downtown Brooklyn and
5 particularly understanding the need for new facility
6 space for Khalil Gibran which, you know has been in
7 this building for a few years. Previous schools that
8 were in this school building on the corner of 3rd
9 Avenue and Schermerhorn Street, I remember
10 Metropolitan Corporate Academy which had closed, you
11 know the building itself is not suitable for high
12 school students with bad electrical, you know no
13 space to congregate, no gym. I remember seeing kids
14 doing gym class in the cafeteria, in the basement at
15 Metropolitan Corporate Academy six or seven years
16 ago. So, I think that there is... you know that there's
17 a, a, a wide acknowledgement that, that there are
18 important components to this project that it seeks to
19 address. I want to thank Alloy, ECF, the
20 administration for, you know putting forward a, a
21 thoughtful proposal, Alloy has set down with me
22 numerous times, I know they set down with the
23 community numerous times and I've... I think have put
24 forth a good faith effort to incorporate good design
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2 elements and, and work with the community and I hope
3 and expect that over the next few weeks that will
4 continue as we move forward and... but I will say that,
5 you know when it... when you boil this down to what are
6 the essential elements that we're discussing here and
7 thinking about and contemplating here it's how, how
8 do you... from a zoning perspective, from a land use
9 perspective, from a city planning perspective what is
10 appropriate on a block like this, this is a block
11 where... I think of it as two if not three zoning
12 paradigms or frameworks colliding on a single half
13 block, on 67,000 square feet you have downtown
14 Brooklyn's zoning framework which is high rise, it
15 was zoned that way in 2004 to incentive commercial
16 development to incentivize residential development
17 both things have happened, residential more than
18 commercial and all you have to do is look at downtown
19 Brooklyn's skyline now and from some perspectives,
20 you know if I'm in Williamsburg or on the BQE I look
21 to downtown Brooklyn sometimes it's even hard to
22 decipher downtown Brooklyn's skyline from downtown
23 Manhattan skyline because downtown Brooklyn's skyline
24 is a... is, is a dense skyline at this point by any
25 measure, by any measure, it's an FAR of 12 and, and,

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2 and it has allowed for a lot of... a lot of development
3 and the, the development community, the developer
4 community has done very well in downtown Brooklyn
5 over the last 13 or 14 years as a result of the 2004
6 rezoning. The... there's a... point to any number of
7 articles about the glut of residential units in
8 downtown Brooklyn, there's not enough affordable
9 residential units in downtown Brooklyn but there are
10 present... plenty of residential units in downtown
11 Brooklyn and so that's coming down from the North and
12 then coming up from the South is, is the zoning
13 framework of Boerum Hill which is R6B, it's largely
14 landmarked, it, it is 130 year old brownstones and
15 townhouses and that is coming up... and that's a...
16 that's on State Street now, it's coming up... that's
17 across the street from this development on State
18 Street so here you have... and then there's
19 Schermerhorn Street which has its own kind of zoning
20 framework coming down from the... from the Northwest.
21 So, so you have basically three different zoning
22 frameworks converging on a single half block and the
23 question that I've had from the beginning is how do
24 you reconcile that going from a 12 on one... from the
25 North and a two from the South and in 2004 the City

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2 Planning Commission, the Department of City Planning
3 identified this block as a transitional block and
4 it's very important to acknowledge, it was zoned the
5 way that it is today which is a C6-2, it was
6 increased from a C6-1 to a C6-2 in 2004 because it
7 was a transitional block so it has a six FAR now as
8 of right, it's not the two FAR across the street in
9 the R6B but it's not the 12 FAR, you know in downtown
10 Brooklyn along Flatbush Avenue because it's
11 transitional somewhere in between those two. And so,
12 the proposal today is an 18 FAR, which is obviously
13 outside of either of those paradigms. So, that's the
14 question here, is how do we reconcile this. Now there
15 a lot of good things that are being put forward in
16 this development; the schools, community facility
17 space, affordable housing, commercial space, those
18 are good, those are good things, those are benefits
19 to the community but how do we achieve a balance, how
20 do we achieve a balance? And so, my goal throughout
21 the, the past almost two years now is what's the
22 right... to determine what's the right balance and, and
23 so I, I don't want to go on too much longer but I
24 want to thank the community and the development team
25 for I think keeping that thought in mind, how do we

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2 achieve that and everybody's come, come to this as I
3 said with... in good faith, nobody's, nobody's, you
4 know come up with roadblocks just for the sake of
5 throwing up a roadblock, everybody's come with good
6 ideas, legitimate ideas and, and so over the next
7 couple of weeks I look forward to everybody
8 sharpening their pencils and thinking really deeply
9 about what is the essential components of this
10 project, what are the essential components of this
11 project and, and seeing if there's a project that can
12 be both acceptable to the city and to the development
13 team as well as the local community, those that live
14 near this development site in Boerum Hill, in Fort
15 Greene, residents of the 33rd district, residents of
16 the 35th district because those are the people that
17 will be affected. So, with that I'd like to turn it
18 back to the Chair and thank you all for... I look
19 forward to the presentation, I look forward to
20 hearing public testimony, thank you.

21 [applause]

22 CHAIRPERSON MOYA: So, so we have to keep
23 it quite as I said please if you want the Sergeant at
24 Arms will indicate to you how you should react when
25 you want to applaud. There, there you go. So, please

1 just let us be mindful of, of, of the time and of the
2 people that are here to testify. Before I, I begin is
3 everyone on this panel part of the applicant's
4 panelist? You have to turn on your microphone.

5
6 JENNIFER MALDONADO: Okay, Jennifer
7 Maldonado and Jared Della Valle are the presenters
8 and we have Carol Rosenthal here from Fried Frank for
9 any zoning questions and Jay Marcus who is with the
10 5th Avenue Committee, who is our housing partner on
11 this project that can answer any questions that the
12 committee may have as well.

13 CHAIRPERSON MOYA: Okay. So, we have you
14 Jared, Jennifer. So, I now ask the Council to please
15 swear in the panel.

16 COMMITTEE CLERK: Do you each swear or
17 affirm that the testimony that you're about to give
18 will be the truth, the whole truth and nothing but
19 the truth and that you will answer all questions
20 truthfully, please use your mics, state your name and
21 make the affirmation.

22 JENNIFER MALDONADO: Jennifer Maldonado,
23 yes.

24 JARED DELLA VALLE: Jared Della Valle, I
25 do.

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CAROL: Carol Rosenthal, yes.

CHAIRPERSON MOYA: You have to... [cross-talk]

JAY MARCUS: Jay Marcus, yes.

CHAIRPERSON MOYA: You, you may begin.

JENNIFER MALDONADO: Good morning
Chairman Moya and the assembly... I'm sorry, and the
committee members present. I'm Jennifer Maldonado,
the Executive Director of the Educational
Construction Fund or ECF. We want to thank you for
allowing us to present the 80 Flatbush project to
your committee today. ECF is a public benefit
corporation that was founded in the 70's to build
public school facilities for the New York City
Department of Education throughout the five boroughs
from Mott Haven to East... to the upper East side, West
Harlem to Chinatown. ECF has a unique funding model
that allows us to build school facilities without the
use of capital funding. This model allows for us to
build schools outside of using SCA capital dollars.
As you are aware the SCA capital plan is amended each
year and identifies the overall needs for school
districts throughout the city. The plan describes the
overall need, funded need and unfunded need for each

1 district. Funded need is just that, seats that have
2 been earmarked for funding. Unfunded needs are those
3 needed seats that have no identified funding sources.
4 EC help... ECF helps to build those unfunded seats. ECF
5 does not receive budget appropriations from the
6 federal, state or city government instead leverages
7 the value of existing DOE sites in areas where
8 additional density is appropriate and when there is
9 identified school need. 80 Flatbush is in one such
10 location, a site in a transit ridge downtown area
11 with an aging DOE facility and a neighborhood school
12 seat need. The DOE property is occupied by the Khalil
13 Gibran International Academy which is New York City's
14 first Arabic language public high school. It is
15 housed in a 150-year structure which has severe
16 facility limitations; there is no gymnasium or
17 auditorium, the cafeteria is inadequate, and, in the
18 basement, many floors have no bathrooms or water
19 faucets, there is no ADA accessibility and the
20 building's systems are undersized and outdated. The
21 school's principal, Mr. Hamann, has noted on several
22 occasions that while he has great success recruiting
23 incoming high school students because of the school's
24 academic rigor and cultural connection, he loses kids
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1 often after freshman year due to the inadequate
2 facilities. With the recent growth in downtown
3 Brooklyn, the area is in need of additional
4 elementary school seat capacity. The site is in
5 district 15, subdistrict three which has an unfunded
6 elementary school seat need of 1078 seats. Similar
7 unfunded seat needs exist in the surrounding district
8 15 and district 13 subdistricts. More than 5,000 new
9 residential units are planned in district 15 within
10 close proximity to this site. This is not a new
11 issue; the DOE has heard a consistent and clear
12 message from local elected officials and the
13 community regarding the need for new school seats
14 going back to 2012. As it relates to this specific
15 project we've heard a diverse set of voices
16 advocating for more elementary school seats than the
17 project currently contemplates. I've been pushing the
18 design team and the development team to find ways to
19 increase the school's efficiency and add more
20 elementary school seats as well as working with the
21 DOE to address the makeup of the enrollment of the
22 elementary school. Both the facility challenges of
23 the Khalil Gibran school and the elementary school
24 seat need at this site make it an ideal candidate for
25

1
2 an ECF project. In June of 2016 ECF issued a request
3 for expressions of interest, we received multiple
4 responses and Alloy Development was ultimately
5 selected in April of 2017. We've worked
6 collaboratively to prepare our ULURP application
7 which was certified in February of this year. I'll
8 now turn it over to Jared Della Valle, CEO of Alloy
9 Development to present the project.

10 JARED DELLA VALLE: Thank you Jen. Alloy
11 is a Brooklyn based design and development company
12 based in Dumbo almost entirely comprised of
13 architects. We're 12 years old and live and work
14 predominantly in Brooklyn, this will be our fifth
15 project in this community board, a place where I have
16 lived for the last 18 years and I should mention that
17 since being designated we've partnered with 5th
18 Avenue Committee as our affordable housing not-for
19 profit partner, they are one of Brooklyn's oldest and
20 most well respected affordable housing developers and
21 advocates. Jay Marcus is here today with us to answer
22 any questions that you may have regarding the
23 affordability. Jennifer discussed the school need;
24 the development proposal addresses two other critical
25 needs both housing and office space. As you well know

1
2 New York City is suffering from unprecedented housing
3 crisis for the large and growing percentage of New
4 Yorkers who are rent burdened across many income
5 levels and especially severe at the lowest income
6 levels. To address this housing crisis, we must build
7 more housing, both affordable housing and market rate
8 housing but we need to be strategic about where this
9 housing is built. 80 Flatbush is located in downtown
10 Brooklyn adjacent to Boerum Hill, this is a wealthy
11 part of the city which has higher than average
12 incomes, median home prices approaching two million
13 dollars and average rents of 3,000 dollars a month.
14 The threat of displacement is low, and an opportunity
15 exists to create more economic diversity through the
16 provision of new affordable housing. The housing
17 crisis affects all communities and the efforts to
18 address it should be shared equally across the city.
19 Our project provides approximately 200 units of
20 permanently affordable housing at an average of 60
21 percent of the area median income, at least ten
22 percent of the residential units will be at or below
23 40 percent of the area median income which translates
24 to an annual income of residents as low as 29,000
25 dollars a year. We would be happy to answer any

1 questions you may have on affordable housing.

2 Downtown Brooklyn is also facing a shortage of office

3 space, it is the third largest business district in

4 the city but has the lowest vacancy rate making it

5 difficult for local businesses to grow and to stay in

6 the borough. 80 Flatbush was designed to address

7 these diverse needs; schools, affordable housing, and

8 office space while accounting for sustainability

9 goals including easy access to transportation. 80

10 Flatbush is prominently located on Flatbush Avenue,

11 Brooklyn's, Brooklyn's oldest thoroughfare in

12 downtown Brooklyn, it is part of the special downtown

13 Brooklyn district which is surrounded by several

14 brownstone neighborhoods. It is one of the most

15 transit rich sites in all of New York City across the

16 street from Atlantic Terminal and accessible to 26

17 different train and bus lines making it one of the

18 most transit rich locations in the nation. The site

19 is a full city block bounded by Flatbush Avenue,

20 Schermerhorn Street, Third Avenue and State Street.

21 Alloy Development controls two thirds... two thirds of

22 this site with the remaining owned by New York City

23 Department of Education and occupied by Khalil

24 Gibran. The area's rich access to transportation help

25

1
2 catalyze the development of a dense new urban center
3 almost 100 years ago with the construction of the
4 Williamsburg Savings Bank. Here are some old Brooklyn
5 Daily Eagle headlines predicting this specific area
6 would become a skyscraper district that would rival
7 Times Square or Grand Central. This area has long
8 history of high and low density co-existing in close
9 proximity and the city has put in place protections
10 over the last 50 years to ensure historic Boerum Hill
11 is protected. The Boerum Hill historic district was
12 first created in 1973, at the request of the local
13 community the area South of Atlantic was downzoned in
14 2011 to protect neighborhood character and earlier
15 this year LPC nearly doubled the size of the Boerum
16 Hill historic district. And as you can see in this
17 aerial image of the site many of the predictions from
18 the early 1900's has come to pass, from right to left
19 you can see the site's proximity to Atlantic
20 Terminal, the Williamsburg Savings Bank and the
21 recently completed developments of 300 Ashland, the
22 Gotham and the HUB. The project seeks to address the
23 needs previously described through a mixed of uses;
24 this includes 735,000 square feet of housing of which
25 147,500 square feet would be permanently affordable

1 and 210,000 square feet would be owned by ECF,
2 200,000 square feet of office space, 115,000 square
3 feet of new schools. I would note that it's actually
4 150,000 gross square feet of schools nearly tripling
5 the size of the existing Khalil Gibran, 40,000 square
6 feet are retail and 10,000 square feet are... of
7 cultural. Since the RFPI was announced over two years
8 ago our approach has been to make the design process
9 as inclusive as possible and I thank the Council
10 Member for acknowledging the process we've had with
11 the community. Over the last 24 months we have held
12 over 120 meetings with local stakeholders and have
13 met with our neighbors to ensure that we could listen
14 to concerns and respond by making changes to our
15 proposal, that engagement has been instrumental in
16 shaping the project's design. Our master plan started
17 by locating the program on the site contextually
18 enabling us to relate to the neighborhood as it
19 exists today and to ensure a smooth programmatic
20 transition. There's a large difference between the
21 lower school entrance and residential entrance across
22 from the townhouses on State Street and office... high
23 school, office and retail along Flatbush. We
24 committed our team to preserving the existing
25

1 buildings to ensure that the character of the
2 neighborhood fabric would remain, it was in fact the
3 very first request we received from the community. we
4 determined that the new school should in fact have
5 independent expressions, should feel civic in their
6 quality and recognizable as schools, we did not want
7 the schools to be unidentifiable and buried in the
8 podium of a tower. The KG high school fronts Flatbush
9 and the primary school fronts State Street. The
10 schools will be designed by architecture research
11 office and we're excited about building 21st century
12 schools that speak to our cultural and environmental
13 values. The project design has been shaped and
14 modified by community, community input, we met with
15 the community prior to responding to the RFPI and
16 initiating design which has had broad impacts. In our
17 initial meetings with the community it became
18 apparent that preservation of the existing buildings
19 should be a basic principal of the master plan, we
20 agree with that principal and have maintained this as
21 an important aspect of our proposal. We learned that
22 the school entrances should be separated and that the
23 high school entrance should stay on Flatbush and that
24 the proposed lower school entrance should be on State
25

1 Street. We similarly learned that our State Street
2 neighbors believe that parking was both not necessary
3 given its proximity to Atlantic Terminal and that it
4 would be dilutive to the experience of their street
5 and as a result we have submitted our proposal absent
6 parking. Additionally, and in collaboration with our
7 neighbors we are seeking relief on the loading berth
8 requirements to avoid truck, truck traffic and to
9 better manage trash removal. In our design workshops
10 with local residents we have modified our initial
11 design response to include a lowered street wall
12 along State Street to mimic the scale of the
13 townhouses on the South side and to set back the
14 position of both towers to make for a smooth
15 transition. We learned through our meetings that the
16 skyscrapers that were recently completed in downtown
17 Brooklyn met the sky with uninspired mechanical
18 systems which led us to conceal our equipment in
19 thoughtfully designed bulk heads that matched the
20 quality and character of the tower itself. We also
21 modified our originally proposed phase one tower to
22 be in dialogue with the Williamsburg Savings Bank
23 through the creation of a series of setbacks and
24 lastly, we addressed concerns about the materiality
25

1 of our initially proposed façade systems and modified
2 them to be masonry and to have more opaque services
3 making them less glassy. To briefly review the
4 project, project's components the phase one tower is
5 a triangular building that celebrates the
6 intersection of Flatbush Avenue with State Street
7 very much like the flatiron building, building
8 celebrates the intersection of 5th Avenue and
9 Broadway. It responds to the Williamsburg Savings
10 Bank in materiality, height and setbacks, the
11 position of the tower also preserves views of the
12 Williamsburg Savings Bank from the primary view
13 corridors. On the other hand, the phase two tower
14 arises from the courtyard created between the
15 existing historic buildings and transforms across the
16 site to orient itself towards Flatbush. Here's an
17 aerial rendering of both towers and the context of
18 the newly formed Brooklyn skyline. The project is
19 designed to address the adjacent residential context
20 on State Street through the location of program,
21 setbacks, materiality and historic preservation. This
22 is an axonometric drawing illustrating the
23 relationship of the buildings on our site and our
24 transitional massing strategy, this drawing
25

1 illustrates the preservation of the existing
2 buildings on the corner of 3rd and State. The
3 recessed courtyard entrance of the lower school, the
4 civic identity of the lower school with matching
5 massing and materiality, tripped out playground and
6 the setbacks and street wall experience of our phase
7 one tower. This is an axonometric drawing of the
8 street experience along 3rd, Schermerhorn, and
9 Flatbush Avenue, you can see how the existing
10 structures are repurposed and preserved and how the
11 phase two building fits between them, you can also
12 see how the Khalil Gibran is expressed and celebrated
13 as a civic building and how the massing changes as it
14 gets closer to Atlantic Terminal to allow for retail.
15 We've also located our commercial entries along
16 Flatbush. This is a rendering of our proposed
17 buildings as seen from the entrance to Mark Morris in
18 the Brooklyn cultural district. This is a rendering
19 of the entrance to the new cultural facility with the
20 entrance to the Khalil Gibran in the background. We
21 are very excited to build two new schools to provide
22 the additional land necessary to accommodate the
23 program that is so desperately needed, to create over
24 3,000 jobs, approximately 200 permanently affordable
25

1 housing units and a new cultural facility. All told
2 80 Flatbush affords over 230 million dollars in
3 public benefit at zero cost to the city of New York.
4 We hired three local consultants to create a project
5 equity plan to ensure that project related
6 employment, housing and economic opportunities are
7 widely accessible especially to historically
8 disenfranchised communities. I have copies of the
9 plan to share with you today. We want this project to
10 be a model for equity development in our city, a
11 project rich in public benefits at a site that is
12 accessible to 26 train and bus lines, in a wealthy
13 neighborhood where the threat of displacement is low
14 and with a commitment to best in class equitable
15 development practices. We attempted to run an
16 inclusive public review process and are committed to
17 creating an inclusive place. We want to thank Council
18 Members for offering us this forum, we look forward
19 to hearing your comments, answering your questions
20 and listening to the public testimony this afternoon.
21 Thank you very much.

22 CHAIRPERSON MOYA: Thank you, thank you
23 for your testimony, just a couple of questions. Based
24 on your presentation and what you've been saying, so
25

1
2 you believe that the building will be in line with
3 the neighborhood's characteristic?

4 JARED DELLA VALLE: Yes, I do. I think
5 this is a unique location in downtown Brooklyn across
6 from what has been planned as the skyscraper
7 district. I agree that there is a juxtaposition of
8 both low scale and high-density buildings but those
9 have existed for the last 100 years peacefully. I
10 don't think anybody who lives on Saint Felix or near
11 the Williamsburg Savings Bank would suggest that that
12 juxtaposition has not been valuable to their
13 experience on a daily basis so...

14 CHAIRPERSON MOYA: And maybe you said
15 this in your presentation and I might have missed it
16 but what's the average height of the buildings in
17 that area?

18 JARED DELLA VALLE: The average height of
19 what the townhouses or the average... [cross-talk]

20 CHAIRPERSON MOYA: of buildings... [cross-
21 talk]

22 JARED DELLA VALLE: ...height of the
23 skyscrapers... [cross-talk]

24 CHAIRPERSON MOYA: Skyscrapers... [cross-
25 talk]

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JARED DELLA VALLE: ...along Flatbush?

CHAIRPERSON MOYA: Yeah...

JARED DELLA VALLE: Along Flatbush there are ten skyscrapers that are in excess of 500 feet and I think the top one is 660 feet with one in construction that's 1,066 and I think the lowline brownstone community is largely 50 feet.. 50 to 55 feet that matches our State Street, street wall.

CHAIRPERSON MOYA: Okay. So, how many projects has ECF completed in its history?

JENNIFER MALDONADO: Approximately 18.

CHAIRPERSON MOYA: And what percentage of this development site is owned by SCA, ECF versus the private developer?

JENNIFER MALDONADO: So, the city portion of this where the school is located is approximately 23 percent, I think that's what... 23 percent of the parcel itself.

CHAIRPERSON MOYA: 23 percent is owned by...

JENNIFER MALDONADO: The... by the city of New York.

1
2 CHAIRPERSON MOYA: And has ECF ever
3 undertaken a similar project where the majority of
4 the site is on private land?

5 JENNIFER MALDONADO: No, not, not before,
6 we have not done this before in this kind of a
7 configuration.

8 CHAIRPERSON MOYA: And has ECF ever used
9 an 18 FAR district in prior projects?

10 JENNIFER MALDONADO: No, this is the
11 first time.

12 CHAIRPERSON MOYA: Is this project...
13 [cross-talk]

14 JENNIFER MALDONADO: Actually... [cross-
15 talk]

16 CHAIRPERSON MOYA: ...seen as a precedent...
17 [cross-talk]

18 JENNIFER MALDONADO: ...can I... [cross-talk]

19 CHAIRPERSON MOYA: ...for future ECF
20 projects?

21 JENNIFER MALDONADO: No, each, each ECF
22 project is different and I just wanted to take a step
23 back and say I would have to check on whether our
24 project, the Verizon building which is right down the
25 street here may have a higher FAR that was done in

1
2 the 70's so there may be something that has a higher
3 FAR in this downtown Manhattan area.

4 CHAIRPERSON MOYA: Okay. What percentage
5 of the MIH requirements is being waived as part of
6 the proposed special permit?

7 CAROL: So, the MIH, mandatory
8 inclusionary housing requires generally 25 to 30
9 percent of the residential floor area be affordable,
10 in our case we are having for phase two we have 28
11 percent affordable, we're using the 25 percent AMIs,
12 we have 28 percent, of the project as a whole it's 20
13 percent affordable.

14 CHAIRPERSON MOYA: Okay. Is there a
15 commitment to good jobs on this project?

16 JARED DELLA VALLE: Yes, absolutely.
17 Thank you for asking, we have a partnership with 32
18 BJ which we've already signed and as I mentioned
19 earlier we, we will issue the equity plan that we've
20 proposed, we've self-established our own goals
21 regarding both MWBE and local business goals at 30
22 percent in addition to a fairly robust plan to ensure
23 that we create job awareness, job training and job
24 opportunities for the local community and one of the
25 three equity officers that we hired will be managing

1
2 that for us going forward who is a member of the
3 local community and has a lot of success in, in
4 pursuing both local, local hiring and of course fair
5 wages.

6 CHAIRPERSON MOYA: Okay. And how many new
7 residences and on-site workers are expected to be
8 generated by this development if it moves forward as
9 proposed?

10 JARED DELLA VALLE: The, the total number
11 of proposed residences is 922, the total job creation
12 on this project is 1,500 permanent jobs and 1,500
13 temporary jobs for a total of 3,000 jobs.

14 CHAIRPERSON MOYA: Okay. And the last
15 question is do you have plans to respond to the
16 community and borough president's office on the
17 height and scale of the building?

18 JARED DELLA VALLE: We very much enjoyed
19 our dialogue with the community, with the borough
20 president and with the Council Member, we think
21 design being that we're an architecture company at
22 heart where most of us are architects we believe that
23 design is an opportunity to solve a lot of problems
24 and we look forward to working with the council
25 member to address some of the concerns that we heard.

1
2 We, we believe the height is appropriate here, with
3 that said we're listening carefully.

4 CHAIRPERSON MOYA: Great, thank you, I'm
5 now going to turn it over to Council Member Levin. I,
6 I just want to mention that we've been joined by
7 Council Member Rivera.

8 COUNCIL MEMBER LEVIN: Thank you Chair.
9 Thank you all for your testimony. So, I have a set of
10 questions, I might jump around a little bit, so I
11 apologize in advance if I do that. First off can we...
12 I, I, I'd like to know a little bit more about how
13 ECF works so what... how, how does the structure of a
14 project like this work, this is so... can you explain
15 that a little bit and maybe I'll just call, call...
16 question that?

17 JENNIFER MALDONADO: So... [cross-talk]

18 COUNCIL MEMBER LEVIN: Financially, how
19 does that work?

20 JENNIFER MALDONADO: Oh, financially. So,
21 ECF, the project... the property is conveyed to ECF by
22 the city for the purposes of the development of the
23 property... [cross-talk]

24 COUNCIL MEMBER LEVIN: So, the site... the
25 site right now is city owned?

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JENNIFER MALDONADO: Correct... [cross-talk]

COUNCIL MEMBER LEVIN: Part, partially...

JENNIFER MALDONADO: Its owned by the city, the... [cross-talk]

COUNCIL MEMBER LEVIN: The school building?

JENNIFER MALDONADO: The school building is owned by the city that's conveyed to ECF for the purposes of the development of the site for a mixed-use development structure that would include a school.

COUNCIL MEMBER LEVIN: Okay, so right now it's publicly owned land?

JENNIFER MALDONADO: Correct.

COUNCIL MEMBER LEVIN: And that's conveyed to ECF, ECF then retains ownership of that land or... [cross-talk]

JENNIFER MALDONADO: Correct... [cross-talk]

COUNCIL MEMBER LEVIN: ...that... [cross-talk]

JENNIFER MALDONADO: We retain ownership of that land, we enter into a lease agreement with

1
2 the developer for a number of years be that 75 years
3 or 99 years those... [cross-talk]

4 COUNCIL MEMBER LEVIN: So, if... so, then
5 they will take... they will take a long-term lease on
6 the site owned by ECF?

7 JENNIFER MALDONADO: Correct.

8 COUNCIL MEMBER LEVIN: But that... but that
9 lease term is, is... [cross-talk]

10 JENNIFER MALDONADO: 70... [cross-talk]

11 COUNCIL MEMBER LEVIN: Nine... 75 or 99...
12 [cross-talk]

13 JENNIFER MALDONADO: 75 to 99 years...

14 [cross-talk]

15 COUNCIL MEMBER LEVIN: ...years... [cross-
16 talk]

17 JENNIFER MALDONADO: ...with... and it's a
18 lease, it's not a sale of the property it's a...

19 [cross-talk]

20 COUNCIL MEMBER LEVIN: But a 99-year
21 lease in, in many cases... [cross-talk]

22 JENNIFER MALDONADO: Correct... [cross-
23 talk]

24 COUNCIL MEMBER LEVIN: ...is seen in lieu
25 of a sale, it's a... [cross-talk]

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JENNIFER MALDONADO: Correct... [cross-talk]

COUNCIL MEMBER LEVIN: ...it's a, a long-term lease like that... [cross-talk]

JENNIFER MALDONADO: Correct... [cross-talk]

COUNCIL MEMBER LEVIN: ...effectively is... conveys... [cross-talk]

JENNIFER MALDONADO: Correct... [cross-talk]

COUNCIL MEMBER LEVIN: ...ownership principals?

JENNIFER MALDONADO: Correct.

COUNCIL MEMBER LEVIN: Okay..

JENNIFER MALDONADO: Understood but the land, the land itself typically is city property after 99-year lease ends.

COUNCIL MEMBER LEVIN: Okay and, and then financial... so, then ECF... [cross-talk]

JENNIFER MALDONADO: Enters into a financial agreement with the developer and the developer pays to ECF the rent on the property as well as tax equivalency on that property.

1 COUNCIL MEMBER LEVIN: So... as well as
2 tax?
3

4 JENNIFER MALDONADO: Tax equivalency,
5 tax... [cross-talk]

6 COUNCIL MEMBER LEVIN: Okay, tax
7 equivalency, okay so the tax equivalency then is...
8 [cross-talk]

9 JENNIFER MALDONADO: Correct... [cross-
10 talk]

11 COUNCIL MEMBER LEVIN: ...paid then to ECF?

12 JENNIFER MALDONADO: Correct.

13 COUNCIL MEMBER LEVIN: And that's the
14 basis for the bonds that are... [cross-talk]

15 JENNIFER MALDONADO: Correct and we float
16 bonds... [cross-talk]

17 COUNCIL MEMBER LEVIN: ...issued... [cross-
18 talk]

19 JENNIFER MALDONADO: ...for 30 years or 40
20 years and those bonds are paid directly at the
21 beginning or end of construction and that, that
22 service is paid for those 30, 30, 40 years through
23 the rent and tax equivalency that's paid to ECF.

24 COUNCIL MEMBER LEVIN: Has ECF and Alloy
25 entered into a, a contract on those rent terms?

1
2 JENNIFER MALDONADO: We have a term sheet
3 agreement, correct, that has the rental terms
4 established, we still have our lease and our
5 development agreement that's still being worked out
6 right now.

7 COUNCIL MEMBER LEVIN: Okay, can you
8 share with us what the rental terms are right now?

9 JENNIFER MALDONADO: Not at this point
10 but once we sign everything I'm happy to share that
11 with you.

12 COUNCIL MEMBER LEVIN: Okay, when...
13 [cross-talk]

14 JENNIFER MALDONADO: It's still... it's...
15 we're still negotiating particular things within the...
16 within the lease so as soon as all of that's signed
17 on approval we can share that with you.

18 COUNCIL MEMBER LEVIN: And that will be
19 before or after the council were to take a... is to
20 take a vote on this?

21 JENNIFER MALDONADO: It would be after,
22 again it's with, with... [cross-talk]

23 COUNCIL MEMBER LEVIN: Okay... [cross-talk]

24 JENNIFER MALDONADO: ...some... it's with
25 approvals... [cross-talk]

1 COUNCIL MEMBER LEVIN: Uh-huh... [cross-
2 talk]

3 JENNIFER MALDONADO: ...it's contingent on
4 the approvals that's part of the, the, the approval
5 process, I'm happy to discuss... [cross-talk]

6 COUNCIL MEMBER LEVIN: So, just... I just,
7 just... I'm just trying to put... [cross-talk]

8 JENNIFER MALDONADO: No, I understand...
9 [cross-talk]

10 COUNCIL MEMBER LEVIN: ...some kind of
11 context... [cross-talk]

12 JENNIFER MALDONADO: ...what you're asking...
13 [cross-talk]

14 COUNCIL MEMBER LEVIN: ...so, for example
15 when we did the library, the purchase price of the
16 library and that was a sale... [cross-talk]

17 JENNIFER MALDONADO: Uh-huh... [cross-talk]

18 COUNCIL MEMBER LEVIN: ...at downtown
19 Brooklyn on, on Plaza West, the, the price of the
20 sale was, was set prior to the council, you know
21 taking action and so it was... [cross-talk]

22 JENNIFER MALDONADO: Uh-huh... [cross-talk]

23 COUNCIL MEMBER LEVIN: ...it's kind of
24 clear what the... the reason I ask is that, you know
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2 this project as, as in other projects where... in that
3 case it was a, a disposition but in this case where
4 the, the city financial agreement with the developer
5 is integral to driving in some sense the, the scale
6 of the project or, or what... or what the project
7 entails it's, it's helpful for us to know how... you
8 know how this project is, is set to work so that we
9 can get a good sense of what... you know what is
10 necessary as... [cross-talk]

11 JENNIFER MALDONADO: Uh-huh... [cross-talk]

12 COUNCIL MEMBER LEVIN: ...a result so you,
13 you know if, if, if all of this... if, if we were able
14 to get two schools and affordable housing at a 10
15 FAR, you know presumably that's what the city would
16 be proposing but... [cross-talk]

17 JENNIFER MALDONADO: Uh-huh... [cross-talk]

18 COUNCIL MEMBER LEVIN: ...I think, you know
19 unless I'm wrong it seems as if to me the scale of
20 the project that's proposed is driven by the cost
21 associated with the benefits that's proposed, is that
22 right?

23 JENNIFER MALDONADO: Correct, correct. I
24 will get back to you, I will... I will... [cross-talk]

25 COUNCIL MEMBER LEVIN: Okay... [cross-talk]

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JENNIFER MALDONADO: ...tell you that I will get back to you and I will... [cross-talk]

COUNCIL MEMBER LEVIN: Okay... [cross-talk]

JENNIFER MALDONADO: ...tell you... and, and we can... we can have a conversation in the next few hours and I can... [cross-talk]

COUNCIL MEMBER LEVIN: Sure... [cross-talk]

JENNIFER MALDONADO: ...walk through what my legal structure allows for.

COUNCIL MEMBER LEVIN: Okay, yeah, it'd be helpful to know.

JENNIFER MALDONADO: Okay.

COUNCIL MEMBER LEVIN: But... okay and then the debt service is then paid through what mechanism... through the... it's paid through the lease, the... so, the lease... [cross-talk]

JENNIFER MALDONADO: Correct... [cross-talk]

COUNCIL MEMBER LEVIN: ...payments paid for the debt... [cross-talk]

JENNIFER MALDONADO: Correct... [cross-talk]

COUNCIL MEMBER LEVIN: ...service?

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2 JENNIFER MALDONADO: Correct, the lease
3 and tax equivalency pay for the debt service,
4 correct.

5 COUNCIL MEMBER LEVIN: Okay, so the tax
6 equivalency because they're not then paying property
7 taxes moves forward, there's a long-term tax
8 abatement, is that right?

9 JENNIFER MALDONADO: Correct. I'm sorry?

10 CAROL: The, the ECF unit is not paying
11 taxes, the rest of the property is privately owned,
12 the privately-owned units they're subject to real
13 property taxes but the, the unit that's owned by the
14 government, the ECF unit which is the unit that's
15 being leased to pay with... who's rental payments are..
16 [cross-talk]

17 COUNCIL MEMBER LEVIN: Right... [cross-
18 talk]

19 CAROL: ...paying off the bond that, that
20 particular unit and the unit owned by the city is not
21 subject to taxes so that's where the payments in lieu
22 of taxes come in, but the privately-owned property is
23 all subject to taxes.

24

25

1
2 COUNCIL MEMBER LEVIN: Okay, do we know
3 what the as proposed what that tax equivalency would
4 be annually?

5 JENNIFER MALDONADO: I don't have that
6 off the top of my head... [cross-talk]

7 JARED DELLA VALLE: But it's based on the
8 assessor's office?

9 JENNIFER MALDONADO: Yes, it's... [cross-
10 talk]

11 COUNCIL MEMBER LEVIN: However, they
12 would... [cross-talk]

13 JENNIFER MALDONADO: The DOF gives you a
14 certain... [cross-talk]

15 COUNCIL MEMBER LEVIN: Right, so then
16 that... [cross-talk]

17 JENNIFER MALDONADO: But I can... [cross-
18 talk]

19 COUNCIL MEMBER LEVIN: ...that wouldn't be
20 assessed until the thing is built... [cross-talk]

21 JENNIFER MALDONADO: Correct... [cross-
22 talk]

23 COUNCIL MEMBER LEVIN: Right... [cross-
24 talk]

25 JENNIFER MALDONADO: Correct.

1
2 COUNCIL MEMBER LEVIN: But presumably how
3 many units are we talking about there?

4 JARED DELLA VALLE: In the ECF portion?

5 COUNCIL MEMBER LEVIN: Yeah, residential
6 units?

7 JARED DELLA VALLE: About 225 units.

8 COUNCIL MEMBER LEVIN: Okay, so 200... the...
9 so, so... another words the, the, the city is foregoing
10 tax revenue, property tax revenue on, on that set
11 number of units that would otherwise be paid to, to
12 the city, so in order to get the... in order... I mean
13 it's, it's paying for something, it's paying for
14 schools?

15 JENNIFER MALDONADO: Correct.

16 COUNCIL MEMBER LEVIN: But, but that's...
17 but the city is in some sense foregoing future
18 revenue by, by this structure?

19 JENNIFER MALDONADO: There is no revenue
20 currently on the structure, there's no taxes on the
21 structure as it stands right now, there's a... [cross-
22 talk]

23 COUNCIL MEMBER LEVIN: Right... [cross-
24 talk]

1
2 JENNIFER MALDONADO: ...school that sits
3 there, there's no income generated from that school
4 as it currently sits now. So, yes, under a
5 development scenario where there would be two new
6 schools at approximately 100 plus million dollars,
7 yes, there will be... those... that tax equivalency pays
8 for those schools to be built, correct.

9 COUNCIL MEMBER LEVIN: Right. Okay, it's
10 hard to I guess get a sense of it and maybe we could
11 do in a... find out what the local tax assessments are
12 on... you know and, and try to draw some conclusions of
13 what 200 and... 225 units would be in today's dollars
14 in terms of annual foregone revenue it'd just be
15 helpful to kind of know and... but I think just to kind
16 of clarify that nothing is... and it's not as if it's
17 totally free or it's totally... you know that the word...
18 you know that these schools are being created
19 entirely for free because we are foregoing tax
20 revenue as a... I mean it's just a... it's a... it's a
21 judgement call but... you know and we're deciding to,
22 to, to spend the money by foregoing the taxes and
23 building the schools.

24 CAROL: I agree that nothing is... nothing
25 is free in this world and I completely agree with

1
2 that, in this case you're taking property owned by
3 the city, the 23 percent is owned by the city which
4 currently doesn't pay taxes... [cross-talk]

5 COUNCIL MEMBER LEVIN: Right, of course...
6 [cross-talk]

7 CAROL: ...and you're trading that in for
8 the two schools and you're trading that in for the
9 ECF unit so if you take the... what's there now and up-
10 zone it you get those, those sites.

11 COUNCIL MEMBER LEVIN: And 900-foot
12 building so that's... I mean that's... [cross-talk]

13 CAROL: Yes, you get the rest of the
14 development too and that, that's a part of the
15 development that does... that's privately owned and
16 will be treated as if it's privately owned for tax
17 purposes as well.

18 COUNCIL MEMBER LEVIN: Right, I think
19 it's just helpful for I think for us here and the
20 general public to kind of understand the structure of
21 how this really works and so that's kind of... okay, I
22 think we've... I think we've addressed that. Question
23 of just zoning framework, so I just want to kind of
24 go through the history here. When was the C6-2 zoned,
25 mapped on this block?

1
2 CAROL: Well you had the 2001 re-zoning
3 and you had the 2004 re-zoning... [cross-talk]

4 COUNCIL MEMBER LEVIN: Okay... [cross-talk]

5 CAROL: ...so, the 2004 is when the current
6 C6-2 was put into place.

7 COUNCIL MEMBER LEVIN: When was it... what
8 was in 2001?

9 CAROL: You know I don't remember... it was
10 a little bit lower... [cross-talk]

11 COUNCIL MEMBER LEVIN: A little bit
12 lower... [cross-talk]

13 CAROL: ...but not a lot lower.

14 COUNCIL MEMBER LEVIN: Right, it was...
15 there's... I know that there was that, that 2001 re-
16 zoning. Prior to 2001 it was a C6-1, is that right...
17 or was that 2001?

18 CAROL: I don't remember... I don't... I
19 don't know, really know...

20 COUNCIL MEMBER LEVIN: Okay, we could
21 look at that. And the density permitted by C6-2 which
22 is the current use?

23 CAROL: It's 6.5 for community facility
24 and up to 6.02 for residential.

1
2 COUNCIL MEMBER LEVIN: So, 6.5 for
3 community facility means there is a certain... what...
4 how much of that is, is for residential?

5 CAROL: You can do up to 6.02 for
6 residential and then the remainder could be community
7 facility to get to... [cross-talk]

8 COUNCIL MEMBER LEVIN: .03 for... [cross-
9 talk]

10 CAROL: ...the maximum... [cross-talk]

11 COUNCIL MEMBER LEVIN: ...community
12 facility...

13 CAROL: ...to get to, to the maximum of 6.0
14 or you could do a fully 6.5 community facility,
15 there's a... there's a range.

16 COUNCIL MEMBER LEVIN: Sure.

17 CAROL: Yeah... [cross-talk]

18 COUNCIL MEMBER LEVIN: Right, that'd be a
19 lot of community facility.

20 CAROL: That'd be a lot of community
21 facility... [cross-talk]

22 COUNCIL MEMBER LEVIN: Yeah. Okay, so six
23 commercial... 6.02 residential, 6.5... sorry, okay, 6.5
24 community so that's 4.5 community facility plus your
25 six point... I'm sorry, your... that's 4.8 community

1 facility... of the actual community facility on top of
2 your 6.02 residential on your current zoning, right?

3
4 CAROL: So, it's 6.02 residential and
5 then another .3 FAR to get to the 6.5.

6 COUNCIL MEMBER LEVIN: .3, okay. Sorry,
7 my math is... okay, what is the... and so, so that's six,
8 right? What is the current highest density in
9 downtown Brooklyn in the zone... special downtown
10 Brooklyn zone?

11 CAROL: I believe it's 15.

12 COUNCIL MEMBER LEVIN: 15 and there's
13 one... there's one and since we just did this a couple
14 of years ago at 141 Willoughby that's 15, right?

15 CAROL: There's 15... [cross-talk]

16 COUNCIL MEMBER LEVIN: Nine at... nine
17 residential, six commercial. ...

18 CAROL: Sure.

19 COUNCIL MEMBER LEVIN: But the rest of
20 downtown Brooklyn maxes at 12, right?

21 CAROL: 12, right.

22 COUNCIL MEMBER LEVIN: And that's... so, if
23 you were to... if... you know just for everybody's kind
24 of understanding here, if you're walking around

1
2 downtown Brooklyn, you see all the tall buildings in
3 downtown Brooklyn that is 12 FAR?

4 CAROL: Yes, although I will point out
5 that if you look a little bit further in the past as
6 the... we showed you on the slides there are buildings...
7 older buildings at 21... [cross-talk]

8 COUNCIL MEMBER LEVIN: Right... [cross-
9 talk]

10 CAROL: ...23... [cross-talk]

11 COUNCIL MEMBER LEVIN: Yeah... [cross-talk]

12 CAROL: ...that have been built and are
13 part of the fabric of the community and well beloved
14 and exist next to a low rise so even though in recent
15 days, you know you're at 12 to 15 some would say
16 whether that's correct planning or not is I guess I'm
17 here to address but in many years prior there have
18 been taller buildings, bigger buildings.

19 COUNCIL MEMBER LEVIN: Largely in the
20 20's... in the 20's mostly, right, I mean that's when...
21 because it was prior to the 1961... 1960... prior to the
22 60's... [cross-talk]

23 CAROL: Prior to '61, yes...

24 COUNCIL MEMBER LEVIN: Prior to 61...
25 [cross-talk]

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CAROL: Prior to the... right.

COUNCIL MEMBER LEVIN: So, prior to... I mean it... they... this could go back into the whole history of zoning in New York City but prior to '61 we did not have the zoning tools that we have today, is that right?

CAROL: You had zoning tools they were different.

COUNCIL MEMBER LEVIN: They were different. And... but, but you know 1961 was how many years ago, 50, 57 years ago so, so for basically the last 60 years we've decided that we're going to put a framework in place that's going to put some limits on that zoning so, I mean in my mind, you know that's, that's great, Williamsburg Savings Bank, it's a beautiful building, other buildings that were built in downtown, Bellatel Lofts, beautiful building, 75 Livingston, very, very beautiful building, 16 Court, 26 Court but, but those are... those belong to a kind of bygone era, we, we have... we dropped that a long time ago.

CAROL: Well you know if I may... [cross-talk]

COUNCIL MEMBER LEVIN: Sure, yeah...

1
2 CAROL: As pointed out in our slides
3 downtown Brooklyn is the third largest central
4 business district in the city...

5 COUNCIL MEMBER LEVIN: Uh-huh...

6 CAROL: ...the other central business
7 districts including Midtown, lower Manhattan, Hudson
8 Yards they are now at FARs of 21, 23, even up to 33..
9 [cross-talk]

10 COUNCIL MEMBER LEVIN: Uh-huh... [cross-
11 talk]

12 CAROL: ...so, I think in... what's
13 happening, you know as our city has grown and
14 expanded and we need more housing and we need offices
15 those floor areas have grown, hopefully in places
16 where it makes sense like downtown business districts
17 and near transportation... [cross-talk]

18 COUNCIL MEMBER LEVIN: Yeah... [cross-talk]

19 CAROL: So, while it's correct that the...
20 currently you have the 15 as the highest in that
21 particular district, city... and for buildings, more
22 recent buildings there is history both old and in
23 other places within the city of high density
24 buildings.

25 COUNCIL MEMBER LEVIN: Right.

1
2 JARED DELLA VALLE: If I could add just
3 part in part to that, the post war era in Brooklyn
4 was not an era of growth as you may recall, there's a
5 lot of flight and other things that happened during
6 that era and it wasn't until the 70's and 80's where
7 the current residents Boerum Hill and Fort Greene
8 started to move in and change the nature of the
9 neighborhood for which we're all grateful, Brooklyn
10 has grown... the population has grown between 2010 and
11 2017 by 144,000 people... [cross-talk]

12 COUNCIL MEMBER LEVIN: Uh-huh... [cross-
13 talk]

14 JARED DELLA VALLE: ...which is an increase
15 of 5.7 percent and so time and where we are at
16 different moments of time and moments of development
17 are instructive... [cross-talk]

18 COUNCIL MEMBER LEVIN: Uh-huh... [cross-
19 talk]

20 JARED DELLA VALLE: ...I mean the district,
21 downtown Brooklyn has changed fairly dramatically
22 over the last number of years as I'm sure our
23 neighbors can attest and share their frustration with
24 but we need to accommodate that type of growth
25 through more progressive zoning strategies like this,

1
2 we're about to outpace Chicago as becoming the third
3 largest city in the United States by the year 2020...

4 [cross-talk]

5 COUNCIL MEMBER LEVIN: Uh-huh... [cross-
6 talk]

7 JARED DELLA VALLE: ...which is, you know
8 important to be thinking forward... [cross-talk]

9 COUNCIL MEMBER LEVIN: Sure... [cross-talk]

10 JARED DELLA VALLE: ...not just reflecting
11 on the past.

12 COUNCIL MEMBER LEVIN: Right, right.
13 Appreciate that. So, looking at the stated rationale
14 then for this block in 2004 quoting from the zoning
15 resolution article 10, chapter one, special downtown
16 Brooklyn district, the special downtown Brooklyn
17 district established in this resolution is designed
18 to promote and protect public health, safety and
19 general welfare. These general goals and include
20 among others the following specific purposes; to
21 create and then move forward to letter C, to create
22 and provide a transition between the downtown
23 commercial core and lower scale residential
24 communities of Fort Greene, Boerum Hill and Cobble
25 Hill and Brooklyn Heights; D, to encourage the design

1 of new buildings that are in character with the area
2 and then this block specifically was noted in the CPC
3 report in 2004 as a transition between the adjacent
4 higher density zoning districts and the midrise
5 residential neighborhoods. So, my question is, is
6 this proposal... is this... is it still the policy of the
7 city that there ought to be transitional zoning
8 blocks?
9

10 CAROL: So, let me address that with
11 three maybe four points.

12 COUNCIL MEMBER LEVIN (: Okay.

13 CAROL: So, the... in 2001 and 2000... in
14 2001 the city created the limited height district,
15 which, which capped heights at 210 feet and called
16 that the transitional zoning district... [cross-talk]

17 COUNCIL MEMBER LEVIN: Okay... [cross-talk]

18 CAROL: ...that specifically... and did not
19 include this block, it didn't include anything along
20 Flatbush, it ended between 3rd and State and
21 Schermerhorn. So, there was a very specific zoned
22 limited height district. The other relative... the
23 other point though is that what's changed since 2004
24 and now is as Jared was pointing out with the
25 planning is incredible, I mean the growth in

1
2 Brooklyn, the growth in, in, in a lot of areas. So,
3 zoning we don't think of as static that's why you
4 hear applications all the time because the city is
5 growing and changing and we're always looking to see...
6 planning not for 2004 but 2000... 2030 etcetera so,
7 the... so, things do, do change but the other point is
8 that this is in addition to our zoning. We, we are
9 very sensitive to the fact that you have brownstones
10 and we need to plan on a block that really bridges,
11 you know two different districts and we're doing that
12 through our special permit, through... not zoning which
13 is a very sort of general, you know general... [cross-
14 talk]

15 COUNCIL MEMBER LEVIN: Block tools...
16 [cross-talk]

17 CAROL: ...rules... [cross-talk]

18 COUNCIL MEMBER LEVIN: Block tools...
19 [cross-talk]

20 CAROL: ...general rules through our
21 special permit and the design we've listened to the
22 State Street residents, we have set backs on State
23 Street, we have a lower rise, we don't have the
24 parking so through the use of more refined zoning
25 techniques... [cross-talk]

1
2 COUNCIL MEMBER LEVIN: Uh-huh... [cross-
3 talk]

4 CAROL: ...we believe you can bridge the
5 different communities around a particular site.

6 COUNCIL MEMBER LEVIN: Okay, but back to
7 the... you mentioned 2001 height limited district but
8 2004 identified this block as transitional, is that...
9 [cross-talk]

10 CAROL: There were... [cross-talk]

11 COUNCIL MEMBER LEVIN: ...right?

12 CAROL: The zoning resolution kept the
13 limited height district as it was, they didn't see...
14 they didn't focus on this block when they did, they
15 said okay, it's between and so they did see it as a
16 block that's between a... or bridging two different
17 districts so if you want to... [cross-talk]

18 COUNCIL MEMBER LEVIN: A transition...
19 [cross-talk]

20 CAROL: ...call it... fine, you can call it a
21 transition if you will.

22 COUNCIL MEMBER LEVIN: Okay. I think it's
23 important, I think it's, it's, it's very important...
24 [cross-talk]

25 CAROL: It's important... [cross-talk]

1
2 COUNCIL MEMBER LEVIN: It was... [cross-
3 talk]

4 CHAIRPERSON MOYA: Folks please...

5 COUNCIL MEMBER LEVIN: You know the, the,
6 the CPC report in 2004 set forward that this block
7 ought to be transitional and it's just... it's, it's a
8 logical thing, it's not... I, I, I... nobody here is
9 denying that Flatbush Avenue has a high density,
10 nobody here... [cross-talk]

11 [applause]

12 CHAIRPERSON MOYA: Folks, folks... hold on,
13 I'm sorry... I'm sorry Council Member, please, please
14 keep your applause to yourself, we told you what you
15 need to do if you feel that you agree with this,
16 let's be respectful to the people who are testifying
17 and to the Councilman who is asking these questions,
18 okay? Thank you very much.

19 COUNCIL MEMBER LEVIN: So, nobody is
20 denying that Flatbush Avenue has a higher density,
21 nobody is denying that it's a transit rich area, that
22 it's proximity to Atlantic Terminal is, is... you know
23 close to ideal when it comes to proximity to, to, to
24 transit options so nobody is denying any of that it's
25 just that from a... the, the, the underpinning, the

1
2 rational for why it is zoned C6-2 today is because
3 it's in between at a 6.5 it's in between two or 2.2
4 R6B on State Street to 12, you know on Flatbush and
5 so it, it provides that transition, it's just in
6 between the two, you know and so proposed now... I mean
7 just... you know it... you're going from a 12 to an 18 to
8 a 2.2 and, and so that's just... it's, it's... design is,
9 is important, it's totally important, a well designed
10 building is better than a poorly designed building or
11 a complex of buildings and I appreciate the intent
12 here and I appreciate the willingness on Alloy's part
13 to... you know to really dive into those elements, the
14 architectural elements, the design elements but
15 there's only... there's only so much that, that that
16 can do when still working with a framework or a
17 paradigm that now discards the underpinning or
18 rational set forward in 2004 for why this was zoned
19 the way it is. Now again you have... you know the
20 schools are important, its an ECF project, I realize
21 that this project would not be in this configuration
22 or even probably here today if it was just a private
23 project without an ECF component, I get that. The
24 question is just how do you balance those things when
25 you are... you know that may... that may be an incentive

1
2 to increase the density on a transitional block, the,
3 the question is just what's... is it... you know is it...
4 is that then kind of blows the rational out of the
5 water and it can't go back, you can't then go say
6 well... you know it's, it's hard... I don't... I, I don't
7 want to rationalize it, I don't want to say well, you
8 know the design elements make it so it's better and
9 some set backs and so on and so forth if it's really
10 still kind of outside... if... it just... it, it... we are
11 now casting off that, that rational for its... for its
12 particular zoning and I think that that... its been
13 frankly frustrating not just from the development
14 team but others as well in the administration to...
15 where it's, it's been real reluctance to use the word
16 transitional and I picked up on that, I've noticed
17 that like nobody wants to use the word transitional
18 because that then gives validity to that framework
19 and not the proposed framework and so that's... I'm
20 very... it's, it's very... it's been a studious avoidance
21 of the word transitional...

22 CAROL: I just... I, I want to again point
23 out the 23 FAR building next to brownstones have done
24 very well for the last 100 years and I think they
25 could do very well for another 100 years especially

1
2 where through the tools that we are provided we can
3 accommodate some of that so that's, you know our view
4 and our view is that there's a desperate need for
5 housing and housing and office and these other things
6 and we can do that in a way that makes sense.

7 COUNCIL MEMBER LEVIN: So... [cross-talk]

8 JARED DELLA VALLE: I would only just add
9 one quick anecdote, the use of the transition is a
10 complicated one and agree Steve, you know so much of
11 this is about design, right and how... and how you
12 handle design, I think that the difference between
13 the Schermerhorn transitional zone which was
14 explicitly articulated with very specific height
15 controls this site on it's as of right basis has an
16 ultimate height that is 580 feet tall which exceeds
17 that of the Williamsburg Savings Bank by some 60
18 something feet as an as of right proposal with no
19 benefit and so I think that, you know it's incumbent
20 upon us and the process that we lead with the
21 community and, and together with you as our council
22 person to help guide the discussion in order to
23 manage the duality of these things and I think both
24 the intent of what was drafted at the time can be
25 questioned because this site did not have height

1 control and we have to look at today and the context
2 of today and how downtown Brooklyn has changed over
3 the years which is to rely on text that is, you know
4 14 years old as the indicator about what we should do
5 for the future is a complicated and nuanced matter
6 which is not to say I'm disavowing the need to work
7 together as I suggested.. [cross-talk]

9 COUNCIL MEMBER LEVIN: Yeah... [cross-talk]

10 JARED DELLA VALLE: ...before its important
11 but I have faith in our capacity as a team and I, I
12 think we've shown that today that we can use this and
13 I, I also don't want to confuse height and density.

14 COUNCIL MEMBER LEVIN: I don't either.

15 Right, I think that that's... I think that's important,
16 you know and this is... you know I've been doing this
17 for eight and a half years and you know I've been...
18 there... it's, it's... they're very different things,
19 very, very different things and, and you know a tall,
20 well designed building that has, you know less of an
21 impact on shadow and on streets, you know the street
22 experience is, you know is not necessarily worse so I
23 just... you know I, I want to make that distinction as
24 well that's why I'm talking about density, that's why
25 I'm actually not talking about height. Frankly,

1 height doesn't really matter to me that much, it's
2 about the scale, it's about the, the, the experience
3 of the local residents and density is the thing that
4 impacts experience more than height and I think that
5 that's generally agreed as a zoning idea. I mean I do
6 want to... I mean I... it's... I don't know if anyone here
7 is an expert on this question but from my
8 understanding just as it's been out in the press the...
9 there's not... there's a shortage obviously of
10 affordable housing, I see that every day, I have a
11 lot of constituents who are in dire need of
12 affordable housing, we don't have a shortage of
13 residential units in downtown Brooklyn, I mean is
14 that fair? I mean is there... right now we're at... I
15 mean the residential vacancy rate in downtown
16 Brooklyn is probably higher than I would think other
17 residential neighborhoods.

19 JARED DELLA VALLE: I think you'll hear
20 in public testimony today from one of the experts in
21 the field that actually all of the units that came
22 online over the last couple of months which have been
23 a lot of them have largely been absorbed and the
24 population density that we're seeing is a blip in the
25 large spectrum of how many residents we're

1
2 anticipating. This is a large development with a lot
3 of housing units but nothing near what the city
4 needs. We can see that supply and demand works with
5 the inventory that's happened here where pricing
6 pressure has in fact helped... [cross-talk]

7 COUNCIL MEMBER LEVIN: Uh-huh... [cross-
8 talk]

9 JARED DELLA VALLE: ...right, a number of
10 units come on the market, people see incentives for
11 housing units that has proven to be valuable to help
12 temper the skyrocketing rents that people are seeing.
13 We noted 3,000 dollars a square foot... I mean 3,000
14 dollars for an apartment before, that number in times
15 when all of these units don't come online at the same
16 time is like 3,600, 3,800, it gets worse so supply
17 and demand works and like it or not Brooklyn is one
18 of the best cities in the United States and we're all
19 proud of that and that is something that we need to
20 accommodate it's growth, if we anticipate another
21 144,000 people which I would be willing to bet it's
22 more over the next decade you can bet that there's
23 not nearly enough units coming online and that the
24 city should be thinking about higher density areas.

1
2 COUNCIL MEMBER LEVIN: Yeah, I mean
3 there's a counter argument to that which is this idea
4 of kind of secondary displacement and what the
5 surround... you know what the impact is if you bring on
6 a lot of market rate units particularly in the high
7 rise setting where you are getting 3,000 dollars a
8 month for a one bedroom apartment that then does have
9 a secondary impact in the surrounding community on
10 rent stabilized units, pressure... upper pressure on
11 rent stabilized units, unregulated pressure on, on
12 non-rent stabilized units that may be, you know
13 affordable-ish so, you know one bedroom going for
14 2,000, you know it kind of... that... kind of the big
15 picture, you know you do see that... you know if you
16 have more units... yeah, if you have more units coming
17 online and tranches and... that might drive down the
18 3,600 to 3,000 but that also has the impact on the
19 1,800 or 2,000 dollar one bedroom three blocks away
20 that now gets, gets pushed upwards so there's a
21 counter argument that I, I, I don't think we're going
22 to resolve that all today. Okay, but going back, I
23 mean I just want to reiterate this is a transitional
24 block under the current zoning framework, under the
25 current as it is in law, it is a transitional block,

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

2 I consider it a transitional block and, and
3 therefore, you know that's seriously something we're
4 going to have to try to reconcile over the next, you
5 know couple of weeks. Mr. Chairman I'm sorry, I just
6 have a couple more topics here to, to address. Okay,
7 school seats, elementary school seats. So, how many
8 of... how many... I'm just going to set aside Khalil
9 Gibran, I think that that issue is kind of well
10 addressed, the building itself is unsuitable for... as
11 it is for a high school, it's a school that has, has
12 been through all types of difficulty and
13 discrimination and you know I was very moved to go to
14 their... to their graduation this year and was talking
15 to Principal Hamann and he mentioned to me that they
16 had students that were not allowed back in the United
17 States after visiting family due to the Trump
18 administration travel ban, they were visiting family
19 in Yemen and, and that's... so this is a... this is a, a
20 student body that I think needs the support and... of,
21 of us as a city government so... and, and their
22 existing school building is not suitable so that's,
23 that's accepted. For an elementary school what, what
24 is the... so what would be the impact to elementary
25 school seats of this development?

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

2 JENNIFER MALDONADO: We... I think we
3 looked at it and it was approximately 164, I believe
4 that's the net total of school seats, new school
5 seats... [cross-talk]

6 CAROL: Use, use... I was going to say
7 using... [cross-talk]

8 JENNIFER MALDONADO: Excuse me, sorry...
9 [cross-talk]

10 CAROL: ...conservative... [cross-talk]

11 JENNIFER MALDONADO: Yeah... [cross-talk]

12 CAROL: ...environmental review we got I
13 think 169... [cross-talk]

14 COUNCIL MEMBER LEVIN: We have 168 but...
15 or... sorry, 186, excuse me... [cross-talk]

16 JARED DELLA VALLE: 186 is the impact of
17 schools, 168 is the net benefit of school, school
18 seats created by the project.

19 COUNCIL MEMBER LEVIN: Right, okay, so
20 186 is, is the number of school seats that will be
21 taken up by the project?

22 JARED DELLA VALLE: Correct...

23 COUNCIL MEMBER LEVIN: And then 168 is
24 the... [cross-talk]

25

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2 JENNIFER MALDONADO: Correct... [cross-
3 talk]

4 COUNCIL MEMBER LEVIN: ...is the benefit...
5 is the... is the, the additional seats so... [cross-talk]

6 JENNIFER MALDONADO: Correct... [cross-
7 talk]

8 COUNCIL MEMBER LEVIN: ...186 plus 168 gets
9 you to about 350?

10 JENNIFER MALDONADO: Correct.

11 COUNCIL MEMBER LEVIN: Right, so, so an
12 elementary school of 350?

13 JENNIFER MALDONADO: Uh-huh.

14 COUNCIL MEMBER LEVIN: How does that...
15 where is that in the range of elementary school
16 sizes, what percentile of elementary school sizes is
17 that in the DOE portfolio?

18 JENNIFER MALDONADO: So, within downtown
19 Brooklyn you have PS32 which has a capacity of 286,
20 PS39 and Park Slope with 230, PS118 and Park Slope
21 with 198.

22 COUNCIL MEMBER LEVIN: Okay...

23 JENNIFER MALDONADO: So, that's in your
24 surrounding areas.

25 COUNCIL MEMBER LEVIN: Okay... [cross-talk]

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

2 JENNIFER MALDONADO: So, obviously those
3 numbers larger in some areas, smaller in some areas,
4 it's a range, there is not one, one size fits all..
5 [cross-talk]

6 COUNCIL MEMBER LEVIN: But it's about two
7 classes a grade, right, if you're talking about 30
8 kids in a class and K through five plus Pre-K..
9 [cross-talk]

10 JENNIFER MALDONADO: Uh-huh... [cross-talk]

11 COUNCIL MEMBER LEVIN: ...so, I don't know,
12 360 divided by 6, 60, 30 kids in a class, two classes
13 a grade, right?

14 JENNIFER MALDONADO: Uh-huh.

15 COUNCIL MEMBER LEVIN: So... okay, so
16 that's, that's what we're talking about now. Now you
17 went through the kind of school seat need broken down
18 by district, sub-district, what's, what's funded,
19 what's not funded. Do you... what, what is the zone for
20 this building right now, which zone is it in?

21 JENNIFER MALDONADO: It would be 15, sub-
22 district three.

23 COUNCIL MEMBER LEVIN: Okay, but which..
24 which school zone, which elementary school zone?

25

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

2 JENNIFER MALDONADO: I think it's... is it...
3 I'm... I would... I don't recall off the top of my head...
4 [cross-talk]

5 COUNCIL MEMBER LEVIN: 30... it's 38...
6 [cross-talk]

7 JENNIFER MALDONADO: 38... [cross-talk]

8 COUNCIL MEMBER LEVIN: 38... [cross-talk]

9 JENNIFER MALDONADO: 38... [cross-talk]

10 COUNCIL MEMBER LEVIN: 38... [cross-talk]

11 JENNIFER MALDONADO: ...okay... [cross-talk]

12 COUNCIL MEMBER LEVIN: Okay, so 38, do we
13 know the capacity of 38?

14 JENNIFER MALDONADO: 38 right now is
15 about... I know that there's an available seat need of
16 about 85 seats at 38.

17 COUNCIL MEMBER LEVIN: 85 seats?

18 JENNIFER MALDONADO: Correct.

19 COUNCIL MEMBER LEVIN: Do we know what...
20 do we know what the percentage is of, of zoned
21 children that go to 38?

22 JENNIFER MALDONADO: I'm not as familiar
23 with that, quite honestly there's representatives
24 here from DOE enrollment as well as DOE district

25

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

2 planning that can speak with a little more certitude
3 about that... [cross-talk]

4 COUNCIL MEMBER LEVIN: So, the next
5 panel, okay... [cross-talk]

6 JENNIFER MALDONADO: Correct, correct.

7 COUNCIL MEMBER LEVIN: Okay, my
8 understanding is it's about 30 percent of zoned kids
9 are going to 38.

10 JENNIFER MALDONADO: Correct, that may..
11 you may be correct, I don't want to say that you
12 aren't... [cross-talk]

13 COUNCIL MEMBER LEVIN: Okay... [cross-talk]

14 JENNIFER MALDONADO: ...but you may be
15 correct.

16 COUNCIL MEMBER LEVIN: It's also my
17 understanding in the last several years 38 has
18 introduced a GNT program that has about 250 students...

19 JENNIFER MALDONADO: Uh-huh.

20 COUNCIL MEMBER LEVIN: Now GNT programs
21 are good, I'm not saying that... anything bad about a
22 GNT program but from a... from a planning perspective
23 if we have this dire seat need today or into the
24 future in 38's zone then is it wise policy and this
25 may be a question for the next panel but is it wise

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2 policy then to have a GNT program taking up half of
3 the seats currently occupied in that school when we
4 have a big seat need and we're using this as a
5 rational to say okay well we're going to... we need
6 this 168 seats, this net 168 seats, we, we need this
7 desperately, that's, that's, that's in large part the
8 rational for this proposal as proposed if at the same
9 time in the zone there's 250 seats that we just kind
10 of gave away to the whole district and beyond because
11 we really weren't filling them with, with zoned kids,
12 I mean there's only 30 percent of zoned kids who are
13 actually going to the school so, you know I just...
14 it's, it's... you know to me it's kind of like okay, so
15 we're, we're using this as a rational, we got to get
16 the seats because we need the seats, got to get the
17 seats in downtown Brooklyn, you know going back
18 nothing is for free but this is how we're deciding to
19 spend the foregone tax dollars to do this when at the
20 same time okay, yeah do whatever at 38 like let 38
21 be, be 80 percent filled and half of the students
22 that are in the building are from a GNT program
23 that's not meeting the zoned kid's needs. If that... if
24 the zoned kids... if, if there's really that need in
25 the zone...

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2 JENNIFER MALDONADO: Right, so I'm not
3 going to be able to speak to you about specific ed...
4 DOE policy and DOE is here in the room and I think
5 that is better answered by them. I can tell you that
6 what ECF does is it builds school buildings to fill
7 seat need and DOE has a number of resources,
8 methodologies that they have within their tool kit to
9 speak to how school enrollment should be in any
10 school and I think it's part of a larger
11 conversation, a conversation that I believe DOE has
12 had with you on certain occasions, I think it's a
13 continuing conversation in terms of enrollment in
14 this school that's still up for discussion, there's
15 been discussion and we've had discussions with your
16 office as well about this not being a zoned school
17 perhaps, this may being a choice school, this may
18 being a diversity program school and there's a number
19 of factors that I believe the DOE can speak to about
20 38 and all of the surrounding school buildings in
21 that neighborhood so, I... [cross-talk]

22 COUNCIL MEMBER LEVIN: Okay, they're
23 going to be up here... [cross-talk]

24 JENNIFER MALDONADO: ...you know... [cross-
25 talk]

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2 COUNCIL MEMBER LEVIN: ...next... on the next
3 panel, okay so...

4 JENNIFER MALDONADO: They're, they're
5 signed up.

6 COUNCIL MEMBER LEVIN: Okay...

7 JENNIFER MALDONADO: So, I think that's
8 better suited to that question but again from ECF's
9 perspective it's a school building seat need that we
10 look at based on what the seat need is in the area
11 and how that's... how that admission policy works is
12 directed by the Department of Education.

13 COUNCIL MEMBER LEVIN: Okay. I'll take up
14 all the school issues with the next panel. Loading
15 dock, this has been an issue I've heard about since
16 day one. Right now, where's the loading dock
17 proposed?

18 JARED DELLA VALLE: The loading dock is
19 currently... well there are two loading docks, one is
20 proposed on 3rd, one is proposed on State and for
21 purposes of context I would offer that our as of
22 right scenario requires two loading docks on State
23 Street for our existing as of right proposal and
24 parking garage which means four cross cuts
25 essentially across the sidewalks. Our proposal

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2 currently includes one on State Street, we produced
3 the loading dock requirement from two with City
4 Planning and in conjunction with our neighbors and
5 eliminated parking all together meaning we went from
6 four to one. We are still proposing a loading dock on
7 3rd as well and we're working with DSNY and working
8 with our community on a schedule to monitor
9 deliveries, pick up that we manage through lease and
10 trash removal and best practices in how we manage
11 trash with them.

12 COUNCIL MEMBER LEVIN: So... okay, so a
13 couple of things, you mentioned that the, the
14 requirement for parking has been eliminated, right?

15 JARED DELLA VALLE: Correct, we've
16 proposed that with City Planning and that was
17 approved unanimously last week.

18 COUNCIL MEMBER LEVIN: Does that have...
19 just in real... in terms... real terms does that have a
20 financial impact on this development?

21 JARED DELLA VALLE: I mean it's, it's
22 lost revenue, it's also lost expense. I think parking
23 in that neighborhood has proven to be valuable for
24 people, I mean I think there's a reason why some of
25 the large developments have many hundreds of parking

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2 spaces, it also limits who are audience might be on
3 the residential side meaning that we might lose
4 certain tenants based on not having available
5 parking. Our hope is that, that that succession which
6 we believe in is a good one and that we're
7 celebrating sustainable practices by having people
8 self-select to live here by virtue of its access to
9 transportation.

10 COUNCIL MEMBER LEVIN: Okay. So, in terms
11 of deliveries, right, now we are in a... we haven't
12 moved entirely to, to drone based deliveries in New
13 York City yet so for the time being we still rely on
14 UPS and FedEx and the, the USPS for all of our Amazon
15 Prime, you know the, the tens and tens of millions of
16 people that get Amazon Prime, right, so did you... did
17 you know that, that those companies that do
18 deliveries actually don't pay for their double
19 parking tickets, did you know that they have an
20 arrangement with the New York City Department of
21 Finance where they're... when they contest, they
22 actually... there's this whole arrangement that they
23 have where actually they pay no... they pay no ticket,
24 they pay no fine on double parking, they pay a fine
25 parking in a bus stop or a... or a fire hydrant but

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2 double parking gets written down as zero when it's
3 issued, did you know that?

4 JARED DELLA VALLE: I didn't but it's one
5 of the successes that we've had I think with the
6 neighborhood by eliminating a loading birth we
7 created a loading zone, State Street is a narrow
8 street and the loading zone that we proposed would e
9 essentially from our, our loading... our loading birth
10 all the way to the point of Flatbush which creates a
11 natural spot for people to pull in and actually have
12 a spot where nobody else can park so that they don't
13 double park and in that instance block traffic and
14 create traffic down the street where people can't
15 pass. So... [cross-talk]

16 COUNCIL MEMBER LEVIN: And how about 3rd
17 Avenue so no... 3rd Avenue all traffic that goes from
18 Bay Ridge through Gowanus and Park Slope, you know
19 Sunset Park everybody going North from like the
20 Verrazano Bridge, you know or like on the local
21 streets is going up 4th Avenue and then everybody's
22 got to go left and then go up 3rd Avenue in order to
23 get to the BQE or the Manhattan Bridge or the
24 Brooklyn Bridge. The traffic... I don't... I don't... I
25 drive, I, I don't think there's ever a time when

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2 there's not actually a line of cars from... on 3rd
3 Avenue from Schermerhorn to State to Atlantic
4 sometimes down Atlantic, sometimes down 4th you know
5 going so forth, it depends on what time of day but
6 there's always... right, right there because you... it's,
7 it's this weird Z shaped thing you have to do. How,
8 how, how is that... how are you... what if a truck has to
9 back into... I mean how's a truck supposed to be
10 backing into a loading dock when there's literally
11 never not cars present, there's always cars present
12 on that block of 3rd Avenue between Schermerhorn and
13 State, always, there's never not?

14 JARED DELLA VALLE: I would defer to our,
15 our transportation team AKRF who worked carefully on
16 studying the number of intersections, we in fact have
17 included a dramatically increased number of
18 intersections in reviewing this analysis and I think
19 a lot of the mitigation measures that happen are, you
20 know adjustments to signal, signal timing, etcetera
21 and I believe in fact the FEIS has an obligation for
22 us to include an additional traffic light. In
23 addition to that from the maneuvering... [cross-talk]

24 COUNCIL MEMBER LEVIN: An, an additional...
25 [cross-talk]

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2 JARED DELLA VALLE: ...perspective... [cross-
3 talk]

4 COUNCIL MEMBER LEVIN: ...traffic light?

5 JARED DELLA VALLE: No, I believe there's
6 an additional traffic light that we're supporting,
7 and the specifics of the turning radius is and the
8 logistics around parking I would defer to them, it's
9 something that requires careful consideration..
10 [cross-talk]

11 COUNCIL MEMBER LEVIN: And they're here?

12 JARED DELLA VALLE: They are here.

13 COUNCIL MEMBER LEVIN: Do they want to
14 speak to that?

15 JARED DELLA VALLE: Patrick from AKRF
16 here?

17 COUNCIL MEMBER LEVIN: Yeah, you got to..
18 you got to say your name and speak into the
19 microphone.

20 PATRICK BLANCHFIELD: My name is Patrick...

21 COUNCIL MEMBER LEVIN: You got to press
22 the button.

23 PATRICK BLANCHFIELD: My name is Patrick
24 Blanchfield, AKRF.

25

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2 COUNCIL MEMBER LEVIN: Okay, how is a
3 truck supposed to park on 3rd Avenue?

4 PATRICK BLANCHFIELD: I am getting that
5 answer right now... [cross-talk]

6 COUNCIL MEMBER LEVIN: Okay. It's, it's
7 going to be... [cross-talk]

8 PATRICK BLANCHFIELD: I... [cross-talk]

9 COUNCIL MEMBER LEVIN: It's going to be
10 really hard, you can come up like during the next
11 panel or something like that if you want if you're
12 waiting for just to kind of...

13 DAVID MCCARTY: Sorry, David Macarty from
14 Alloy, I just want to add one thing which is we also
15 have a loading zone proposed for 3rd Avenue as well
16 so there's currently a bus stop, an MTA bus stop...
17 [cross-talk]

18 COUNCIL MEMBER LEVIN: Uh-huh... [cross-
19 talk]

20 DAVID MCCARTY: ...the MTA has studied the
21 relocation of that bus stop one block South which
22 they found to be feasible and that allows for a
23 loading zone on 3rd Avenue between State and
24 Schermerhorn... [cross-talk]

25

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2 COUNCIL MEMBER LEVIN: Uh-huh... [cross-
3 talk]

4 DAVID MCCARTY: ...and that should assist
5 trucks and some their turning as well.

6 COUNCIL MEMBER LEVIN: Okay, I just... I'm
7 in downtown Brooklyn a lot, I will say this nobody,
8 nobody follows the, the, the traffic sign... you know
9 the signs, the, the parking signs in downtown
10 Brooklyn, it's like a... kind of unkept secret that
11 like between, between whatever, your city agencies,
12 all... go on Adams Street and see the... see that median
13 going north towards the Brooklyn Bridge at any time
14 of day and you'll see just people just fragrantly...
15 you know and if there's a single car there that
16 loading zone is pointless, if there's a single car
17 there that loading zone will not work and so I'm
18 just... you know again FedEx, UPS, whoever they don't
19 pay double parking tickets, they can get them and
20 they just throw them out, they're... they... there's... we,
21 we forego millions and millions of dollars a year
22 because of unpaid... because of a deal that the city
23 has with FedEx and UPS that, that they don't... they
24 don't pay the double parking so double parking on 3rd
25 Avenue and State Street is kind of a nightmare and

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2 they're going to do it so.. this all leads to my
3 question of why are we not doing the loading dock on
4 Schermerhorn Street on the North side of the site on
5 that little part where you can turn right onto
6 Flatbush Avenue, why not do it there instead of on
7 State Street or on 3rd Avenue?

8 DAVID MCCARTY: Jared I can speak to this
9 if it's helpful. We did receive that proposal from
10 the community, we took it to the Department of
11 Transportation to assess its feasibility and they
12 determined that it was unfeasible for a few reasons.
13 One, the road width is 20 feet versus 30 feet on
14 State Street which creates turning radius issues for
15 trucks as they reverse into the spot, it means and we
16 can share with you after this the turning radius
17 studies but the trucks essentially have to go up on
18 the curb and fairly significantly up on the curb to
19 make the turn work so that was their number one
20 concern... [cross-talk]

21 COUNCIL MEMBER LEVIN: Which curb, the..

22 [cross-talk]

23 DAVID MCCARTY: The.. it's Temple Square
24 the Plaza of Temple Square which is pedestrian island
25 I think they call it.

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2 COUNCIL MEMBER LEVIN: Uh-huh...

3 DAVID MCCARTY: So, that was their first
4 concern, it was a pedestrian one. Similarly, for
5 trucks to reverse into the loading dock they have to
6 go into the crosswalk that crosses from the North
7 side of Schermerhorn Street to Temple Square and that
8 was a pedestrian vehicular conflict that they really
9 were uncomfortable with. So, from their perspective
10 it is an unfeasible solution just given the road
11 dimensions. It also from a planning perspective would
12 eliminate the possibility of the pedestrian plaza
13 that DOT has proposed as part of their pedestrian
14 safety plan that you were involved with obviously.

15 COUNCIL MEMBER LEVIN: You know I love
16 pedestrian plazas but like if it means a workable
17 solution for 3rd Avenue and State Street I'm okay
18 with like not doing a pedestrian plaza.

19 DAVID MCCARTY: That was not the primary
20 concern, the primary concern was pedestrian safety
21 and they determined that it's unfeasible, we can
22 share all of that information with you.

23 COUNCIL MEMBER LEVIN: Okay, I mean
24 obviously as, as you all know I mean that's a... that's
25 a problem again they pay... [cross-talk]

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DAVID MCCARTY: We under... [cross-talk]

COUNCIL MEMBER LEVIN: ...no parking tickets for double parked cars, there's no incentive whatsoever for them to not double park because they could care less if they're backing up traffic, who cares they just got to make their deliveries, right, because everybody's got to get their Amazon Prime, everybody's got to get their Amazon Prime.

DAVID MCCARTY: Understood.. [cross-talk]

COUNCIL MEMBER LEVIN: ...everyday, multiple times a day.

DAVID MCCARTY: We have heard the community's concern really loud and clear on this issue, we've made good efforts to try to get to a better place than we started and certainly a better place than the as of right plan would require us to do, we understand that we're not all the way there yet and we have ideas for how to continue to work through this but it's going to take time for us to work through that with the community and you and some of it's going to have to happen... you know phase two as an example is several years out so we don't know what... in five years what the vehicular patterns are

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2 going to be like, it's going to take time to solve
3 that stuff.

4 COUNCIL MEMBER LEVIN: Okay, so this is
5 something we're just going to have to continue to
6 talk about.

7 DAVID MCCARTY: Yep.

8 COUNCIL MEMBER LEVIN: Alright, thanks.
9 Alright, I'm going to turn it back over... I have other
10 questions but I really... I want to be sensitive to
11 everyone's time, I'm going to turn it back over to
12 the Chairman, thank you.

13 CHAIRPERSON MOYA: Thank you Council
14 Member. So, thank you very much for your testimony
15 today, the panel is dismissed. Just a quick
16 announcement, if you're going to leave between now
17 and two p.m. please exit from the side entrance,
18 please don't go out through the back, there is a
19 press conference going on downstairs, so we ask you
20 to please exit from the side. Oh, thank you for
21 joining us Council Member Torres, I really
22 appreciate... we're just going to pause in the
23 testimonies to take a vote.

24

25

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2 COMMITTEE CLERK: This is the continued
3 vote on Land Use Items 164 and 165 to approve with
4 modifications, Council Member Rivera?

5 COUNCIL MEMBER RIVERA: On Land Use
6 Numbers 164 and 165 I have to recuse myself, my
7 husband is director of Operations for Camber.

8 COMMITTEE CLERK: Torres?

9 COUNCIL MEMBER TORRES: I vote aye.

10 COMMITTEE CLERK: The Land Use Items are
11 approved with modifications by a vote of seven in the
12 affirmative, one abstention and no negatives and
13 referred to the full Land Use Committee.

14 CHAIRPERSON MOYA: Thank you. I will now
15 call up the next panel and it's very good to see my
16 good friend and former colleague Assembly Member Jo
17 Anne Simon and we also have William Candell and Dan
18 Hildreth from DOE. If you can just turn on your
19 microphones and please state your name.

20 DANIEL HILDRETH: My name's Daniel
21 Hildreth from the Department of Education.

22 JO ANNE SIMON: Hi, Assembly Member Jo
23 Anne Simon, downtown Brooklyn, 52nd Assembly
24 District.

25

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2 WILLIAM CANDELL: Will Candell,
3 Department of Education.

4 CHAIRPERSON MOYA: Thank you, you may
5 begin.

6 WILLIAM CANDELL: Hello everyone, my name
7 is Will Candell speaking from the Department of
8 Education, the Office of District Planning. The DOE
9 believes that 80 Flatbush will create a much needed
10 350 seat elementary school. With the additional
11 students coming from the 80 Flatbush building, DOE
12 anticipates a net gain of 164 seats that can be used
13 to alleviate existing and project to overcrowding in
14 the surrounding arear. District 15 faces growth and
15 capacity challenges at the elementary school level.
16 Over the past five years elementary school enrollment
17 in D15 has increased by 15 percent, the majority of
18 elementary schools are overutilized and many have
19 zoned wait lists. Among other planned capacity
20 projects in the district a new school at 80 Flatbush
21 can play a part in addressing these broad
22 overcrowding challenges. In addition, there are
23 approximately 6,000 other new or permanent housing
24 units planned in the elementary school zone
25 surrounding 80 Flatbush. If this project does move

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2 forward and a new elementary school is opened the DOE
3 will work with community members through the CEC to
4 develop plans for how the new school will admit
5 students and we'll do that in a way that will be
6 reflected to district needs and priorities. So, for
7 example, the enrollment method could be a standard
8 geographical zone, or it could be a shared zone or a
9 choice school with special programming to attract,
10 attract a diverse student body or give priority to
11 certain student, student populations such as English
12 language learners, students in temporary housing or
13 students who qualify for free and reduced lunch. And
14 so, given the existing overcrowding challenges and
15 projected growth in the area the DOE supports this
16 project.

17 JO ANNE SIMON: So, thank you. I
18 represent the areas of downtown Brooklyn; Boerum
19 Hill, Park Slope, Gowanus, Cobble Hill, Carroll
20 Gardens, Dumbo and so I am here today to speak on
21 behalf of the community that I represent and in fact
22 Boerum Hill is the community in which I live. As
23 former president of the Boerum Hill Association I was
24 very involved with many of these rezoning's and the,
25 the unified bulk of 2001 as well as the downtown plan

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2 in 2004. And I would just like to say that there's
3 overwhelming community opposition to this proposal.
4 There have been tweaks to the plan but frankly
5 they've been underwhelming and not addressing the
6 core concerns of the community which has been density
7 and the overwhelming density of getting three times
8 the available FAR at this site for no reason that
9 seems justified. This would be the first FAR of 18 in
10 downtown... in Brooklyn and it does appear to be a
11 significant overreach. They can build, they can build
12 as of right, they can build and make money as of
13 right at the FAR of six. There's no question that
14 school seats are needed but I don't believe that
15 there's an effective trade of a building the size of
16 the Chrysler building in exchange for 168 school
17 seats which would be the net positive that the
18 developer asserts would be the case. District 15, CEC
19 suggest that in fact it would be a net negative of I
20 believe 140 seats, either way this is not a good
21 enough deal to, to make the shiny object of the
22 school be what it is that makes this, this project go
23 forward. It is... only about 15 percent of the
24 available FAR would be the schools. We believe that
25 clearly Khalil Gibran needs a better foot... a better

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2 facility, it doesn't even have to be there, they need
3 a better high school there's no question about that
4 and there's no question that we need additional
5 seats, we don't necessarily need them there and we
6 can't ignore PS38 which has a 30 percent enrollment
7 of students from within the zone. Quite frankly you
8 may have heard the expression, the rent is too damn
9 high, in this case it's the density that would be too
10 damn high. This is a really, really challenging
11 intersection, this is where Flatbush, 4th, Atlantic,
12 3rd Avenue, Schermerhorn come in together. It is very
13 hard to demonstrate that you can get worse than an F
14 in terms of your traffic congestion but we in fact
15 will experience that worse than an F. So, it is a
16 really cold comfort for someone to essentially
17 assert, it already stinks, it'll just be worse,
18 that's not really very helpful to us and there are 16
19 unmitigable intersections as a result of this
20 project. Senator Montgomery and I specifically asked
21 last year for a thorough and transparent disclosure
22 of the following information; the terms of the lease
23 of the city owned land to the developer, the cost of
24 the tax-exempt bonds and every other city or state
25 subsidy including tax abatements for this project and

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2 where the RFP response of Alloy can be found. We have
3 received no response to those requests which have
4 been made numerous times. Housing, we are.. this
5 proposes 200 units of housing, of affordable housing,
6 it also would put in 720 units of luxury housing. The
7 reality is this, this project highlights a basic
8 problem in our city and that is we cannot build our
9 way out of our housing crisis by building 80 percent
10 even 70 percent luxury housing around it, it
11 absolutely shifts up the, the rent pressures, the
12 cost of living in that area. I've been living in
13 Boerum Hill for 35 years, I know very well what it
14 was like before, I know very much how the rezoning of
15 downtown plan which was never meant to be residential
16 and expected maybe about 1,000 units, we ended up
17 with ten years later 11,000 units and more on deck.
18 So, it was never intended to be residential, there's
19 no park space, there's no amenities, it is through
20 the rezoning that has increased the pressure so that
21 we have displaced people. It is also cold comfort to
22 say we've already displaced all those people, well we
23 haven't really displaced everybody, we have seniors
24 every day of the week who are struggling to make ends
25 meet in their homes and to be able to maintain their

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2 homes in and around the, the downtown Brooklyn area
3 and the Boerum Hill. In 2001 the unified bulk program
4 which actually was... went over like a lead balloon in
5 most part of the city and was withdrawn but in fact
6 Boerum Hill negotiated for that step-down
7 transitional approach to the, the, the neighborhood
8 and that was carried through in the 2004 rezoning.
9 The developer unfortunately ignores the fact that
10 this, this project will in fact exacerbate the
11 problems that we have all over the city which has to
12 do with the pressure on rents. So, we're not building
13 our way out of this housing crisis, we're just
14 perpetuating it and we are only going to make it
15 worse by building 720 luxury units and having
16 commercial space at this location. It is just too
17 much and it is totally inappropriate for this site
18 and yes, it is in Boerum Hill so I'm going to debate
19 because I kind of know Boerum Hill's boundaries, was
20 president for six years, I've had a lot to do with
21 this and I, I will take that debate any time about
22 whether or not it's in downtown Brooklyn or Boerum
23 Hill. And let me just say one thing is that this is a
24 community that actually understands development and
25 doing development the right way and I call your

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2 attention to the Hoyt Schermerhorn project which
3 began when I was president of the Boerum Hill
4 Association and I worked on extensively even after I
5 left the presidency of that organization and that is
6 where we've had vacant lots, lots that were used for
7 parking lots, we knew we needed to develop that area,
8 it was an urban renewal area, 37 and a half percent
9 low to moderate income housing, we came together, we
10 argued amongst ourselves for sure for a period of
11 time, we ended up with unanimous principles; Borough
12 President Howard Golden, see I'm dating myself,
13 actually got ESD to work with us to develop that
14 property, you don't hear about that and you don't
15 hear about it for one reason, nobody's arguing about
16 it, it's working, it's working for the benefit of the
17 community, it's working for the benefit of the
18 developers who were involved, they have not been
19 harmed in any way by not overreaching and I will
20 leave you with that and I'm happy to answer any
21 questions that you may have, thank you.

22 CHAIRPERSON MOYA: Thank you.

23 DANIEL HILDRETH: Good afternoon, my name
24 is Daniel Hildreth, I work in the Office of Student
25 Enrollment, I manage kindergarten admissions in that

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2 office. I'm here to speak about the overcrowding in
3 District 15 which is best exemplified by a zoned wait
4 list for elementary school. A zoned waitlist means
5 that a school has more zoned applicants that are
6 interested in attending it than available seats and
7 this is just one measure of seat need in a district
8 or neighborhood. District 15 has had seven elementary
9 schools with zoned waitlists over the past four
10 years, it is tied for the fourth highest district in
11 the city for the number of schools with zoned
12 waitlists during that time. PS58 has had a zoned
13 waitlist each year for the past four years, one of
14 only 12 elementary schools in the city for which that
15 is true and nearby neighborhoods specifically have
16 been overcrowded over the last four years with Cobble
17 Hill and Carroll Gardens each with an elementary
18 school with a zoned waitlist but we see this need
19 spread out across the district with Park Slope having
20 two schools with zoned waitlists, Windsor Terrace
21 with a single school and Sunset Park with two schools
22 with zoned waitlists and this is just in District 15
23 with three more schools in District 20 nearby in a
24 similar situation but having enough elementary school
25 seats allows for better planning for families and

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2 schools, it reduces the uncertainty for families who
3 are zoned to schools with zoned waitlists, it also
4 alleviates the choice process and provides more
5 options to families and a lack of seats really means
6 the potential cut of specialized programming such as
7 gifted and talented programs, Pre-K and cluster space
8 for students. Thank you.

9 COUNCIL MEMBER LEVIN: I want to thank
10 you... thank this panel very much, Assembly Member
11 Simon thank you for bringing a lot of clarity to this
12 issue and, and for your very helpful not just
13 testimony but willingness to work and I look forward
14 to working with you over the next couple of weeks.
15 So, if you go out of town well I'll be calling you on
16 your cell and, and, and vice versa let's, let's
17 definitely keep in touch but, but I appreciate also
18 the work that you did with Beorum Hill Association
19 on... in the Hoyt Schermerhorn Task Force, for putting
20 forward a community driven example that we really
21 should be following, we didn't follow it in 2004, we
22 didn't follow it in Williamsburg in 2005 and, and
23 you're right, I hear about the consequences of the
24 2004 rezoning as do you all the time, we seem to
25 continually have to make up for the deficiencies of..

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2 at the time and in 2005 Williamsburg, I mean I can't
3 walk down the street, that's where I live in
4 Greenpoint, I can't walk down the street without,
5 without hearing about it now 13 years later so..
6 [cross-talk]

7 JO ANNE SIMON: I testified about that
8 too.

9 COUNCIL MEMBER LEVIN: But, but I, I
10 greatly appreciate the example and, and look forward
11 to working with you. For, for DOE, okay, so the zoned
12 waitlist is in, in D15 is what like cumulatively all
13 together?

14 DANIEL HILDRETH: So, for this past year
15 we have like..

16 COUNCIL MEMBER LEVIN: I'll bring up my
17 calculator here..

18 DANIEL HILDRETH: Nearly 40 students on
19 zoned waitlists.

20 COUNCIL MEMBER LEVIN: 40 students in
21 total?

22 DANIEL HILDRETH: In total.

23 COUNCIL MEMBER LEVIN: So, all... [cross-
24 talk]

25 DANIEL HILDRETH: Right now... [cross-talk]

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2 COUNCIL MEMBER LEVIN: ...58 has a zoned
3 waitlist of...

4 DANIEL HILDRETH: 58 has a zoned waitlist
5 of approximately 10 students... [cross-talk]

6 COUNCIL MEMBER LEVIN: Okay... [cross-talk]

7 DANIEL HILDRETH: ...last we pulled that,
8 that point... yeah.

9 COUNCIL MEMBER LEVIN: Okay, so 40... okay.
10 The... do you view... I mean this is a relatively small
11 elementary school, right, at 350 seats that's... do you
12 know where that is in the continuum of elementary
13 schools, what percentile that would be roughly?

14 DANIEL HILDRETH: I'd put it at about
15 middle of the road in terms of size, some of the
16 largest elementary schools nearing 1,000 students...
17 [cross-talk]

18 COUNCIL MEMBER LEVIN: Right... [cross-
19 talk]

20 DANIEL HILDRETH: ...so...

21 COUNCIL MEMBER LEVIN: Right. I mean do
22 you see 350 seats in D15 as moving the needle in
23 terms of capacity in D15 honestly?

24 DANIEL HILDRETH: I do, I mean it, it's
25 my role to place every student within the district in

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2 a public school and we'll take seats where ever we
3 can get them, and 350 seats does alleviate a problem,
4 it, it kind of... [cross-talk]

5 COUNCIL MEMBER LEVIN: Sorry, just to
6 say... 168 seats really because that's our net... [cross-
7 talk]

8 DANIEL HILDRETH: To add...

9 COUNCIL MEMBER LEVIN: Yeah...

10 DANIEL HILDRETH: We'll take them where
11 ever we can get them.

12 COUNCIL MEMBER LEVIN: Uh-huh. This is
13 right now zoned in PS38's zone?

14 DANIEL HILDRETH: That's my
15 understanding.

16 COUNCIL MEMBER LEVIN: Is there capacity
17 at 38 right now?

18 DANIEL HILDRETH: I don't have that on me
19 right now.

20 COUNCIL MEMBER LEVIN: okay, the
21 percentage of, of zoned kids going to 38?

22 DANIEL HILDRETH: Also, not something I
23 brought with me.

24 COUNCIL MEMBER LEVIN: Okay, it's
25 something that I would... [cross-talk]

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2 DANIEL HILDRETH: Uh-huh... [cross-talk]

3 COUNCIL MEMBER LEVIN: ...I look forward to
4 getting as quickly as possible. And the number of GNT
5 students in 38?

6 DANIEL HILDRETH: Something we'd be happy
7 to provide.

8 COUNCIL MEMBER LEVIN: Okay... [cross-talk]

9 DANIEL HILDRETH: One thing I do know
10 anecdotally about 38's GNT program is that it's not
11 filled to capacity and that it may include zoned
12 students within the GNT program itself so the idea...
13 [cross-talk]

14 COUNCIL MEMBER LEVIN: May?

15 DANIEL HILDRETH: Very likely... [cross-
16 talk]

17 COUNCIL MEMBER LEVIN: 250 seats... [cross-
18 talk]

19 DANIEL HILDRETH: Very, very... [cross-
20 talk]

21 COUNCIL MEMBER LEVIN: ...so... [cross-talk]

22 DANIEL HILDRETH: ...common for a district
23 GNT... [cross-talk]

24 COUNCIL MEMBER LEVIN: ...but... [cross-talk]

25

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2 DANIEL HILDRETH: ...program to... [cross-
3 talk]

4 COUNCIL MEMBER LEVIN: Yeah, yeah... no...
5 [cross-talk]

6 DANIEL HILDRETH: ...include the zone as
7 well.

8 COUNCIL MEMBER LEVIN: Understood, I mean
9 that would be logical I would think that like some
10 kids... [cross-talk]

11 DANIEL HILDRETH: Some... [cross-talk]

12 COUNCIL MEMBER LEVIN: ...among 250 would
13 be from the zone. The point is that I haven't seen
14 from DOE a strategy of ensuring that 38 is meeting
15 the zoned need or the sub-district need, or the
16 district need necessarily as the top priority, that...
17 and that's been a... that's been a policy decision by
18 the DOE. If... it's... another words if school... if school
19 seats for the zone or sub-district were the top
20 priority so that... so that we're, you know putting an
21 imposition on neighbors by building a almost 1,000
22 foot building right across the street from them on
23 what's now a school, what... you know if that's the top
24 priority then I just don't understand why, why then
25 we have not been focusing our attention on increasing

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2 the enrollment at 38 and having 38 start to meet
3 those needs first because this isn't... again nothing
4 is for free here. In addition to the foregone tax
5 dollars, I mean we're putting a thousand-foot
6 building across the street from like a 40-foot
7 building, that's what we're talking about. So, like
8 it's not nothing, it's not... I mean it's, it's... you
9 know it's not just a couple of extra stories that
10 we're adding to and we're getting two new schools,
11 that's not what's happening here, we're building like
12 a thousand foot building like across the street from
13 townhouses because we... because we've got to address
14 this seat need but it's like in the zone itself, we
15 have the capacity actually and we haven't really been
16 prioritizing enrolling those zoned kids because... I
17 mean if you want to compare it to the other local
18 zones I heard that 261's local zoned kid percentage
19 is like 60 percent so... yeah, 60 percent at 261, 30
20 percent at 38, you know it's like why hasn't that
21 been a priority?

22 DANIEL HILDRETH: I mean I don't think
23 that my office looks at it in quite that same way, in
24 that we see 38 as meeting the needs of the zoned in
25 that family who are interested in attending there

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2 have a seat available and that that may not always be
3 true with impending developments that are coming
4 online over the course of the next five years and
5 that this new site would be able to alleviate future
6 overcrowding that may occur within the district.

7 COUNCIL MEMBER LEVIN: Right, now I can't
8 hold you accountable to this because I don't think
9 you were there in 2004 but this, this project is
10 creating a seat need for elementary school students.
11 In 2004, we gave every developer in downtown Brooklyn
12 the option to build housing and we did not put a
13 single SCA funded school in downtown Brooklyn at the
14 time because I had to spend the last with Jo Anne and
15 Tish and Lori and Eric Adams and Marty Markowitz like
16 we had to spend the last eight years trying to fight
17 to put an elementary school in downtown Brooklyn so
18 it just... it's kind of strange to me that, you know
19 you have dozens and dozens of housing developments
20 that have come online as a result of the 2004
21 rezoning, there was zero planning for schools, now if
22 nobody's thought that they were going to... at least...
23 everyone says that nobody thought they were going to
24 build residential but we allowed for it, I... it's,
25 it's irresponsible to not think that somebody might

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2 build residential and then honestly they started
3 building residential in like '06, I mean when was
4 that Toren... the Toren, the Oro, the Avalon those were
5 all built in like 2006 so it was a couple years
6 later, they had plenty of time to address it since
7 then but we... but it's been like pulling teeth to get...
8 I mean we got D13 school that's going to... I don't
9 even know if it's going to be an elementary school. I
10 talked to the developers a couple of months ago and
11 they said oh that's going to be a middle school, I
12 don't know I thought that the administration told me
13 it was going to be an elementary school. So, it just...
14 this is all kind of haphazard, we're saying oh we'll
15 take it where we can get it, there's no real planning
16 involved, there's no real planning on where it's
17 going to be, on, on which, which seat needs we're
18 meeting so you can understand just like if there's...
19 you know 38 isn't very far away either, I mean it's
20 only about three or four blocks away. So, what I've
21 not seen from the Department of Education in my eight
22 and a half years here is any consistent real planning
23 for school seats in downtown Brooklyn, that I have
24 not seen, I've seen a haphazard, we'll take it where
25 we can get it approach, this is not, not acceptable,

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2 it's not sufficient so, I'll leave it at that. Thank
3 you.

4 CHAIRPERSON MOYA: Thank you very much
5 for your testimony today, the panel is dismissed, and
6 we are now going to be calling up the next panel. I
7 just want to remind everyone that we are... we have a
8 lot of people here to testify so the two-minute clock
9 is coming up for everyone's testimony. We have Leslie
10 Carilio, Sam Bernstein, Angela Pinsky, Regina Mayor,
11 Myer. Les... do we have Leslie? Oh, Cassie, I'm sorry I
12 thought that was an L, Cassie from 32BJ, Carilio? No,
13 okay. Pasquale Vallone? Angela Pinski, Angela? She
14 left. Hannah Birnbaum? Just we'll begin with, with
15 you Hannah and just please state your name and you
16 may begin your testimony.

17 HANNAH BIRNBAUM: Good afternoon, my name
18 is Hannah Birnbaum. Good afternoon Council Member
19 Levin and Chair Moya. I coordinate 32BJ's work on new
20 development and I want to share our union's strong
21 support for this project which epitomizes what we
22 mean when we call for responsible development. As you
23 know downtown Brooklyn and the surrounding
24 neighborhoods are a center of development activity.
25 We are pleased that Alloy's commitment to providing

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2 good jobs will not only provide a path to economic
3 securities for the people who work at the new project
4 but will also set an important standard for other..
5 an, an important standard for others who are building
6 in the community. We also support this project
7 because we are acutely aware of the need for
8 affordable housing in this community. roughly 1,600
9 of our members work in downtown Brooklyn and could
10 directly benefit from 200 units of affordable housing
11 built under the MIH program. For the commitment to
12 good jobs with family sustaining wages and benefits
13 as well as affordable housing we believe that 80
14 Flatbush will help make this expensive part of
15 Brooklyn a more equitable and, and inclusive
16 community for working people 32BJ members included
17 and we hope you'll support the project, thank you.

18 CHAIRPERSON MOYA: Thank you, you may
19 begin, yep.

20 REGINA MYER: Good after... [cross-talk]

21 CHAIRPERSON MOYA: Just...

22 REGINA MYER: Me too. Good afternoon

23 Chair Moya and members of the city council. My name
24 is Regina Myer, President of the Downtown Brooklyn
25 Partnership. On behalf of the partnership I'd like to

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2 express our strong support for ECF and Alloy's
3 development at 80 Flatbush. This proposal exemplifies
4 a truly mixed-use development bringing affordable
5 housing, two public schools, cultural and community
6 facilities and class A office space, space to the
7 heart of downtown Brooklyn. The project delivers all
8 of this public benefit without the use of any city
9 capital funds at one of the most transit rich
10 locations in New York City. Sited on Flatbush Avenue
11 across from Atlantic Terminal, 80 Flatbush is a model
12 location for the type of high density development
13 needed across the city today. With its extensive
14 access to transit across from nearly every subway
15 line in this city as well as the rail... the Long
16 Island Railroad is the exact location where we should
17 be concentrating growth. It's particularly vital that
18 we build affordable housing near transit and job hubs
19 like downtown Brooklyn. Among the benefits, the 200
20 units of permanently affordable housing for low and
21 very low-income households would allow families of
22 various means to call downtown Brooklyn home. The new
23 300 seat... 350 seat elementary school and replacement
24 facility for Khalil Gibran International Academy are
25 critical to our growing neighborhood. 80 Flatbush

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2 also supports bringing jobs to downtown Brooklyn with
3 200 square... thousand square feet of new office space.
4 New office development here can further establish our
5 borough's downtown as an emerging innovation hub and
6 job creator and provide additional economic
7 opportunities for residents. Lastly, the project
8 provides a new cultural facility adjacent to the
9 thriving Brooklyn cultural district which is in
10 greatly... in great need of subsidized space. We
11 believe 80 Flatbush fulfills community needs
12 essential to sustaining growth in downtown Brooklyn
13 and across the borough. It's emblematic of the type
14 of modern urban development that fits on Flatbush
15 Avenue in line with the rest of the neighborhood. I
16 urge you to make it a reality.

17 CHAIRPERSON MOYA: Thank you.

18 PASQUALE VALLONE: Good afternoon Council
19 Member Levin and Chair Moya. My name is Pasquale, I
20 am a porter at 10 Hudson Yards and I'm here to speak
21 on behalf of my union, 32BJ SEIU. 32BJ is the largest
22 property service union in the country. We represent
23 80,000 building service workers in New York City
24 including workers who clean and maintain buildings
25 like the ones we are discussing today. I am

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2 testifying on behalf of 32BJ to express our union's
3 strong support for the development of 80 Flatbush in
4 downtown Brooklyn. The project's developer, Alloy
5 Development is a responsible developer that has
6 committed to creating good paying jobs at the site.
7 In addition, we strongly support the project's
8 commitment to the development of much needed
9 affordable housing in this increasingly expensive
10 neighborhood. The 80 Flatbush project stands as a
11 model of responsible development in our city. By
12 creating good jobs that pay a fair wage and provide
13 good benefits, Alloy Development will help, help its
14 workers continue to live, raise their kids and retire
15 in New York City. Thank you.

16 SAM BERNSTEIN: Good afternoon, thank you
17 Chair Moya and the members of the Subcommittee on
18 Zoning and Franchise, Franchises for hearing our
19 testimony today. My name is Sam Bernstein and I'm
20 here on behalf of the New York Building Congress and
21 I'm pleased to offer our support, support for the
22 proposed changes at Flat... at 80 Flatbush. If improved
23 in its entirety, the proposed zoning will allow
24 private developer to partner with the Educational
25 Construction Fund to create immense public benefits

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2 including substantial new housing available to all
3 income levels, a new major cultural space, and modern
4 school facilities at an important cross road in New
5 York City. This is a value of 230 million dollars in
6 public benefits. The city's development to affordable
7 housing has been the hallmark of Mayor De Blasio's
8 administration and as Council Member Reynoso and
9 other elected officials have noted it is critically
10 important that the rezoning contribute to the
11 creation of new affordable units across the city in
12 low income and more affluent neighborhoods alike. The
13 proposed 80 Flatbush development will help achieve
14 this goal by providing 200 permanently affordable
15 homes. It is important... this important project is
16 also a model of the type of public private
17 partnerships that uses zoning as a tool to help
18 create desperately needed infrastructure, typically
19 elementary school seats. The proposed 80 Flatbush
20 development will create 350 new elementary school
21 seats and a brand new 350 seat school at KGIA. Among
22 the other benefits I would also highlight... the... at
23 the revised zoning will create an envelope permitting
24 200,000 square foot of class A office space.

25 Employers are seeking out parts of our city to

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2 establish job centers that did not exist before and
3 downtown Brooklyn stands poised to become the third
4 major central business district in the city and the
5 first outside of Manhattan. Alloy Development has,
6 has developed a once in a lifetime generate...
7 opportunity to create a multiple use program that
8 will be part of the community and include the
9 surrounding neighborhoods. The Building Congress
10 urges the Subcommittee to improve the entirety of the
11 proposed zoning changes for a project that will
12 create a new economic opportunity and immense public
13 benefits for the Brook City... and Brooklyn. Thank you
14 very much for listening to this testimony.

15 CHAIRPERSON MOYA: Thank you all for your
16 testimony today, the panel is dismissed, and I would
17 like now to call up the next panel. Lisa Veringcamp,
18 Jonathan Glazer, Seth Meyerowitz, Daughtry
19 Carstarphen. If you can just please state your name
20 you may begin your testimony, yep. We'll start up
21 there.

22 DAUGHTRY CARSTARPHEN: My name is
23 Daughtry Carstarphen, I'm a registered architect who
24 builds affordable housing, I'm a community member, a
25 mother with two kids in district 15 schools and I

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2 live at 546 State Street. I'm here to talk about the
3 loading docks. 80 Flatbush proposes two loading
4 docks, one of which is positioned mid-block on State
5 Street between the project's lower school main entry
6 and the residential entry of a 38-story phase one
7 office tower. Though the dimensions of this dock have
8 not been shared it's assumed to hold two births.

9 State Street is unique in that it hosts the zoning
10 district boundary between the current C6-2 commercial
11 district to the North and the R6B residential
12 district to the South. The district boundary is in
13 the middle of the street. According to the DOT map at
14 DOT dot info, State Street measures less than 30 feet
15 wide from curb to curb. Further, surveys indicate
16 property to property line boundary with 55 feet. Per
17 the current zoning resolution, 36-683 loading births
18 located within 60 feet of, of a resident's district
19 boundary shall be enclosed within a building and no
20 entrance to or exit from the birth onto the street
21 shall be less than 30 feet from the district
22 boundary. We therefore concur that the current zoning
23 resolution that the loading dock may not be
24 positioned on State Street but perhaps most
25 importantly is the fact that the location of the

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2 loading dock between the lower school entry and the
3 residential entry of the phase one office tower sits
4 up a major conflict between programs, positions and
5 large... and it positions large delivery service and
6 sanitation vehicles in the same street space as 350
7 elementary school children and hundreds of occupants
8 in the phase one tower. Trucks turn off 3rd Avenue,
9 past the elementary school, travel down residential
10 State Street then have to turn approximately 75
11 degrees to the loading dock then the trucks will have
12 to back out onto State Street before traveling to the
13 pedestrian dense intersection of State Street and
14 Flatbush Avenue. This will interrupt access along the
15 sidewalk multiple times a day, exacerbate existing
16 traffic problems and endanger the pedestrian rich
17 environment; no loading dock on State Street. Thank
18 you.

19 CHAIRPERSON MOYA: Thank you.

20 SETH MEYEROWITZ: Good morning, my name
21 is Seth Meyerowitz, I've been a resident of Boerum
22 Hill since 1989 and raise my family in the
23 neighborhood. I'm a strong supporter of more
24 affordable housing, better schools and transit for a...
25 our community but I do not believe that 80 Flatbush

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2 is the way to provide these needed investments for
3 our city. I fear that 80 Flatbush will provide out of
4 scale benefits to its developers while casting an
5 unacceptable shadow on the neighborhood, excessive
6 density and not leave adequate benefits for our
7 community. The developers of this project have no
8 track record in building schools or executing
9 developments of this scale. This project is... still
10 requires much more information and much more
11 transparency before we can properly assess that it's
12 providing a balance in terms of what we need for our
13 community and, and also to be able to justify the
14 negative externalities of the project. Yes, the press
15 of our city's needs means that the density of our
16 neighborhoods will increase but how much density is
17 too much density. We owe it to our self to demand a
18 meaningful accounting that compares the cost of
19 direct investment in schools and affordable housing
20 with the true cost of this project to our city and
21 our neighborhood. Absent that analysis, we can only
22 conclude that 80 Flatbush is out of balance with
23 giveaway to unproven... and, and an unproven benefits
24 and negative externalities for our neighborhood that

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2 have not yet been adequately taken, taken account of.
3 Thank you.

4 LISA VERINCAMP: Hi, my name's Lisa
5 Verincamp, I live in Fort Greene, Brooklyn, a
6 wonderful neighborhood that's developing very
7 quickly. I actually welcome development in the
8 neighborhood but I am very concerned about 80
9 Flatbush. The plans call for a 73-story tower, twice
10 the height of buildings around it. the plans also
11 call for a 38-story tower with minimal setbacks but
12 both of these... both of these buildings violate zoning
13 rules that are in place for this lot and as
14 Councilman Levin said there are very good reasons to
15 have zoning rules to allow for sensible development
16 and quality of life for people living there. We don't
17 want to have too many tall shadows, wind tunnels,
18 overcrowding on already busy streets, parks, subways
19 and schools and out of proportion development to...
20 next to tiny brownstones. The development does offer
21 schools which we desperately need but the sheer size
22 of the building will take up many of the seats
23 available and aren't good enough to massively
24 increase the FAR on this lot from six to 18. Please

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2 vote no and redo this development to something more
3 matched to the neighborhood. Thank you.

4 JONATHAN GLAZER: Hi, my name is... my name
5 is Jonathan Glazer, I live on the 400 block of State
6 Street and I just want to thank Jo Anne Simon, my
7 neighbor for making her comments and for the
8 questions raised by Councilman Levin. I just want to
9 mention a couple of things, I'll put aside my written
10 testimony. If we want to talk about the history of
11 the project we need to have an open and honest
12 discussion. The Williamsburg Bank building was built
13 in two years, this project is slated to be built in
14 eight years, the FARs that were mentioned previously
15 regarding 21 and 20 are much lower buildings. The
16 build... the Williamsburg Bank building does not have
17 the same proximity to a row of townhouses that this
18 project will have. The Williamsburg Bank building was
19 also built at the height of a real estate building,
20 it was put together by a group of industrious
21 dentists who wanted to make money off of this giant
22 boom that was approaching Brooklyn. It ended up being
23 not fully occupied and for basically the next 70
24 years nothing reached the same level as that
25 building. We are... we have to identify that we may be

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2 a point in the business cycle that this is a peak of,
3 of development and going forward there may not be
4 the, the demand that we've seen in the last 140,000
5 people that we've seen over the last five years in
6 Brooklyn. There are cycles that have come and gone,
7 the Williamsburg Bank building was built at a certain
8 peak in the cycle and it was not surpassed until
9 recently. We may go... be heading into the same level
10 of the cycle and we must be aware of that. We have to
11 find a data point to address our planning towards and
12 as Council Member Levin has done... has mentioned it is
13 subsequent... it has previously been done in a very
14 haphazard manner and we have to avoid doing that in
15 the future. Thank you very much.

16 CHAIRPERSON MOYA: Thank you. Thank you
17 all for your testimony... [cross-talk]

18 COUNCIL MEMBER LEVIN: And I just... I just
19 want to thank this panel for your engagement, I look
20 forward to continuing to work with you very much in
21 earnest over the next several weeks, thank you.

22 CHAIRPERSON MOYA: Thank you. The next
23 panel; Peter Gee, Jessica Lazar or Jess Lazar, Sarah
24 Willard, Kirk Goodrich.

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2 PETER GEE: Good morning, my name is
3 Peter Gee and I'm a, a Board Member at Fifth Avenue
4 Committee also known as FAC. As many of you know FAC
5 is a 40-year-old non-profit comprehensive community
6 development organization whose mission is to advance
7 economic and social justice. We have built 900 units
8 of affordable housing and have a development pipeline
9 of 1,100 more affordable units in South Brooklyn and
10 in Jamaica, Queens. FAC has been a vocal proponent of
11 mandatory inclusionary housing for more than 15 years
12 and believe that stronger housing markets like the
13 one that exists at this site are exactly where New
14 York City should be mapping, mapping mandatory
15 inclusionary housing since the city subsidy is not
16 required to reach its goals. The demand for
17 affordable housing cannot be overstated especially
18 housing at or below 60 percent of AMI which this
19 project will be. FAC decided to partner with 80... with
20 Alloy on 80 Flatbush because they have demonstrated a
21 commit... a commitment to community engagement and
22 significant public benefits. They agreed to the most
23 deeply affordable mandatory inclusionary housing
24 option, option one and to work with FAC to exceed
25 what option one requires. The permanently affordable

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2 housing at 80 Flatbush will also include units set
3 aside for families coming out of the New York City
4 shelter system where tonight more than 60,000 people,
5 two thirds of them child... two thirds of them children
6 are spending the night. 80 Flatbush represents how we
7 can... how we can do development better and FAC, FAC
8 believes that this project adds important vital
9 public benefits. We urge the council to support this
10 project. Thank you.

11 JESSIE LAZAR: Good afternoon, my name is
12 Jessie Lazar, I'm a resident of Park Slope. I lived
13 in Brownstone, Brooklyn for 11 years and I'm here
14 today to speak in strong support of the 80 Flatbush
15 project. Some changes we've seen to zoning and the
16 Brooklyn skyline over the last few years have been
17 better than others and I believe this is one of the
18 better ones we've seen so far. We've heard a lot
19 about, about this project, we know about the 20
20 percent affordable units, we know about the brand new
21 public elementary school and the new high school and
22 we also know that there's a new cultural institution
23 in the preserve historic building that will be in the
24 future. This is particularly important to me, I think
25 it's great to have new restaurants and movie theaters

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2 around here as part of... around this neighborhood but
3 cultural facilities have deeper and longer lasting
4 impacts on communities than commercial facilities do.
5 On top of that, that institution will face Flatbush
6 Avenue which brings me to my next point. Flatbush
7 Avenue is like Brooklyn's main street, it should be
8 attractive, safe and urbanistic ally activated not
9 just a dead space between affluent brownstone
10 neighborhoods. It is a wide commercial boulevard
11 close to major transit hubs and is the ideal place
12 for density and height, it is not a quiet street in
13 the center of a sleepy brownstone neighborhood. It's
14 plain to anyone who has ever been on that street that
15 a large building on Flatbush Avenue would not be
16 disruptive to the vast majority of Brooklynites. In
17 fact, if it's not an appropriate place to build this
18 way I don't where is. In the last few years up-zoning
19 has increased density in less wealthy, less white
20 neighborhood context perhaps without as much
21 complaint from affluent homeowners. The public goods
22 and community assets this project will provide stand
23 out in an area where other new development has mostly
24 served wealthy newcomers or helped drive up property
25 values for those already fortunate enough to own a

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2 piece of this increasingly unaffordable city. I
3 support this project for creating these kinds of
4 assets and for showing a smart and civic way to do
5 large scale development in Brooklyn. Thank you.

6 SARAH WILLARD: My name is Sarah Willard
7 and I'm an 18 year resident of New York City, a
8 Brooklyn resident, a mother of three, a business
9 owner and a former board member of the Rent
10 Guidelines Board and I'm here to give my
11 unconditional support to the scope and scale of 80
12 Flatbush and this is the second time that I have
13 spoken on behalf of this project but I... as I hear a
14 lot of the, the public comments and debate I want to
15 underscore some facts that impact all of us on both
16 sides of the debate. As a former board member of the
17 New York City Rent Guidelines Board, our entire
18 existence was predicated on the fact that New York
19 City has been in a declared housing state of
20 emergency which for clarity is a citywide vacancy
21 rate for all housing, all housing affordable or
22 otherwise at less than five percent. Economists have
23 determined that a healthy and fair market place needs
24 at least five percent or greater vacancy in order to
25 perform efficiently, efficiently for both tenants and

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2 owners but since New York City has been below five
3 percent the, the... for... since that time, the 1974
4 emergency tenant protection act was enacted in state
5 law to... in order to protect tenants and help
6 alleviate what ensued, sky rocketing rents. Today the
7 citywide vacancy rate stands just over three percent,
8 this means that we are still in a continued state of
9 housing emergency. The vacancy rate is not a
10 byproduct of sky rocketing rents, but rather high
11 rents are a byproduct of vacancy rate. Housing supply
12 does not equal housing demand and in... more
13 importantly housing demand far exceeds the supply and
14 we cannot, do not want to curb demand for this great
15 city but we can tip the balance on the supply side.
16 And I want to clarify something Council Person Levin
17 that you had mentioned about the 1920's, the vacancy
18 rate in New York City in 1920 was one percent and at
19 that point the city had enacted a, a very similar
20 program of allowing buildings to be built that's
21 where you got your buildings.

22 CHAIRPERSON MOYA: Thank you.

23 KIRK GOODRICH: Good afternoon, my name
24 is Kirk Goodrich, I'm a partner at Monadnock
25 Development and I'm speaking in support of 80

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2 Flatbush Avenue. So, the city is in the midst... in the
3 midst of an affordable housing crisis and a fair
4 housing crisis. The affordable housing crisis is
5 reflected by 60,000 people in shelter, in homeless
6 shelters, 22,000 of those are kids, the typical
7 affordable apartment that goes through a lottery at
8 HPD you get three to 400 applicants. In our Compass
9 residence's project in the Bronx we got 74,000
10 applications for 200 apartments. The fair housing
11 crisis is fairly simple, all poor people can't live
12 in the Bronx and East New York, there has to be an
13 opportunity for poor families and individuals to have
14 affordable housing in high rent, high opportunity
15 areas and in my professional opinion what we ought to
16 be doing is fast tracking rezoning's in high
17 opportunity, high rent areas just like 80 Flatbush is
18 located in an area that, that fits that description
19 and fundamentally creating as much density as
20 possible and delivering as much affordable housing to
21 the market place as possible. I think from, from the
22 perspective of, you know folks in the affordable
23 housing world we lament the... you know the lack of
24 affordable housing in areas, you know like downtown
25 Brooklyn. I think... we only have a certain amount of

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2 tools to address that, the city doesn't own as much
3 vacant properties as they... in, in these areas as they
4 did 20 or 30 or 40 years ago, the tool we have is
5 mandatory inclusionary housing in the context of
6 rezoning's like this one and if we fail to deliver
7 affordable housing in a situation like this I think
8 we will have an ongoing affordable housing crisis and
9 a continued fair housing crisis. Thank you.

10 CHAIRPERSON MOYA: Thank you. Thank you
11 for your testimony today and we are moving now to the
12 next panel. We have William Harris, Howard Kolins,
13 Mable Long and Bill Shodrick. Is... did he leave or... he
14 left, okay. Mary Katherine Michiels, Michiels Kibler.
15 Okay, we can begin with...

16 HOWARD KOLINS: Thank you... [cross-talk]

17 CHAIRPERSON MOYA: Thank you.

18 HOWARD KOLINS: My name is Howard Kolins,
19 I'm the current President of the Boerum Hill
20 Association and I speak for over 10,000 members of my
21 community when we reject the unprecedented tripling
22 of the FAR to 18. We call for the city to adhere to
23 its own statement regarding transitional zoning which
24 is specifically referred to in Chapter one of the
25 special downtown Brooklyn district general purposes.

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2 Steve Levin mentioned this earlier, but I will quote,
3 "to create and provide a transition between the
4 downtown commercial core, lower scale residential
5 communities of Fort Greene, Boerum Hill, Cobble Hill
6 and Brooklyn Heights", that sounds like a promise to
7 me and our community... our community board agreed with
8 us voting 32 against, one in favor and five
9 abstentions. The Borough President, Eric Adams agreed
10 by also recommending reducing the FAR. Let me be
11 clear, our position is far from NIMBY, we simply ask
12 for a better plan one that is intelligent, one that
13 words to blend and protect the properties that are
14 immediately adjacent to the development site and one
15 that does not with... ignore our residences that are so
16 close to tower one and tower two. For the last 14
17 months our consistent call has opposed to the
18 tripling of the FAR, out of scale and a bad precedent
19 for Brooklyn, to eliminate the egregious State Street
20 loading dock and keep the trash off of State Street,
21 create transition, we suggested building R6B
22 townhouses on the North side of State to match the
23 South side of the street, create transition by
24 requiring a 50 foot set back from 3rd Avenue for any
25 new building over four stories, build one new tower,

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2 one new school, we welcome a new high school, we
3 questioned the positioning of an elementary school at
4 the most disastrous traffic location in Brooklyn. And
5 no matter what you do re-locate that high school
6 during eight years of construction. The position is
7 hardly NIMBY, 11,000 dwelling units so far and
8 another 9,000 coming that's a pretty big back yard.
9 Simply put, put we reject the FAR of 18 and demand a
10 conversation of what can be built intelligently and
11 appropriately at this site. We ask for balance, thank
12 you.

13 CHAIRPERSON MOYA: Thank you. Push the
14 button, thank you.

15 MABLE LONG: Yes, my name is Mable Long,
16 I'm a resident in Fort Greene, I actually live in the
17 clock tower, one Hanson Place which I've seen some of
18 the photographs of the building and every time I look
19 at the building and I also think that there are many...
20 that I can represent many of the residents in
21 Brooklyn it's as... truly as an iconic building for
22 Brooklyn and it almost serves as an identity for
23 Brooklyn as a borough and in fact when I heard about
24 the, the, the height of the building and it was built
25 at that time and it's being referenced currently to

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2 the... to the current 80 Flatbush project I, I actually
3 thought about the fact that when this building was
4 built it was the only building that was at this
5 height for many years until probably the last eight
6 years when new buildings were built around it that
7 either are at the same height or, or higher than that
8 but when the building was built it was actually to me
9 and I read about the history of the building and was
10 actually served almost as a... as a lighthouse to the
11 residents in Brooklyn in terms of when people went to
12 work they looked up to the building and look up at
13 the clock and they... and the clock gave the time to
14 the... to the residents of the building so I think that
15 that's a lot of identity to the building as well as
16 the, the site line that the residents have to that
17 building that really serves a very good purpose and a
18 history of the building and, and of... also of the
19 borough. I also think that the references of what the
20 downtown Brooklyn looked like relative to downtown
21 Manhattan when Council Levin spoke earlier with
22 regard to when he traveled and he saw downtown
23 Brooklyn which is actually almost is in...
24 indistinguishable to downtown Manhattan as well as
25 the reference to the transport hub of Atlantic

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2 Terminal to Times Square and I also want to ask all
3 of us whether we want to also have some
4 differentiation of the five boroughs of New York City
5 relative to each other as opposed to be, being as
6 close to Manhattan as possible which I do not believe
7 that is the purpose. Thank you.

8 CHAIRPERSON MOYA: Thank you.

9 MICHAEL DEVICK: Good afternoon. I am
10 Michael Devick, a 37-year resident of Boerum Hill and
11 I want to address two issues... read for you regarding
12 this project which I strongly oppose. First the
13 project weakness regards the context of the Boerum
14 Hill neighborhood which is adjacent to the project
15 site. Most of Boerum Hill contains three and four-
16 story residences where R6B zoning prevails. The
17 primary commercial corridors, Atlantic Avenue and
18 Smith Street are zoned R7A and R6A respectfully which
19 imposed 80 to 85 foot or 70 to 75-foot height
20 restrictions. Constructing a 900-foot-tall
21 residential tower along with a second slightly
22 shorter tower at the site ignores any idea from the
23 2004 transitional zoning thus and is grossly out of
24 scale with the neighborhood. Second, the population
25 density in which this project would produce is

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2 overwhelming; building 900 apartment units, multiple
3 stories of commercial office space, land level retail
4 establishments, two schools and the cultural center
5 on one trapezoid shaped block will severely affect
6 traffic, pedestrian safety including elementary
7 school aged children, mass transit, sanitation and
8 sewage systems. There is a reason this site is
9 currently zoned for a floor area ratio of 6.0 and as
10 much as it reflects an assessment of what the
11 environmental impact of the site could withstand. The
12 zoning variance requested by this project should...
13 would triple that ratio and flies in the face of
14 sensible and empirical base urban planning.

15 CHAIRPERSON MOYA: Thank you.

16 MARY KATHERINE MICHIELS-KIBLER: Hi, I'm
17 Mary Katherine Michiels Kibler and I'm a member of
18 the Rockwell Community Place Garden over here. I
19 moved to the Fort Greene downtown Brooklyn
20 neighborhood just two months ago and I was surprised
21 to find the Rockwell Community Garden so... sorry, so
22 close... or... sorry, I'm at the wrong place... I was
23 surprised to find a lush garden at the intersection
24 of large thoroughfares but delighted that I would
25 have access to such a beautiful space. I was quickly

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2 welcomed in by the community gardeners and told I
3 could enjoy the space whenever I wanted. They offered
4 me fresh food from the garden and told me the history
5 of the neighborhood including the 40-year history of
6 the garden and made me feel more at home than any
7 other cultural space in the neighborhood. Gardens
8 have a direct relationship with... or sorry... the shade
9 created by the existing plan for 80 Flatbush would
10 prohibit the diverse and lush growth of the garden as
11 well as overwhelm the neighborhood with traffic.

12 Gardens have a direct relationship with an improved
13 quality of life for urban dwellers and I have felt
14 this to be true in my experience of moving to
15 Brooklyn. it would be a true loss for the current and
16 future residents not to experience the many benefits
17 of a communal green space. I look forward to the
18 improvements coming to this changing neighborhood,
19 but development must not come at the expense of green
20 space, sunlight and existing community. Yes, thank
21 you.

22 CHAIRPERSON MOYA: Thank you. Thank you
23 all for your testimony.

24 COUNCIL MEMBER LEVIN: Thank you very
25 much for your testimony as well and on the garden

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2 front we'll be examining over the next couple of
3 weeks how we can minimize that impact, you know if
4 the project goes forward, but I know about the
5 garden, I love the garden, thank you.

6 CHAIRPERSON MOYA: Nancy Pack, Pack...
7 okay, Nancy; Claire Wise; Jill Montague; Chris
8 Havens, Chris Havens? No. Jill Montane? No. Claire
9 Wise? No. Andrew Bernheimer; Irene Moussa, yes, okay
10 and Buck Schellenberg? He left...

11 COUNCIL MEMBER LEVIN: I just want to
12 apologize to this panel I have to run downstairs to
13 something, but I will... I will go back and make sure
14 to, to watch the testimony but I appreciate your
15 being here in advance so... but I apologize I got to
16 run down to... something with the Mayor, thank you.

17 CHAIRPERSON MOYA: Basha, Basha Gerhards.
18 Yeah, we can start.

19 NANCY PACKES: Good afternoon Chairman
20 Moya. My name is Nancy Packes, I'm a consultant to
21 the Real Estate Industry in the Planning of Rental
22 Development and I'd like to address some issues that
23 I don't think were addressed by many of the prior
24 speakers namely supply and demand. We are at the tail
25 end of a 50 year high in supply of new units in the

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2 city. I have personally been involved in the rental
3 of five buildings in downtown Brooklyn including
4 currently the hub which is very near 80 Flatbush. I...
5 in my personal experience I can tell you that the
6 units are being absorbed as they come on the market,
7 if this were not the case the vacancy rate would be
8 higher. So, after 2019 there's almost no new supply
9 in the pipeline, we are in a position where the
10 economy in New York is transforming to an information
11 kind of technology creative platform which is the
12 best thing that could happen to the city. We've
13 regenerated the entire economic base. The addition of
14 population to the city is certainly not being met
15 even by this 50-year high supply in units and after
16 '19 the supply is gone. You really can't build
17 rentals in Manhattan any more, the price of land is
18 too high, so downtown Brooklyn has become a place
19 where people want to be. Also of course many people
20 have mentioned that the transportation connection for
21 80 Flatbush is so convenient and so desirable for New
22 York City residents. I think that the density will
23 address the need for housing immediately, not in the
24 future, not what's happening in five or ten years but
25 the need that we have right now for a growing

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2 population. There are very, very few sites left in
3 downtown Brooklyn to accommodate this kind of
4 density, so I think that the density has an
5 appropriate place and I hope that this project wins
6 approval. Thank you.

7 ANDREW BERNHEIMER: Good afternoon, my
8 name is Andrew Bernheimer, I am the principal of
9 Bernheimer Architecture, a small practice located in
10 downtown Brooklyn and an Assistant Professor of
11 Architecture at Parsons School of Design where I
12 teach in the Master of Architecture program. Full
13 disclosure, Jared Della Valle of Alloy Development is
14 one of my oldest friends and from 1996 through 2011
15 we shared an architectural practice, Della Valle
16 Bernheimer which dedicated itself to positively
17 impacting the construction environment of New York
18 City. I'm here now no longer as a partner to Jared
19 nor simply as a friend but as a fellow citizen
20 designer deeply invested through my own practice and
21 my teaching in creating a diverse, beautiful more
22 equitable city. It is in this context that I offer my
23 strong support for the development at 80 Flatbush.
24 Our city can and must accommodate ambitious projects
25 like this. Our city should make room for 80 Flatbush

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2 because it is aspirational and fundamentally
3 optimistic, it acknowledges the needs of our growing
4 diverse city, providing space for teaching and
5 learning while providing housing for those in need.
6 Brooklynites and after 18 years in the borough I
7 fancy myself one, say to others that it isn't just a
8 borough but a city in its own right, it is thus
9 imperative that we look towards the future of this
10 city within this larger metropolis. There is still
11 time for design to be refined, for heights to be
12 adjusted, for ranges of affordability to be
13 discussed. I have been open with Alloy about some of
14 my own concerns about this project, but these are in
15 the... in the larger context small things compared to
16 the needs that this project addresses. This, this
17 development imagines a vibrant better place that is
18 our present and most importantly our future and I
19 hope that it gains your support. Thank you.

20 IRENE MOUSSA: My name is Irene Moussa...

21 [cross-talk]

22 CHAIRPERSON MOYA: You have to push the
23 button for the microphone, thank you.

24 IRENE MOUSSA: Good morning everyone. My
25 name is Irene Moussa and I'm the Parent Coordinator

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2 for Khalil Gibran International Academy. We are a
3 small school, a school of about 270 students that
4 have done remarkably well academically considering
5 the circumstances they face inside and outside the
6 classroom. Our kids walk into the school where they
7 are embraced for who they are and celebrated for
8 where they come from. However as much as we support
9 them they are still met with inequity. Like Mr.
10 Hamann and previously said the integrity of the
11 outside world is one thing the inequity, inequity of
12 the... their school building is another. After a number
13 of hearings like this I am sure many of you have
14 heard about the current remediations of our building,
15 the inside of the building does not meet the
16 aesthetically of its exterior. This building does not
17 allow our kids to flourish, to play, to have the
18 advantages of other schools. We struggle with
19 gymnasiums with... to allow our kids proper physical
20 education, without an auditorium to allow for larger
21 group activities, meetings, town halls, without
22 bathrooms on each floor, floor. Without dedicated and
23 a proper... appropriate computer or art rooms, without
24 working water faucets, without natural light in our
25 cafeteria space, without enough standard sized

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2 classrooms to accommodate students comfortably. These
3 may seem like small things to others, but these
4 things may only provide children with a well-rounded
5 educational experience, they provide them with a
6 sense of worth and feeling respected as individuals.
7 For, for these things I'm supportive for this
8 project. I didn't finish what I said but...

9 CHAIRPERSON MOYA: Thank you... [cross-
10 talk]

11 IRENE MOUSSA: Thank you...

12 CHAIRPERSON MOYA: Thank you for your
13 testimony.

14 BASHA GERHARDS: Basha Gerhards here on
15 behalf of the Real Estate Board of New York. Thank
16 you for the opportunity to testify in support of the
17 rezoning of property located at 80 Flatbush Avenue by
18 Alloy and the New York City Education Construction
19 Fund. The proposed zoning actions will facilitate a
20 mixed-use development which will provide the
21 community with a new elementary school, a high
22 school, permanently affordable housing units, retail
23 space and 200,000 square feet of class A office
24 space. This proposal advances the city council's
25 stated goals for equity in the city. The proposal is

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2 a laudable model representing rational comprehensive
3 land use planning at its best. By citing these high
4 priority needs together and adjacent to mass transit,
5 the public private partnership ensures that density
6 is built where infrastructure best supports it. It's
7 location on Flatbush Avenue and proximity to Atlantic
8 Terminal one of Brooklyn's best served transit nodes
9 with 13 lines can handle this level of density and
10 ensure its uses are highly accessible. The city's
11 need for inclusive affordable housing is critical,
12 the development at 80 Flatbush Avenue will offer 200
13 permanently affordable housing units and an average
14 of household income of 60 percent AMI. New affordable
15 and market rate housing is crucial for the borough's
16 continued growth. Also, of importance is the
17 development of affordable units in a high-income
18 neighborhood furthering the aims of the inclusionary
19 housing policy for low and high-income neighborhoods
20 this body adopted in 2015. A new 350 seat public
21 elementary school will help increase school seat,
22 seat capacity in district 15. In addition, the Khalil
23 Gibran International Academy will finally have an
24 appropriate facility. The proposed development will
25 also bring a new cultural facility to the area which

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2 will help strengthen and expand the Brooklyn cultural
3 district as a destination for the arts. REBNY
4 supports Alloy's development plans for 80 Flatbush
5 Avenue and the surrounding neighborhood benefits it
6 will bring and we respectfully request that the city
7 council approve the proposed zoning.

8 CHAIRPERSON MOYA: Thank you. Thank you
9 all for your testimony. I will be calling up the next
10 panel. Marcel Negret; Ben Richardson, sorry, Ben;
11 Philip Separia and Brent Porter. Brent Porter, that's
12 him, okay. Philip, is that you? Okay. Philip, he
13 left? Okay. Ron Janoff. We can begin.

14 MARCEL NEGRET: Good afternoon, my name
15 is Marcel Negret, I'm a Project Manager at the
16 Municipal Art Society of New York. Alloy has
17 delivered an impressive design that includes mixed
18 house... income housing, new community facilities and
19 the adaptive re-use of the historic Khalil Gibran
20 International Academy buildings. However, MAS is
21 troubled about the Educational Construction Fund
22 school construction process. The proposal's
23 inconsistency with a transition zone that was
24 envisioned for this site between downtown Brooklyn
25 and Boerum Hill in a downtown Brooklyn rezoning

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2 process and other significant unresolved, underlying
3 planning policy issues that proceeded this proposal.
4 The city's inherent will... unwillingness to construct
5 school facilities with public dollars and it's
6 increasing reliance on zoning and private sources for
7 school financing the lease out of scale residential
8 towers remains a primary source of concern. One thing
9 is certain, the magnitude of this proposal cannot be
10 overstated with a FAR of over eight... of 18 it will
11 represent the highest density development outside of
12 Manhattan since 1961 that does not use transfer of
13 the owner rights. Regarding the 2004 downtown
14 Brooklyn rezoning the EIS stated and I quote, "the
15 proposed height limits along these blocks will be
16 reduced in order to create a transition to the nearby
17 low scale residential neighborhood". So, there is
18 written documentation that clarified a planning
19 document that specifies that area as a transition
20 zone. In terms of impacts of school capacity even
21 with the incremental new school seats enrollment
22 capacity in sub-district three, community school
23 district 15 will increase from 107 percent over
24 capacity to almost 160 percent over capacity by 2025.
25 We have other details and comments regarding shadows

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2 and other areas, but we urge the applicants and the
3 city to work with the community to come up with a
4 proposal that better represents the collective vision
5 for the future of downtown Brooklyn and Boerum Hill.
6 Thank you for your time.

7 CHAIRPERSON MOYA: Thank you.

8 BEN RICHARDSON: Good afternoon, my name
9 is Ben Richardson. Chairman Moya, Council Member
10 Levin, members of the City Council and Land Use
11 Committee thank you for the opportunity to address
12 the council. As the Treasurer of the Fort Greene
13 Association and a neighborhood representative of the
14 over 28,000 residents of Fort Greene I'll start by
15 saying that we the constituents implore you to vote
16 no without exceptions on the zoning amendments being
17 requested by proposed 80 Flatbush. So, why, why do I
18 ask that, the 80 Flatbush team would have you believe
19 that the schools are a tremendous community benefit
20 and they are correct. Every new luxury tower should
21 be required to include schools to accommodate the new
22 density that they add to the city, that is what they
23 are proposing but let's not think for a minute that
24 when a luxury tower in one of the most desirable
25 neighborhoods in Brooklyn is marketed to the

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2 community with schools on the ground floor that those
3 168 net positive seats won't be filled by the
4 residents of the 902... 22 apartments. It's more likely
5 that there will be a waiting list of 80 Flatbush
6 residents eager to get into the school of the self-
7 contained community they are proposing to build which
8 is great but it won't do a thing for the unfunded
9 school seat needs of district 15 or 13. On the
10 contrary the overflow from this well marketed
11 building will likely spill into its zoned school PS38
12 and other nearby overcrowded schools. the ECF selling
13 point that it is the school solution for anything
14 more than 80 Flatbush is patently false to anyone who
15 spends more than five minutes looking at this
16 project. The ECF and the entire rationale for this
17 project is a solution in search of a problem not a
18 problem in search of a solution. But what about free,
19 doesn't everyone love free school and free community
20 benefits? Well as we already established nothing is
21 free and so to that I say that being granted a credit
22 card with no charge limit does not make this project
23 free, it does make Alloy and the ECF a reckless
24 teenager with unvetted access to the city's
25 financial and political backing and it makes the city

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2 and our commitment it's unwitting... and our community
3 it's unwitting parents. No, the parents of New York
4 City government and the community in this scenario
5 are not giving Alloy and the ECF a cash allowance
6 necessarily but they are giving them 300 million
7 dollars in free unlimited use of the community's
8 prime land and air rights and what is Alloy giving
9 back to the community in exchange for this, much like
10 a selfish teenager who's never able or expected to
11 pay back their parents until they grow and become
12 parents of their own children Alloy will never be
13 able to pay back the community. Alloy once this
14 project is done the changes... [cross-talk]

15 CHAIRPERSON MOYA: Please... [cross-talk]

16 BEN RICHARDSON: ...will be there forever...

17 [cross-talk]

18 CHAIRPERSON MOYA: Thank... [cross-talk]

19 BEN RICHARDSON: I support public
20 schools... [cross-talk]

21 CHAIRPERSON MOYA: We got to... we got a
22 two-minute clock...

23 BEN RICHARDSON: That's fine.

24 CHAIRPERSON MOYA: Okay.

25

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2 BEN RICHARDSON: And for that reason and
3 several more I ask you again to vote no on this
4 project.

5 CHAIRPERSON MOYA: Thank you.

6 BEN RICHARDSON: Thank you.

7 CHAIRPERSON MOYA: You may begin.

8 RON JANOFF: I'm, I'm Ron Janoff... [cross-
9 talk]

10 CHAIRPERSON MOYA: You have to just push
11 the button.

12 RON JANOFF: I'm Ron Janoff, thank you
13 for the opportunity to speak against the rezoning of
14 80 Flatbush Avenue. I'm the coordinator of the
15 Rockwell Place Community Garden, the 40-year-old
16 public garden on Flatbush Avenue directly north of
17 the proposed Alloy Development. Our public amenity
18 will be irremediably damaged by the shadow of that
19 development giving us less than four hours of prime
20 sunlight daily. As moss grows in the shadows on the
21 dark North side of trees and buildings we face the
22 same fate, a darkened space unsuitable for the
23 vegetables, fruit and flowers that flourish there
24 now. In the 1980's the garden went through the same
25 ULURP process to become one of the first 17 official

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2 Parks Department green thumb gardens. As a result,
3 when the MTA demolished the original garden in 2005
4 to build the Rockwell fan plant underneath they were
5 required to rebuild the garden which they did in 2008
6 assuming at the time that the zoning of the block to
7 the South, the block in question had already been
8 decided in 2004 assuring the garden of summer
9 sunlight. More than one million dollars of public
10 funds went into the restoration providing the ADA
11 compliant pathways, wrought iron fence, shed, grape
12 arbor, water and electrical systems, the soil and the
13 plantings which make it such a unique oasis today ten
14 years later, a project we could never even imagine on
15 our budget of 600 dollars. Our garden, your garden,
16 the public's garden stands to be the unwitting victim
17 of unpredictable, unscrupulous, spot rezoning and
18 development spinning out of control. Once lost we can
19 never regain the blocked sunlight. You, the city's
20 stewards can stand up against the lobbying, the
21 cooption of local institutions, the red herring of
22 affordable housing, the scam of new school
23 construction and the scar of mediocre design and
24 wildly outsized development. We are calling on you to

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2 reject the rezoning and the Alloy proposal and save
3 our sunlight, thank you.

4 CHAIRPERSON MOYA: Thank you.

5 BRENT PORTER: Brent Porter, Architect...
6 Professor of Architecture at Pratt and long-term
7 resident of Clinton Hill. We've given the, the
8 council our detailed report of the hour by hour
9 shadowing but we've added a new item now, the glare
10 for... as you see in this large diagram every time the
11 sunlight hits the building and creates a huge shadow
12 and you see the extent that reaches up into Fort
13 Greene quite... at... and the park. At the same time the
14 sunlight's hitting all that glass and it's creating
15 glare and those blue lines just represent the big
16 main plains that are creating glare back on the
17 neighborhood. My students right now are working on a
18 five foot by seven-foot format with taking every
19 single window in the, the 80 Flatbush buildings and
20 showing how the... as the light hits those pieces of
21 glass that it'll bounce back into the neighborhood.
22 We've, we've given you a summary of all of this, but
23 the most important thing is it's based upon, this is
24 about our 15th study at this time, it's based on hour
25 by hour particularly the shortest day of the year,

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2 the equinoxes of March and September '21 and the
3 longest day of the year of June '21. Now this shows
4 those shadows, we could have filled in all the other
5 shadows but the important thing is to realize that
6 even though Pratt really takes a neutral position we
7 joined a huge outgrowth of community reaction to
8 really speak to the shadowing and I really want to
9 add to the dialogue the whole new subject of glare
10 because in your, your brochure summary I gave you,
11 you can only have to be in downtown Brooklyn with the
12 new high rises to see the glare when that sunlight
13 hits in the afternoon the tremendous bounce back and
14 we hope you'll consider the shadowing as a very
15 important topic as we add glare to the topic. Thank
16 you.

17 CHAIRPERSON MOYA: Thank, thank you,
18 thank you all for your testimony. We'll be calling up
19 the next panel. Melissa Chapman, Erica Jopolist
20 [sp?], Juan Barahona, Nicholas Sueventez [sp?],
21 Melissa, yep. Erica, Juan, Nicholas? Nicholas
22 Sueventez, no? Sam Dela, Delaphine [sp?]? Sam D h a..
23 I believe it's B h a... and I can't read the
24 handwriting, sorry. Sam, Sam? No Sam, okay. Lien
25

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2 [sp?] Shomen [sp?], Lien, no? Okay, Victoria Calibro,
3 okay. We can begin with you.

4 MELISSA CHAPMAN: Good afternoon Chair
5 Moya and guests. I'm Melissa Chapman, Senior Vice
6 President for Public Affairs of the Brooklyn Chamber
7 of Commerce. Today I'm delivering testimony on behalf
8 of Rick Russo, our acting President in support of the
9 80 Flatbush project. With over 2,000 active members
10 the Brooklyn Chamber is the largest and number one
11 ranked chamber of commerce in New York State. We
12 promote economic development across the borough of
13 Brooklyn as well as advocate for our member
14 businesses. I would like to express strong support
15 for the 80 Flatbush project which will create 3,000
16 jobs, strengthen the commercial corridor of Flatbush
17 Avenue and provide much needed class A office space
18 to Brooklyn. Demand for office space in Brooklyn is
19 at a record high driven by tremendous growth and
20 creating businesses and innovation. This project will
21 deliver 200,000 square feet of class A office space
22 and critically it is located close to Atlantic
23 Terminal connecting it to all of New York City and
24 Long Island. Commercial tenants coming to Brooklyn
25 today are looking for office space located in

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2 vibrant, diverse areas as a result the mixed-use
3 nature of this project is attractive. Equally the
4 commercial floor plates which are approximately
5 10,000 square feet are sized for the creative
6 companies coming into the market. In addition to
7 delivering much needed office space, we strongly
8 support the project's proposed affordable housing and
9 new school facilities. New York City is in a sever
10 housing crisis and 80 Flatbush will bring 900 units
11 of new housing, 200 of which will be permanently
12 affordable to one of the city's most transit rich
13 sites. In addition to the aging facilities of the
14 Khalil Gibran International School, it cannot... the
15 current needs of the Arab American community.
16 providing this new school will allow... shows Alloy's,
17 Alloy's, sorry, commitment to educating all of our
18 children and speaks to the strength of a
19 multicultural heritage. Alloy has proven itself to be
20 attentive to community needs having held over 100
21 community stakeholder meetings. In addition, this
22 project recently received approval from the City
23 Planning Commission so it's... for these reasons that
24 we show our support to this project and hope that the
25 City Council will vote in favor of it... [cross-talk]

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2 CHAIRPERSON MOYA: Thank, thank you...

3 [cross-talk]

4 MELISSA CHAPMAN: ...thanks.

5 ERICA GILLES: Thank you, my name is
6 Erica Gilles and I'm the Board Chair of the Fifth
7 Avenue Committee, a non-profit community development
8 corporation based in Southern Brooklyn. I'm here
9 today to support 80 Flatbush and the shared vision of
10 Alloy and FAC for a mixed income, mixed use project
11 in downtown Brooklyn. I am also a lifelong
12 Brooklynite, born and raised in Park Slope where my
13 parents still live. I know better than many the
14 concern about seeing our neighborhoods change but our
15 neighborhoods have changed, they have become whiter,
16 wealthier, more privileged with fewer people of
17 color, low income families and immigrants. For many
18 years I worked at Brooklyn Legal Services and saw
19 what many of us instinctually know to be true, low
20 income communities in New York City are pushed to
21 neighborhoods further and further out where
22 transportation is complicated and fresh fruit and
23 vegetables are hard to come by. Many low-income
24 families must leave New York City altogether. This
25 problem cannot be solved by preservation alone, we

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2 must also build a new housing to create diverse,
3 integrated neighborhoods. 80 Flatbush proposes 200
4 units of permanently affordable housing in downtown
5 Brooklyn, an area with excellent public
6 transportation, good schools and robust amenities.
7 These families are our neighbors and many of them
8 like many of us want to be able to stay in this city
9 that they call home. Working with FAC Alloy has
10 agreed to commit to the most affordable option under
11 the city's mandatory inclusionary housing program and
12 even exceeds these requirements. 80 Flatbush will
13 also house schools and community space with no public
14 subsidy. The Fifth Avenue Committee is proud to
15 participate in this project because it will further
16 our mission of providing affordable housing and
17 economic opportunities to low income households in
18 Southern Brooklyn. Personally, I support this project
19 because I want to live in a city that is more
20 diverse, more inclusive and more equitable than what
21 we have now. Thank you.

22 CHAIRPERSON MOYA: Thank you.

23 JUAN BARAHONA: Good afternoon esteemed
24 members of the Subcommittee, Chairman Moya. My name
25 is Juan Barahona and I currently serve on the Board

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2 of the Directors of Fifth Avenue Committee with my
3 colleague Erica. I've had the privilege of serving as
4 the treasurer of the board for two years in that
5 capacity of exercised oversight over the financial
6 planning and spending of the organization. To say
7 that FAC does a whole lot with very little is an
8 understatement. As my colleague Erica stated the, the
9 reach is... the reach is, is far and the services are
10 many. I see my role on the board as one who seeks a
11 way for us to increase revenue without compromising
12 mission. Fortunately, FAC has a diverse revenue base
13 but my fear is that nearly half of our revenue that
14 comes from philanthropic corporate government support
15 is too unreliable. All too often grants have a shelf
16 life and government and contract funds are dispersed
17 way after the services have been delivered that has
18 made us increasingly dependent on credit and that's
19 an unsustainable path. Our expertise also lies in
20 affordable housing development and to that end FAC is
21 not only creating and preserving its own units, but
22 also partnering with responsible private parties in
23 the production of additional affordable housing. FAC
24 thoroughly vetted Alloy Development and the board
25 found them to be a sincere and honest partner. This

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2 partnership will not only create a stable revenue for
3 the Fifth Avenue Committee but will also provide a
4 valuable asset that will improve FAC's balance sheet
5 position in years to come. This will allow FAC to
6 remain active for another 40, 80, 120 years. 80
7 Flatbush is a project that is executing on the model
8 that this administration established and that this
9 council and previous councils have... and the previous
10 councils have approved relatively consistently since
11 2014, increased density through a rezoning in
12 exchange for a public benefit, i.e. affordable
13 housing and schools. I urge you to support the
14 application.

15 CHAIRPERSON MOYA: Thank you.

16 VICTORIA CALIBRO: Good afternoon. My
17 name is Victoria Calibro, I'm delivering testimony
18 supporting 80 Flatbush on behalf of Brooklyn
19 Children's Museum. Three years ago, Alloy donated to
20 us storefront space within their one John Street
21 project, Brooklyn Bridge Park. Alloy generously
22 arranged the lease so that Brooklyn Children's Museum
23 pays only maintenance and the cost of utilities. In
24 addition to the donation of space, Alloy's team of
25 architects contributed their time to design the

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2 interiors of the space, coordinate the construction,
3 cover 100 percent of our outfit costs and contribute
4 to our operating expenses at this new location. The
5 support was 100 percent elective on their part not a
6 mandate from the city or the park. The space called
7 Spark has now been open for over a... over two years
8 and welcomed over 10,000 children and caregivers
9 through our doors. Throughout the process, Alloy
10 proved to be terrific partners, showing empathy and
11 care from start to finish. As we all know when
12 joining forces with another party for the first time
13 there is always a great deal of risk. In Alloy we
14 found that they consistently meet their... meet their
15 promises, their team is small and, and our staff has
16 had the pleasure of working with them. From our
17 experience Alloy will be effective stewards of this
18 development and we are excited to see what their
19 proposed Flatbush project will include as a cultural
20 facility and new school are planned. As you know our
21 organization is concerned with the wellbeing and
22 cultural education of children, the proposed new
23 school and facility and cultural institution that are
24 part of the proposal seem like great additions to
25 downtown Brooklyn and we support their inclusion in

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2 the project. Considering all the inclusive public
3 programming we are excited by the standard that this
4 project might set for new developments in Brooklyn.
5 Thank you.

6 CHAIRPERSON MOYA: Thank you. Thank you
7 to the panel. I will be now calling up the next
8 panel; Deborah Lauder; Michael Dubick; Alice Taylor;
9 Peter Solet. Deborah, is that you?

10 DEBORAH LAUDER: That's me.

11 CHAIRPERSON MOYA: Okay and... [cross-talk]

12 DEBORAH LAUDER: Thank you... [cross-talk]

13 CHAIRPERSON MOYA: Michael, Michael
14 Dubick, okay. Roz Coppet, you may begin, yeah.

15 DEBORAH LAUDER: Thank you Chairman Moya.
16 Before I begin my formal remarks I just want to give
17 you kudos for sitting for four hours to listen and to
18 thank Council Member Levin for your probing questions
19 and to express my dismay and disheartenment that the
20 rest of your council members are not here to sit with
21 the community members on a project that's going to
22 have such incredible impact on us and the future of
23 the Brooklyn sitting under a sign that says a
24 government of the people, by the people and for the
25 people. Again, my name is Deborah Lauder, I'm a

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2 member of the Rockwell Place Brooklyn Bear's
3 Community Garden which is on my block in Fort Greene
4 right across from 80 Flatbush. I am very concerned
5 about the negative impacts the currently proposed
6 project will have not only on our beautiful historic
7 garden but on the entirety of the surrounding
8 neighborhoods. In my past I was a zoning and land use
9 attorney in San Francisco representing developers and
10 generally support the development of housing in
11 transit rich zones. After reviewing the EIS and FEIS
12 for this project I am convinced as you should be that
13 this proposal is wildly out of scale with the
14 neighborhood. I'm very concerned about the shadows
15 that will be cast most of the day on the garden which
16 are documented in the FEIS as having a significant
17 adverse impact, loss of sunlight cannot be mitigated
18 and Council Member Levin I have to push back on our
19 comment, height does matter, you just heard testimony
20 from a professor who shows shadows, these are facts.
21 The shadows projected by this project are not only
22 going to ruin our garden, they're going to extend all
23 the way to Fort Greene. I'm sorry that Council Member
24 Cumbo is not here, this is going to radically,
25 radically impact the Fort Greene neighborhood, the

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2 beautiful brownstone neighborhoods in Boerum Hill and
3 it's going to harm Brooklyn. Please do not view our
4 triangular oasis of open space as just a garden, the
5 people who you see here who have made it possible for
6 decades have planted not just a garden but a
7 community. Please oppose this project as proposed,
8 thank you so much.

9 CHAIRPERSON MOYA: Thank you.

10 ALICE TAYLOR: Hello, my name is Alice
11 Taylor and I've lived in Boerum Hill for 40 years.
12 During this time, I've seen many changes to my
13 neighborhood and the surrounding community of
14 downtown Brooklyn, I've welcomed many of them but in
15 this case, I stand with the Brooklyn Borough
16 President Adams and Community Board two, I will not
17 welcome a change of zoning that will allow for the
18 proposed construction at 80 Flatbush. This
19 development is too big, we do not need to replicate
20 the density of Wall Street, it's seriously out of
21 scale with the brownstone buildings across the
22 street. I urge you to pause and look at this
23 development closely, newer, taller, bigger is not
24 always better. The city needs to maintain its
25 livability, to maintain its tax revenue stream. I

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2 remember the 70's let's not let that happen again. To
3 be livable we need to feel safe crossing the street,
4 something that is impossible now at the intersection
5 of Flatbush and Schermerhorn. We need to be safe
6 standing on subway platforms, that's not possible now
7 on the Nevins Street stop which is really closer to
8 this building for the two, three, four, five than the
9 Atlantic Terminal spot. We need to feel rejuvenated
10 by the site of trees, plants and invigorated by the
11 leisure activities in our parks. We need the artistic
12 stimulation and the sense of history that our
13 brownstone communities and the Williamsburg Savings
14 Bank provide. The up zoning would seriously threaten
15 the livability of this neighborhood and we've urged..
16 I urge you to vote no.

17 CHAIRPERSON MOYA: Thank you.

18 PETER SOLET: Hi, I'm Peter Solet, I'm
19 from Boerum Hill. Alloy Development spent 500,000
20 dollars lobbying our local officials and still the
21 CB2 voted the project down 32 to 1 and all of our
22 local elected officials came out in opposition yet
23 Alloy refuses to even consider lowering the height of
24 the nearly 1,000-foot tower they want to build
25 opposite brownstones. The community wants responsible

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2 development but across the city from Sutton Place to
3 Inwood from Bushwick to Boerum Hill we know that this
4 type of spot up zoning is not being approved for us
5 but rather to maximize profits. This weekend the New
6 York Post wrote the De Blasio officials had meetings
7 with real estate lobbyists on 46 of the 65 work days
8 between March and May and the Washington Post, a
9 piece called Rents Fall for the Rich, but Rose for
10 the Poor quoted the President of the National Low-
11 Income Housing Coalition. For profit developers have
12 predominantly built for the luxury and higher end of
13 the market leaving a glut of overpriced apartments.
14 Some decision makers believe this would quote "filter
15 down to the lowest income people but it clearly will
16 not meet their needs". In downtown Brooklyn where
17 instead of the 900 or so housing units anticipated by
18 2004 agreement nearly 12,000 units were built many of
19 the luxury apartments are empty and that's clear if
20 you walk around the neighborhood. In fact, 250,000
21 apartments in New York City remain unoccupied. If
22 this grand experiment in building luxury housing with
23 tiny slivers of affordable housing was going to bring
24 down rents for middle income people we would have
25 seen it, the facts are in, this idea does not work.

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2 It's like saying if we build more private jets it's
3 going to bring down the price of Southwest Airline's
4 tickets. Khalil Gibran needs a new building but is
5 subjecting the student's entire high school
6 experience to a massive construction site the best
7 way to do it, is half an elementary school in a
8 dangerous location really a solution? I urge the city
9 council to reject this proposal, let's go back to the
10 drawing board with some transparency, honesty and
11 community input and let's work together to design
12 something reflective of a Brooklyn we can all be
13 proud of. Thank you so much.

14 CHAIRPERSON MOYA: Thank you. I'd also
15 like to note that we've been joined by Spiderman,
16 thank you for joining us today, Roz.

17 ROZ COPPET: Okay..

18 CHAIRPERSON MOYA: Push that... your
19 button, yeah.

20 ROZ COPPET: Okay. My name is Roz Coppet,
21 I'm a neighbor. Back in 1970 my husband and I bought
22 a house on Dean Street in Boerum Hill. The house was
23 in need of a total renovation and the area was run
24 down and crime was rampant then. Our parents thought
25 we were crazy. The things that drew us... drew us to

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2 the area were affordability, small scale living,
3 great transportation options and diversity, diversity
4 of incomes, races and ethnicities. So, we bought a
5 wreck of a house and with a lot of sweat equity we
6 renovated the building while also making efforts to
7 restore the neighborhood, working with the Block
8 Association and the... and then the Boerum Hill
9 Association. We pressured the police to crack down on
10 crime, the Sanitation Department to clean up the area
11 and the City to plant trees, improve local schools
12 and support our local library. After 40 plus years
13 our work and the work of many, many others have
14 succeeded far beyond what we could ever have
15 imagined. Unfortunately, Boerum Hill has lost some of
16 the things that we prized most. We don't miss the
17 drug dealers, the abandoned cars or the prostitutes
18 but we see that it has become unaffordable to the
19 average Brooklynite, we have lost a lot of the
20 diversity in population and we are in danger of being
21 swallowed up by sky high luxury towers. I currently
22 live across the street from this proposed project,
23 this building will house 900 apartments and two
24 towers that will take seven years or more to
25 construct, it's totally out of scale and context with

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2 the brownstone block it will abut. The, the
3 development will cast shadows over vast swaths of the
4 neighborhood and will destroy the beloved Bear's
5 Garden forever. The extended timetable of
6 construction will mean almost a decade of nightmarish
7 traffic noise and disruption for us. In addition when
8 finally completed the garbage from 900 apartments
9 will overflow the sidewalks, the residents of 900
10 apartments will overwhelm the saturated transit
11 system, our water, sewer and power resources already
12 stretched to capacity and in news we read that the
13 developers are offering months of concessions in
14 order to fill their luxury towers, will the
15 affordable portion of this project ever get built is
16 a question we need to ask. I am not against
17 reasonable development, I realize Brooklyn is
18 desirable, but I am not in favor of a project that
19 will overwhelm and destroy the neighborhood that we
20 have worked so hard to build. I urge you to vote no.

21 CHAIRPERSON MOYA: Thank you. Thank you
22 all your, your testimony. I'll be calling up the next
23 panel. Chris Havens; Khalid Dobani; Sarah Clem; Dan
24 Marks. We have Chris, is Khalid here? No Khalid,
25 Sarah? No Sarah? And Dan is that you, Dan Marks?

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2 Chris Teper? Chris Teper, no. Michael Duddy; Leonard
3 Goldstein, Leonard Goldstein; Victoria Calibro,
4 Victoria? No. Evan Baum. Okay, you may begin.

5 CHRIS HAVENS: Good afternoon Council
6 Members. My name is Chris Havens, I've been living in
7 Boerum Hills since 2003 and I am a commercial real
8 estate broker for 20 years in Brooklyn affiliated
9 with TerraCRG. I'm here to speak in favor of the
10 project which will bring 200,000 feet of much needed
11 office space to this location. There are just three
12 office buildings around the Terminal and we need
13 more. Over the long term this project will be crucial
14 to the health of this area, will help spur another
15 office building nearby and bring space that's needed
16 to the borough, thinking long term. Chris Havens,
17 thank you.

18 DAN MARKS: Good afternoon, my name is
19 Dan Marks, I'm a resident of downtown Brooklyn along
20 with my wife and our two-year-old son. I'm also a
21 partner at TerraCRG, a commercial real estate
22 brokerage focused on Brooklyn and I'm a Board Member
23 of a non-profit cultural art organization that
24 operates in office in this community board. Just to
25 be clear my testimony is my own and not on behalf of

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2 any, any organizations I'm affiliated with. I'd like
3 to voice my support for the project planned at 80
4 Flatbush Avenue. One of the biggest concerns my wife
5 and I have is where our son will attend elementary
6 school, there's a severe lack of available options in
7 our surrounding area and we're concerned that in a
8 few years we'll have to move to find suitable quality
9 school options for our son. The 80 Flatbush project
10 will provide much needed seats to the neighborhood.
11 While this addition of seats from this project is a
12 step in the right direction, there will be a need for
13 more school seats created to help them meet... to meet
14 the growing demand in the area. In addition to the
15 added school seats I fully support the developer's
16 plan to add 15,000 square feet of cultural space, the
17 heart of Brooklyn is in its vibrant arts and culture
18 and we need more opportunities and spaces for the
19 people of Brooklyn to express, create, and share
20 their traditions in creativity. The location for this
21 project is perfect, with the lack of housing across
22 the city we must find areas where this type of
23 density makes sense. The Flatbush Avenue corridor is
24 home to a number of successful high-density projects
25 such as 300 Ashland and the HUB and this would add to

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2 the impressive growth of this area of Brooklyn.

3 Finally, I want to applaud the development team

4 associated with this project, the team has shown a

5 willingness and eagerness to meet with and listen to

6 the area stakeholders. This is New York City, the

7 city is constantly evolving and growing, and we need

8 projects like this to help meet the growing

9 population demands. Thank you.

10 MICHAEL DUDDY: Good afternoon, my name...

11 my name is Michael Duddy and I'm a professional

12 architect with 20 years... and a 20-year resident of

13 Park Slope. I'm speaking today in support of the

14 proposed development at 80, 80 Flatbush Avenue. I

15 spent 35 years of my professional life designing

16 large mixed-use projects such as Brookfield Place

17 several blocks from here; the Ted Weiss Federal

18 building directly behind us and as a design principal

19 for dozens of mixed use projects throughout China,

20 Southeast Asia and Korea. From my experience as a

21 designer, the project proposed for 80, 80 Flatbush

22 Avenue is a perfect match of programming density for

23 this location. Number one, it is located adjacent to

24 one of the busiest intermodal transit hubs in New

25 York City. Number two, it restores two 19th century

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2 buildings that are not landmarked but nevertheless
3 have historic and aesthetic value. Number three, it
4 proposes a flat iron type building for Brooklyn that
5 could be as iconic for our borough as a flat iron
6 building as from Manhattan. And number four, it
7 places a tall mass towards the center of the site so
8 that the smaller masses of the schools and historic
9 buildings can hold the street line. One concern I had
10 was the impact of... it's, it's impact on State Street
11 and 3rd Avenue, I believe that preserving the
12 historic buildings will be able to retain the texture
13 and character of 3rd Avenue across the street from
14 the historic Baptist temple. Along State Street the
15 designers have made a faithful attempt to hold the
16 setback of the... their base of their project to
17 respect the cornice line of the houses across the
18 street. Of course, there's always the concern for
19 shadows from large scale development but fortunately
20 for the townhouses they sit to the South of the
21 development site away from the shadows which will
22 instead be cast primarily onto the Flatbush Avenue
23 thoroughfare. In conclusion I'd like to recognize the
24 development's being environmental responsible, it
25 takes full advantage of public transportation,

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2 thoughtfully repurposes historic buildings and defers
3 to its contracts while bringing desperately needed
4 educational institutions and affordable housing to
5 the area. What would normally be an overwhelming
6 model I think the development is instead an
7 assemblage of very scalable pieces both historic and
8 new which add to the Brooklyn street scape and the
9 towers have the potential of gracing Brooklyn's
10 skyline. Thank you.

11 CHAIRPERSON MOYA: Thank you.

12 EVAN BAUM: Good afternoon, I'm read.. I'm
13 Evan Baum and I'm reading on behalf of a local
14 resident who can't be here today. I grew up on South
15 Portland Avenue and used to skate board in the plaza
16 on the corner of Lafayette and Flatbush, so I have
17 many fond memories of what this area has been and how
18 far it has come. I used to be against development in
19 downtown Brooklyn. I thought that more people would
20 crowd the subways and heard local business but the
21 residential boom in downtown Brooklyn has benefited
22 the community. For example, the corner of Lafayette
23 and Flatbush used to be a parking lot and is now a
24 Whole Foods. Alloy's project at 80 Flatbush will
25 improve our neighborhood, they are taking under used

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2 properties and turning them into important cultural
3 and educational facilities as well as providing
4 affordable housing. There is an important distinction
5 between what Alloy is allowed to build as of right
6 and what they are proposing to build. As of right
7 Alloy can build a tower that is about the same height
8 as the Williamsburg Bank building, a tall building.
9 This development would not include affordable
10 housing, a school, or a cultural institution instead
11 Alloy is proposing a building that includes 200
12 permanently affordable apartments, a cultural
13 facility and an expanded elementary school. In order
14 to include these community elements, they need
15 approval to build additional market rate apartments,
16 this is a win, win for the community, we will be
17 getting community uses and more residents to support
18 local businesses. Lastly, Jared and A.J. from Alloy
19 live and breathe Brooklyn, their families live here,
20 and they just built a beautiful project called One
21 John Street. They design their projects themselves
22 and have won multiple architectural awards. I'm
23 confident that this development will not only be
24 thoughtful and contextual but a great addition to the
25 community. Thank you.

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2 CHAIRPERSON MOYA: Thank you. Thank you
3 for your testimony. We're going to take a quick pause
4 really quick but if John Crow; Alexandra Doerosta
5 [sp?], Alexandra, Alexandra, no? Lucy Koteen; Darren
6 Seifer; Sandra Balboza, Sandra? Just if, if you can
7 begin, I'm just going to step out for two seconds,
8 I'll be right back but you can begin your testimony.
9 If, if you want you can wait for me, I'll be right
10 back. Okay, thank you.

11 LUCY KOTEEN: Is this on, yes, thank you.
12 Thanks for the break. My name is Lucy Koteen, I live
13 in Fort Greene for over 40 years. In some parts of
14 the country your level of testosterone is represented
15 by the size of your gun, in our part of the country
16 partner it is the size of your tower that represents
17 your virility. It is the ultimate mine is bigger than
18 yours syndrome, out of context towers in residential
19 neighborhoods lead to death, death of gardens, light,
20 sky, air, and neighborhood cohesion. They lead to the
21 death of citizen participation in government, but
22 they increase cynicism. This project sinks to highest
23 heaven, every part of it is the worst kind of
24 manipulation from bringing students to testify who
25 won't come within ten years of seeing a new school

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2 realized to no mention of the several generations of
3 students who will sit through dust, noise and abuse.
4 To the DOE and SCA who did not provide an appropriate
5 learning environment to these students who will
6 suffer abuse for ten years. There is no
7 acknowledgement that five million dollars of taxpayer
8 money was spent to upgrade the facility when the
9 students were moved to this location, that's five
10 million flushed away. Everyone agrees that this is a
11 terrible location for a primary school, that area is
12 in the district of far more crowded, that the SCA has
13 millions earmarked for the district and that they
14 manipulated their own formulas to show misleading
15 results that the 900 new apartment units will not
16 fill up the school. No mention of the many other
17 school children passing through the construction area
18 who will be subjected to the same filth. Khalil
19 Gibran is a citywide school that can be sited
20 elsewhere. Depending on the housing market the 200
21 affordable units planned for stage two may never come
22 to pass and as with every other affordable project
23 there's likely to be a pittance of actual affordable
24 units. One... thousands of vacant market and luxury
25 apartments already exist with still thousands of

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2 units yet to come online. Then there's the tired
3 refrain that this is a transit rich location which is
4 basically a joke, when the part... is it... is transit
5 rich but you can't get on the train right now and
6 there's thousands... [cross-talk]

7 CHAIRPERSON MOYA: Thank, thank... [cross-
8 talk]

9 LUCY KOTEEN: ...more to come... [cross-talk]

10 CHAIRPERSON MOYA: ...you. Thank you for
11 your testimony... [cross-talk]

12 LUCY KOTEEN: Just vote no to this non-
13 contextual and out of scale development and let the
14 developer work with the current... [cross-talk]

15 CHAIRPERSON MOYA: Thank you... [cross-
16 talk]

17 LUCY KOTEEN: ...zoning... [cross-talk]

18 CHAIRPERSON MOYA: Thank you, thank you
19 very much for your testimony, thanks.

20 DARREN SEIFER: Hi, good afternoon. My
21 name is Darren Seifer, I live in the Fort Greene
22 neighborhood and I am proud to say that I represent
23 the fifth generation of my family to have lived in
24 Brooklyn since the 1890's. I am also a member of the
25 Rockwell Bear's Garden and I oppose this project for

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2 a very simple reason. From the onset it would be a
3 destructive force in our neighborhood, okay and I, I
4 could tell you that I speak for all of my fellow
5 garden members that we're in favor of development so
6 long as it does just that, it develops the
7 neighborhood. And ironically, I actually agreed with
8 someone on the last panel and, and that's also why
9 I'm opposed to this, is that the shadows will large,
10 largely be cast along Flatbush Avenue and once that
11 happens we no longer have the oasis that Ron who was
12 here before said that we... that we have, our oasis
13 will leave. Now yes, we are a bunch of gardeners and
14 I want to make sure we're, we're not mis-
15 characterized here, we are not just a bunch of
16 hippies who want to have this green space where you
17 could hug and kiss our trees, okay, we are
18 professionals, we are members of the community, we
19 are pillars of the community and this space really is
20 a break from our ordinary lives. It is a place for us
21 to come and relax, it is a place for us to unwind,
22 it's a place for the public to come and unwind and it
23 is our community that gives that to us and the, the
24 building of one building right across the street
25 would take that all away from us and for that very

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2 reason that right off the bat this would be a
3 destructive force that I oppose this and I hope you
4 will too. Thank you.

5 CHAIRPERSON MOYA: Thank you.

6 JOHN CROW: Hi, John Crow, I'm a Park
7 Slope resident and I am also a community gardener
8 with the Brooklyn Bear's. everybody has spoken so
9 well about the, the harm that this would do to the
10 garden. I really want to talk about the harm that
11 these kinds of requests are doing to the community
12 board, our city council and to, to neighbors like
13 this. The elephant in the room here is the spot
14 zoning requests, if the city wants to come forward
15 with a blanket plan and really do a study about
16 zoning, current zoning in New York City and come up
17 with some guidelines and recommendations, make sure
18 it's a transparent process that leads us to up zoning
19 some neighborhoods, maybe down-zoning some
20 neighborhoods in, in exchange that sounds great but
21 these spot zoning requests are killing us. It's
22 taking the time of our community boards, it's taking
23 the time of our city council, it's the... taking the
24 time of our residents who like myself had to take
25 today off unpaid to be here because it means so much

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2 to me that this not happen anymore. There needs... I
3 know it's not legal but there needs to be a
4 moratorium on these spot zoning requests until the
5 city actually does some city planning. It, it is... it
6 hurts us to core that... is complicit with this. This
7 is a horrible thing that somebody who works for a, a
8 governing body for the city is complicit with, with
9 developers, it reminds me of Ratner, steps away from
10 this project this city has already been abused, this
11 neighborhood has already been abused with Atlantic
12 Yards project, that's bringing enormous density to
13 our neighborhood so acting like this density is
14 proper for the... because it's a transit hub, we're
15 already overwhelming that transit hub, this needs to
16 be stopped, you need to stop with this, this spot
17 zoning request and somehow you need to, to lead with
18 actual zoning for this city, this needs to stop.

19 CHAIRPERSON MOYA: Thank you. Sure, just
20 press the button to make sure your microphone is on.

21 SANDY BALBOZA: I didn't say anything
22 yet, is it on? Okay, good afternoon. I submitted some
23 testimony that I was going to read but I'm not going
24 to read it now and I agree... I mean this was great
25 what was said just now. So, I'm going to say this if

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2 the city wants to build schools and low income..

3 [cross-talk]

4 CHAIRPERSON MOYA: If, if you could just...

5 [cross-talk]

6 SANDY BALBOZA: ...housing... [cross-talk]

7 CHAIRPERSON MOYA: ...state your name.

8 SANDY BALBOZA: Oh, Sandy Balboza. If the
9 city wants to build schools and low-income housing
10 that meets the demands of its citizens, it should not
11 be tethered to luxury development projects. This lets
12 the city off the hook for its responsibilities also
13 it is used to convince our local elect3ed
14 representatives to accept, accept rezoning schemes
15 like 80 Flatbush and it's not free for the tax
16 payers. Private developers don't build schools to
17 improve education or to solve the affordable housing
18 crisis, they do it to maximize their investments. We
19 say stop subsidizing private development with 20 to
20 35-year tax abatements, low interest, bond funding or
21 gifts of up-zoning and, and these developers wouldn't
22 build these schools or affordable housing if they
23 don't get those gifts. It would be more cost
24 effective and efficient to give those deals to not-
25 for profit housing developers and schools should be

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2 built by the city with public dollars and stop giving
3 away public land. Do I have time left?

4 CHAIRPERSON MOYA: You can keep going.

5 SANDY BALBOZA: I... okay, something from
6 my testimony, Alloy and ECF are asking the city
7 council to vote to nullify the transitional zoning
8 protections that our communities fought for without
9 considering the cumulative effects from the years of
10 antic... of unanticipated new residential development
11 and when they talk about shadows it's not just from
12 this development it's from... you have to look at
13 everything on, on all these issues and there's no
14 infrastructure to support this project.

15 CHAIRPERSON MOYA: Thank you. Thank you
16 all for your testimony today. The next panel Benjamin
17 Carlos Thyphen, Benjamin, oh, okay. Lauren Thomas,
18 Lauren Thomas? No. Jack Davies, Jack Davies; Athenes
19 B a u r a... I'm sorry, I couldn't read your... so, we
20 have Benjamin, right? Is that you? Okay, Jack...
21 Benjamin Holberg. We can begin just please state your
22 name and begin your testimony.

23 BENJAMIN HOLBERG: Hello, my name is
24 Benjamin Holberg, I'm here to read a prepared
25 statement on behalf of my colleague David Erdman, I'm

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2 a registered architect in New York State, a chartered
3 architect in the Royal Institute of British
4 Architects, a lead accredited professional, as well
5 as a parent and local homeowner who supports the 80
6 Flatbush project. The following is David's testimony.

7 Dear Borough Council Members, my name is David
8 Erdman, I'm the resident of community board two and
9 the chairperson of the graduate school of
10 architecture and urban design at Pratt. I recently
11 moved to the area from Hong Kong, a city that can
12 serve as both a model and a harbinger for how places
13 such as Brooklyn should address density. One of the
14 particular successes in Hong Kong is how density is
15 located by transit hubs relieving other areas in the
16 city for resources such as open spaces and historic
17 districts to flourish. In addition, complex mixes of
18 programs that address both private and public needs
19 are an economy models for their developments. 80
20 Flatbush offers these fundamental characteristics
21 that exhume these sites and projects in fact lack.
22 With Atlantic Terminal located across the street
23 there is arguably no better transit location in the
24 borough and by combining private development and
25 components of housing and work space with the public

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2 elements of schools, affordable housing and cultural
3 space the project should be served as a model of
4 public private development. We must find ways to
5 embrace dense development in transit rich locations
6 as the future of Brooklyn is very much... depends on
7 it. As a professional who has studied and practiced
8 in the fields of architecture and urban design for
9 most of my adult life I'm also personally excited by
10 the prospect of better architecture in downtown
11 Brooklyn which I believe these series of buildings
12 provide. The approach towards historic preservation
13 is particularly laudatory and something I believe
14 we'll be seeing more of as Brooklyn becomes a denser...
15 and as a... on a personal level as a new father I am
16 particularly pleased that one of the pieces of public
17 infrastructure in this project will be in the form of
18 a public school. Thank you.

19 CHAIRPERSON MOYA: Thank you.

20 BEN CARLOS THYPIN: Good morning.. or good
21 afternoon. My name is Ben Carlos Thypin and I'm an
22 organizer at Open New York, an independent all
23 volunteer pro, pro-housing activist group that
24 advocates for high opportunity neighborhood to build
25 more housing in order to integrate those

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2 neighborhoods, take pressure off of gentrified
3 neighborhoods and lower overall rents. Our group has
4 been advocating for this project for months because
5 it achieves all of those goals. Our members who have
6 expressed support for this project range from
7 residents of the immediate community to residents of
8 places like Bed Stuy and Crown Heights who are
9 concerned that if more housing isn't constructed in
10 downtown Brooklyn would be residents of 80 Flatbush
11 will come and displace them with their more
12 neighbors. No matter where in the city our members
13 currently reside we all view our housing market
14 holistically and as, as a result cannot help but
15 conclude that lower income neighborhoods have been
16 bearing a disproportionate burden of our housing
17 supply growth over the last several decades. Just a
18 few weeks ago Council Members Reynoso and Lander
19 publicly stated that they would like to see whiter
20 and wealthy communities up-zoned. Council Member
21 Carlina Rivera took two courageous steps in the
22 direction of more equitable up-zoning last week when
23 she approved a virtually unprecedented up-zoning of a
24 residential land in wealthy Kips Bay and approved the
25 unit square tech hub rejecting a down-zoning push by

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2 wealthy homeowners in Greenwich Village in the
3 process. The opposition to 80 Flatbush is similar to
4 the opposition that fought the unit square tech hub,
5 wealthy homeowners who at best seek to maintain the
6 aesthetics of their neighborhood, their views,
7 parking and property values and at worse seek to
8 maintain the ethnic in class composition of their
9 neighborhood that they gentrified over the past
10 several decades. Relax, while we don't doubt the
11 sincerity of the historical reverence Boerum Hills
12 that's been expressed the reality is that Boerum Hill
13 was invented by first rate gentrifiers in the 1960's
14 and if there's anything historic about it, it's the
15 history of displacement of the low-income people that
16 lived there before its current residents. When our
17 members made these points at the series of public
18 hearings we were met with boos, hissing and derision
19 for our youth, incomes, renter status and areas of
20 residents and origin. I raise these experiences not
21 to engender sympathy for our members, we enjoy
22 calling out the hypocrisy of wealthy homeowners who
23 think they're being progressive by denying people
24 homes but to expose the exclusionary motives of the
25 opposition. The bottom line is that we need to build

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2 more housing of all types everywhere but especially
3 hot neighborhoods, high opportunity neighborhoods
4 like downtown Brooklyn and Boerum Hill. Rezoning
5 wealthier neighborhoods will not only be practically
6 beneficial to our low-income neighborhoods by
7 capturing demand that would otherwise be displaced to
8 lower income neighborhoods will make it politically
9 easier to build housing inclusively in other
10 neighborhoods. We urge... [cross-talk]

11 CHAIRPERSON MOYA: Thank you... [cross-
12 talk]

13 BEN CARLOS THYPIN: Thank you... [cross-
14 talk]

15 CHAIRPERSON MOYA: Thank you for your
16 testimony, thank you.

17 JACK DAVIES: Good afternoon, thank you
18 for convening this hearing and for the chance to
19 testify. My name is Jack Davies, I'm the Policy and
20 Campaigns Manager at Transportation Alternatives. I'm
21 here to voice our support for this project, New York
22 City needs growth that encourages public transit use,
23 walking and bicycling instead of driving and we feel
24 especially strongly that this project is the
25 responsible approach to the development in downtown

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2 Brooklyn. 80 Flatbush is one block away from Atlantic
3 Terminal, Brooklyn's largest transit hub meaning that
4 there are more than 28 subway, bus and LIRR lines
5 that are easily accessible from the project. Indeed,
6 it is one of the most public transit rich sites in
7 all of New York City, but research has shown that
8 when the supply of parking is increased the demand to
9 drive also increases even when driving isn't
10 critical. This in turn leads to increased traffic
11 congestion, slower bus speeds, increased air
12 pollution and compromised pedestrian and bicycle
13 safety all across the city. As traffic congestion,
14 safety and pollution reach crisis levels in New York
15 we should not be encouraging development that
16 needlessly puts more cars on the road. 80 Flatbush
17 would set an important precedent in downtown Brooklyn
18 and other transit rich outer borough developments not
19 only in development best practices but in
20 prioritizing people over motor vehicles. As the
21 population of New York continues to grow and safe,
22 sustainable and equitable space becomes more and more
23 scarce transit-oriented development must be a
24 priority at 80 Flatbush and in high density and
25 transit sufficient areas beyond. Thank you.

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2 ATHENES BAUZA: Hello, my name is Athenes
3 Bauza, I'm a residential sales agent with Brown,
4 Harris, Stevens for the last ten years. Thank you for
5 hearing this statement in support of 80 Flatbush. The
6 team is primarily positioned in Brooklyn, we average
7 50 rentals a year with the majority as landlord
8 representatives on the listing side. A large
9 percentage of our rentals are brownstone Brooklyn
10 neighborhoods surrounding downtown Brooklyn including
11 BOerum Hill, Fort Greene, Clinton Hill and Cobble
12 Hill. I'm here today to share my team's experience
13 working on these markets and specifically the effect
14 of downtown Brooklyn housing development has had on
15 residential rent rates. As the surge of new
16 residential development has occurred in downtown
17 including 300 Ashland, the Nevins, Hoyt and Horn to
18 name a few we've seen significant drops in private
19 owners' rents across, across all of these
20 neighborhoods and even into other neighborhoods of
21 North Brooklyn. In some cases, on luxury end
22 apartments over 8,000 a month, landlords have
23 incurred a drop of 20 percent in monthly rents.
24 Additionally, we used to rely on a three to five
25 percent built in increase in leases, but tenants are

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2 now easily negotiating two and three-year fixed rent
3 leases due to lower traffic and less demand at
4 previous price points. This is due mostly to
5 competitive rents and amenities provided in these new
6 developments as well as built in incentives at lease
7 signings such as gift cards, one or two months free
8 or lower security deposits. While this trend towards
9 lower rents can be challenging for homeowners it is
10 hugely beneficial to renters. New York City has a
11 housing crisis with rent, growth, outpacing, income
12 growth, homelessness at an all-time high and family
13 incomes stretched thin. The problem is fixable with
14 an increase in housing as we've seen in downtown
15 Brooklyn, prices will stabilize to a more manageable
16 affordable level for more of the population. 80
17 Flatbush is a part of this story, by adding 900 units
18 of new housing to this transit rich area it will chip
19 away at our housing supply demand imbalance. It is
20 for this reason Alloy's commitment to affordable
21 units, education and cultural centers that I believe
22 these are the kinds of projects we should promote as
23 a city.

24 CHAIRPERSON MOYA: Thank you. Thank you
25 for your testimony. The next panel Cheryl Depriest,

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2 Cheryl? Irene Vansike, Slyke, Irene... oh, there you
3 go, okay. Peter Bray, Peter? Eileen Boxer, Eileen,
4 sorry. This is... Claire, Claire Angelic, yep, okay.
5 Thank you, you may, may begin just state your name
6 and... [cross-talk]

7 IRENE VAN SLYKE: Okay... [cross-talk]

8 CHAIRPERSON MOYA: ...and start your
9 testimony... [cross-talk]

10 IRENE VAN SLYKE: ...my name is Irene Van
11 Slyke, a community gardener but I'm not talking about
12 that today. I join many others in their opposition to
13 the proposed zoning text and map amendment from a C6-
14 2 to a C6-9 district. I'm sorry that Councilman
15 Member Levin is not here to, to listen that he should
16 honor the zoning that was agreed to in... [cross-talk]

17 CHAIRPERSON MOYA: Just, just to
18 interrupt... [cross-talk]

19 IRENE VAN SLYKE: ...2004... [cross-talk]

20 CHAIRPERSON MOYA: ...we're going to stop,
21 he, he is coming back he just had a, a press
22 conference about his bill that's downstairs so he is...
23 [cross-talk]

24 IRENE VAN SLYKE: Oh, okay... [cross-talk]

25 CHAIRPERSON MOYA: ...he is coming.

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2 IRENE VAN SLYKE: Okay, thank you. In
3 2004 Boerum Hill residents were promised that if they
4 approved more density they would be protected from
5 up-zonings such as 80 Flatbush that would destroy the
6 character of the neighborhood and to go back on that
7 promise in Boerum Hill is to erode community support
8 of any rezoning efforts going on in New York City. 80
9 Flatbush is an out of scale development that City
10 Planning itself states on its website that it's
11 appropriate for midtown business districts. What is
12 really upsetting is that New York City Department of
13 City Planning has put together a plan with one
14 developer without making public who and what and how
15 those... the... who... making public how and who will
16 benefit from this plan and thank you Council Member
17 Moya for saying that it seems that the system is
18 rigged to enrich developers at our expense while
19 ordinary citizens are left to fight each other over
20 crumbs, thank you. there's a lack of transparency
21 regarding the kinds of tax abatements and incentives
22 being offered to enrich this developer and others
23 without any accountability. For decades the city has
24 offered substantial subsidies to build higher to spur
25 economic development but instead of new businesses

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2 moving into metro-tech it's full of city and state
3 agencies paying rent. We all know that many of the
4 high rises built for high income tenants are empty.
5 Anyway, and I hope that you will vote against this
6 plan so thank you.

7 CHAIRPERSON MOYA: Thank you.

8 PETER BRAY: My name is Peter Bray and I
9 am speaking for the Brooklyn Heights Association to
10 oppose this rezoning. There could be no issue that we
11 need affordable housing, schools and community
12 facilities but we should not have all of them on this
13 small site. A rezoning of this site to a FAR of 18
14 represents a zoning overkill. Some of the project's
15 amenities are desirable such as a new Khalil Gibran
16 Academy but only if the project is scaled down to a
17 density more appropriate to its residential context.
18 A good place to start would be to eliminate the
19 elementary school promoted by ECF, it does too little
20 to remedy the 3,000-seat deficit in downtown Brooklyn
21 since the project's 900 units of housing will fill at
22 least two thirds of its seats. All the amenities
23 loaded on this site impose too high a cost placing 74
24 and 38 story towers along State Street violates a
25 transitional zoning requirement that City Planning

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2 itself champions. Worse yet, it sets a precedent for
3 the next wave of developments nearby. From our
4 perspective this project reflects the city's
5 misguided approach which increasingly relies upon
6 developers to fund new schools, public parks and
7 affordable housing. The result has been an
8 impoverished public realm populated by decrepit parks
9 and public housing and unreliable transit while the
10 city has become a haven for the wealthy. We call upon
11 the city council to re-examine this policy. It can
12 start by rejecting this rezoning application and
13 taking a fresh approach to meeting the needs of
14 downtown Brooklyn. Thank you.

15 EILEEN BOXER: My name is Eileene Boxer.

16 We must not locate a loading dock on State Street,
17 it's a narrow single lane road with parking on both
18 sides, this block of State Street is heavily
19 trafficked with a continuous stream of cars passing
20 through at all hours of the day and evenings, it is
21 the only street besides Atlantic Avenue that runs
22 East... from the East River to Flatbush Avenue and it
23 is the only release of congestion that is now
24 steadily... a steady problem on 3rd Avenue. Alloy is
25 proposing to place their loading dock on this small

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2 street in front of our homes. Alloy assumes that this
3 small residential block will be able to support a
4 continuous load of deliveries for one, retail; two,
5 corporate; three, residential and four, school needs
6 and their development. It has assumed that lines of
7 school buses, lines of sanitation trucks and 16-
8 wheeler delivery trucks will be able to park on this
9 quite street to safely deliver and pick up children,
10 clean up tons and tons of garbage and efficiently
11 deliver large loads of products and moving items at
12 all hours from five a.m. to who knows when almost
13 every day without impeding the already now steady
14 flow of necessary traffic and current sanitation and
15 delivery loads. I have lived on this block of State
16 Street since 1980 and have witnessed an increase in
17 activity on this street for the last 38 years, a lot
18 has changed but it's still a quiet and peaceful place
19 to live. I fear the magnitude of this development
20 with all that Alloy is developing is demanding of us
21 and the street will change our quality of life
22 significantly and from the very first meetings with
23 Alloy two years our priority to them was to remove
24 the loading dock off of State Street, they have only
25 adjusted the design to narrow its entrance which

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2 would in fact be worse because of the enormous scale
3 of this project resulting in an even worse street
4 side scenario for traffic flow, school children and
5 unlivable conditions for the residents of this block.

6 Thank you.

7 CHAIRPERSON MOYA: If you can just push
8 the... [cross-talk]

9 CLAIRE ANGELICA: Which way... [cross-talk]

10 CHAIRPERSON MOYA: ...the small button,
11 thank you.

12 CLAIRE ANGELICA: I'm Claire Angelica,
13 I've lived in Boerum Hill for 40 years arriving
14 during the age of urban blight and flight. We were
15 not wealthy but with hard work we created a
16 community, this was pure sweat equity. We weathered
17 the economic downturns of the 70's and 80's forming
18 block associations, BIDS and merchant's associations
19 partnering with officials and agencies, growing
20 gardens, resurrecting parks and playgrounds, we
21 fought crime and drugs, at nights we walked together
22 as block watchers, we advocated for our public
23 schools, fostered the arts, initiated tutoring
24 programs, planted trees, we collaborated in opening a
25 drop in center for the homeless and supportive

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2 housing for the needy. We created homes and rentals,
3 we try to attract business and development when no
4 one wanted us, we are no strangers to expansion and
5 change. As tides turned we advocated for sensible
6 development so that our graceful scaled buildings
7 would blend into downtown. In 2004 the CPC backed the
8 model to blend Boerum Hill to downtown in order to
9 protect the historic nature of this area. 80 Flatbush
10 is a flawed conception, a red herring calling it
11 downtown when it's Boerum Hill, offering amenities in
12 quotes in exchange for height and bulk, a boon dog
13 with an inflated FAR bestowing on Alloy decades of
14 tax abatements ultimately financed by the public. we
15 must maintain the character of Boerum Hill and all
16 residential areas in Brooklyn. neighborhoods are the
17 life blood of New York; 80 Flatbush will set a poor
18 precedent for the entire city. I ask the council to
19 reject Alloy Development's plan for 80 Flatbush.

20 CHAIRPERSON MOYA: Thank you. The next
21 panel we will have David Lowin, he's not here? Simon
22 David; Eric Spencer; Adrian Deveny; Jill Montague,
23 Jill? No. Garrick Jones. Thank you, you may begin,
24 state your name.

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2 SIMON DAVID: Hi, my name is Simon David,
3 I'm a resident of Park Slope and I live about ten
4 blocks from the proposed development, I'm also a
5 professional landscape architect and urban designer
6 with my own practice here in New York. I'm also a
7 professor at Parson's in the Architecture Program,
8 NGIT in the architecture program and city college of
9 New York in the landscape architecture program and I
10 worked on Brooklyn Bridge Park and many other
11 projects in and around Brooklyn and Manhattan, so I
12 think a lot about projects like this. I'm interested
13 in 80 Flatbush because as we all know there's been a
14 lot of development in downtown Brooklyn; Fort Greene,
15 Boerum Hill and along Flatbush Avenue. I myself have
16 been involved in some of this development and as both
17 a neighbor and professional I've been skeptical of a
18 lot of this recent development. However, I'm here to
19 speak in support of 80 Flatbush for three reasons;
20 community, density and quality. Firstly, this is a
21 location well suited to increase density given its
22 proximity to Atlantic Terminal, it's many subway
23 lines and Long Island Railroad. As a community asset
24 80 Flatbush provides sensible mixed use with retail
25 that activates the sidewalk. Most notably for me, as

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2 a resident, it enhances existing schools which are in
3 need of support and improvement. I also want to speak
4 briefly about the quality of design and construction.
5 There're some surprisingly low-quality recent
6 developments in Brooklyn and New York City but I'm
7 familiar with the work of the designers and
8 developers on this project and as a professional and
9 a neighbor I'm very encouraged by the high quality of
10 work this group has undertaken in the past, it's
11 sensitivity to location and its improvements to
12 neighborhoods. In brief, I encourage the support of
13 80 Flatbush. Thank you.

14 ERIC SPENCER: Thank you, Chairman Moya
15 and fellow council members. My name is Eric Spencer,
16 I'm an architectural designer. 72,000 new people that
17 is the number of people moving into this city every
18 year. By 2030 we are projected to have a population
19 of 9.5 million people in New York, that is a million
20 more people than we have today and two million more
21 people that were.. than there were in 1995 when I
22 moved here. The question is not whether these people
23 will come, they will, the question is whether we
24 collectively today are prepared to build for the
25 future of New York in a smart, organized and

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2 methodical manner. This site, this proposal is a
3 major transit-based development in an area that for
4 decades has been calling out to be developed in an
5 intelligent and comprehensive manner. If you were a
6 city planner this is the sort of project you would
7 want in this area; more good schools for children,
8 less cars, access to good apartments for those who
9 can afford, solid middle market units and those who
10 can't. The ability to utilize the higher educational
11 and local retail areas so close to the project all in
12 buildings that are not out of scale compared to their
13 neighbors with a density that cultivates
14 environmental efficiency and social cohesion and a
15 connection to the civic and cultural fabric that is
16 Brooklyn. People are living differently now than in
17 the past; 33 percent of New Yorkers are between the
18 ages of 25 and 44 years old, the heart of child
19 rearing age; 56 percent of New Yorkers are living
20 alone or with unrelated adults partially because the
21 average rent for mid-20-year olds is above 1,400
22 dollars a month, only San Francisco rivals this. And
23 people are working differently now than in the past;
24 New York already has the largest tech work force in
25 the United States with over 6,500 startups, 75

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2 percent of all major tech firms have an office here,
3 people who work in these firms are increasingly
4 choosing to work remotely or outside of Manhattan. We
5 need to give the people who live and work and
6 contribute in this area their chance, we can't afford
7 to allow the architecture of downtown Brooklyn to
8 continue to look like the past even we... as we
9 increasingly live in the future. Thank you.

10 ADRIAN DEVENY: Hi, my name is Adrian
11 Deveny and I'm a, a resident of CB2. I'm here to, to
12 speak strongly in support of the 80 Flatbush project.
13 My education is... I have a PhD in physics and
14 therefore I like to remove the emotion from the
15 calculation and, and look at the facts. So, what
16 would you rather have a... an as of right tower with no
17 public benefit or two towers if you give up zoning
18 with 230 million in public benefits? I'm here to
19 argue that the latter is, is definitely superior. I
20 also want to point out two fallacies that the, the
21 opponents to this project keep repeating. The first
22 one is, yes, we need affordable housing, but 200
23 apartments are, is not enough; also, we need
24 classroom space but 350... a 350-student school is the
25 middle of the road. So, give me none of that, I don't

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2 want any affordable housing apartments, if you're
3 going to give me 1,000 of these I don't want the 200.
4 This is a selfish argument and would prevent 200
5 needy families to be able to live in, in our
6 neighborhood. The second fallacy is, the 230 million
7 dollars of public benefit is not really a, a public
8 benefit at all because it's paid for by the tax
9 abatements, that's simply a fallacy. 230 million of
10 tax abatements are not money sitting in the bank that
11 can be used to raise buildings, it's something that
12 accrues to the developer over 30 years of, of slowly
13 accruing tax benefits so you can't use that to build..
14 to build new, new buildings, schools and affordable
15 housing. And since we're talking a lot about farming
16 and, and gardens and... may I suggest that the early
17 Dutch settlers of New York of New Amsterdam at a time
18 in the 17th century they were farmers and if they,
19 they held this meeting back in the 17th century they
20 probably would have argued that we should keep New
21 York City as, as a farming space and have a zoning of
22 30 acres of farmland and, and nothing else.

23 CHAIRPERSON MOYA: Thank you.

24 GARRICK JONES: Good afternoon, my name
25 is Garrick Jones, I'm a Brooklyn resident of 25 years

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2 and father of two young boys currently enrolled in
3 public schools to the South of 80 Flatbush. I'm also
4 the owner of Brooklyn Architectural Design Studio Ten
5 to One working currently on several public-school
6 projects in East Flatbush, Brooklyn and a mixed-use
7 campus in Bed Stuy both pro bono. I'm in strong
8 support of 80 Flatbush, Brooklyn does not nearly have
9 enough public schools, cultural institutions or
10 community amenities, office or retail space for small
11 and medium sized businesses nor does it have enough
12 housing particularly a mix of equitable and market
13 rate housing. A great way to develop a culturally and
14 socioeconomically rich and diverse Brooklyn is by
15 providing these elements together ideally in
16 centralized locations. The downtown Brooklyn Flatbush
17 corridor particularly near Atlantic Terminal is an
18 ideal location for the development and 80 Flatbush
19 brings the opportunity for a mixed-use development
20 addressing many needs of its urban context. I believe
21 80 Flatbush is the most impressive project yet along
22 the Flatbush corridor both in terms of its mixed use
23 as well as design. The project is contextual to its
24 surroundings while having a density appropriate for
25 the site. At street level the project is contextual

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2 in its scale and massing, beautiful in its varied
3 composition and materiality and programmatically
4 active, diverse and inclusive. It will enliven the
5 street and stitch together surrounding neighborhoods
6 in a socially rich way. While the base of 80 Flatbush
7 addresses the street and social context, the taller
8 residential buildings address the need for housing at
9 the appropriate urban scale of the site both
10 historically and now. The residential buildings are
11 also beautiful in their composition and materiality.
12 As I step back from the street wall are divided into
13 two distinct relatively small footprints each
14 addressing their own context of either a narrow
15 triangular site or a small footprint between historic
16 buildings. Thank you for your time.

17 CHAIRPERSON MOYA: Thank you. The next
18 panel we have Betty Feibusch; Grant Greenberg, Grant
19 Greenberg? Yep, okay. Patty Hagen; Ann Merrill, Ann
20 Merrill, Morel, Ann, no Ann, okay. Alexandra Dedorian
21 [sp?], no Alexandra? Roslyn Huebener, okay...

22 [off mic dialogue]

23 CHAIRPERSON MOYA: You may begin.

24 BETTY FEIBUSCH: Good afternoon, my name
25 is Betty Feibusch, I live in Boerum Hill, I'm a

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2 member of Community Board Two. You've heard that the
3 proposed 80 Flatbush is too tall, too dense, too much
4 so I'm not going to tell you that again. I'm here to
5 talk about civic engagement, neighbors from both
6 across the street and from the communities of Boerum
7 Hill, Fort Greene, Brooklyn Heights and Cobble Hill
8 have spoken against the project. The community
9 education council 15 is against the project,
10 community board two voted overwhelmingly against the
11 project, Brooklyn Borough President Eric Adams
12 recommended no to the project as currently proposed,
13 many elected presented detailed objections to the
14 project. The city council and the Mayor's Office are
15 all considering ways to engage New Yorkers in their
16 neighborhoods and the broader communities, there is a
17 recommendation for an office of civic engagement,
18 more and more city council members are engaging their
19 communities through participatory budgeting yet I
20 wonder how this focus on the engagement of people who
21 live in our neighborhoods co-exists with the
22 unrelenting launch of development without regard for
23 the concerns of the residents and the unintended
24 environmental consequences that cannot be mitigated
25 and cannot be undone. What is the purpose of specific

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2 zoning for downtown Brooklyn which was established to
3 honor the residential areas as well as encourage
4 economic development in the core downtown if project
5 by project, block by block this framework and rules
6 can be overturned. The Brooklyn I grew up in was a
7 bedroom community to the core Manhattan Business now
8 Brooklyn is a major economic driver with more and
9 more business and young people seeking to work and
10 live here. Please listen to the voices of our
11 Brooklyn neighbors who are asking that this project
12 go back to the drawing board. We are asking for
13 intelligent and responsible development. Thank you.

14 CHAIRPERSON MOYA: You have to push the
15 button.

16 ROSLYN HUEBENER: Roslyn Huebener, Fort
17 Greene resident, a long time Board Member of the Fort
18 Greene Association, Vice President of, of the Clinton
19 Hill Society. Like the community residents who have
20 testified and our elected officials and community
21 leaders, Senator Velmanette Montgomery, Tish James,
22 Jo Anne Simon and members of the community board two
23 I'm in opposition to the proposed project. There is
24 not... I'm, I'm a long... well decades long career in
25 real estate, there is not a desperate need for luxury

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2 and for marginally affordable housing. There is
3 actually a surplus, construction has outpaced needs
4 and don't be so sure that the population will
5 continue to grow that is now in question. What we
6 need really is low income, no income and senior
7 housing that is in crisis. [clears throat] excuse me...
8 41... oh to, to address the pipeline issue I believe 41
9 buildings have been approved, some of those have been
10 built and the others are waiting to be built. One
11 other issue, zoning created 14 years ago is not old
12 zoning, it's not outdated, it did consider the
13 changing needs and addressed them by creating
14 limitations, projects were in the planning at that
15 time and these decisions and plans were made
16 accordingly looking towards the future. This project
17 is not the silver bullet that it proports to be, it's
18 perks have little to do with intelligent city
19 planning, quality of life and community enhancement.
20 Wow.

21 CHAIRPERSON MOYA: Okay, thank you.

22 ROSLYN HUEBENER: You're welcome.

23 PATTY HAGEN: Good afternoon City
24 Council. I'm Patty Hagen, a 20th century immigrant to
25 Brooklyn from the Island of Manhattan. I'm here to

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2 implore you Steve Levin and fellow city counselors
3 vote no on 80 Flatbush then take a second vote
4 immediately to ditch Mayor De Blasio's ubiquitous New
5 York City for sale signs. Thanks to Sunday's New York
6 Post, we know that City Hall is progressively helpful
7 to eth many developers and their lobbyists who shovel
8 big bucks De Blasio's way. Quote from this cover,
9 "136 lobbyist meetings in 54 days this spring". Jona
10 Rechnitz of the Rivington House scandals testified
11 again last week about quote, "bribing my way through
12 City Hall", close quote. It is depressing to realize
13 that 30 years ago Jack Newfield and Wayne Barrett
14 wrote city for sale, Ed Koch and the betrayal of New
15 York City and the city is still for sale. The
16 Manhattan iodization of Brooklyn is wiping out big
17 sky Brooklyn and big clock Brooklyn. In 20th century
18 Brooklyn I always knew what time it was, the
19 Williamsburg clock tower is a four faced clock but
20 since the 2004 up... rezoning to facilitate developer
21 Bruce Ratner's conquest, buildings too tall block the
22 clock. A thousand foot tall building like 80 Flatbush
23 also create heat islands and wind tunnels and grow
24 shade, the Alloy commissioned environmental impact
25 statement describes quote, "adverse shadow effects",

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2 close quote and states that quote, "the health of the
3 vegetation could be significantly affected by... could
4 I finish... by new project generated shadows and that
5 the massive project generated shadows will plunge the
6 floriferous Rockwell Place Brooklyn Bear's Community
7 Garden along with Fort Greene, even undo Fort Greene
8 Park into stygian gloom, there goes the sun. Does
9 Alloy care about these significant adverse impacts,
10 not much. The gardens been... [cross-talk]

11 CHAIRPERSON MOYA: Thank, thank... [cross-
12 talk]

13 PATTY HAGEN: ...here... [cross-talk]

14 CHAIRPERSON MOYA: ...you, thank you so
15 much... [cross-talk]

16 PATTY HAGEN: Oh shoot... [cross-talk]

17 CHAIRPERSON MOYA: ...for your testimony.

18 PATTY HAGEN: Can I just finish, I have
19 two more... [cross-talk]

20 CHAIRPERSON MOYA: So, we, we... [cross-
21 talk]

22 PATTY HAGEN: ...sentences... [cross-talk]

23 CHAIRPERSON MOYA: We, we have everyone
24 that's been, been waiting and we have a few more
25 people, if you wrap it up now... [cross-talk]

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2 PATTY HAGEN: Okay... [cross-talk]

3 CHAIRPERSON MOYA: ...we can... [cross-talk]

4 PATTY HAGEN: My last paragraph... [cross-
5 talk]

6 CHAIRPERSON MOYA: Please...

7 PATTY HAGEN: This 80 Flatbush Alloy
8 Development with its outlandish size imagine the
9 combined sewer overflows, CO in the... in the rains to
10 come and the climate changes future would be utterly
11 out of place in this borough, stick out like a giant...
12 [cross-talk]

13 CHAIRPERSON MOYA: Okay, thank you...

14 [cross-talk]

15 PATTY HAGEN: F you... [cross-talk]

16 CHAIRPERSON MOYA: Thank, thank you...

17 [cross-talk]

18 PATTY HAGEN: ...belongs in Manhattan...

19 [cross-talk]

20 CHAIRPERSON MOYA: Thank you... thank you
21 for your testimony, thank you. Thank you.

22 COUNCIL MEMBER LEVIN: Thank you Patty.

23 GRANT GREENBERG: Good afternoon Chairman
24 Moya and Council Member Levin. My name is Grant
25 Greenberg. The Williamsburg Saving Bank building sits

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2 across the street from the site at 80 Flatbush, until
3 2009 it was the tallest building in Brooklyn at 37
4 stories and 512 feet tall, it's among the world... the,
5 the tallest four side... four-sided clock tower in the
6 world. In 1977 the exterior of the Williamsburg
7 Savings Bank building was landmarked by New York
8 City. The interior was actually only landmarked in
9 1996 so the Landmarks Committee thought that the
10 exterior was actually more important than the
11 interior. I have the original landmark review here
12 from 1977. On the basis of a careful consideration of
13 the history, the architecture and other features of
14 this building the Landmarks Preservation Commission
15 finds that the Williamsburg Savings Bank has a
16 special character, special historical and aesthetic
17 interest and value as part of a heritage and cultural
18 characteristics of New York City. The building is a
19 striking symbol of Brooklyn, that was their findings.
20 In 2010 word spread in our neighborhood that the
21 developer, Two Trees, had purchased the triangular
22 lot between BAM and the property at 80 Flatbush, many
23 of our residents were concerned about such a building
24 being built so near to the, the beloved Williamsburg
25 Savings Bank and as more information spread about the

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2 development we discovered that the developer had
3 respectfully weighted the bulk of the upper portion
4 of the building away from One Hanson Place so that
5 views of the clock tower could be preserved, you can
6 see the finished building over there and you can see
7 the cutout which clearly keeps views of the clock
8 tower so that people in all, all parts of Brooklyn
9 can see the clock. The building proposed by this
10 developer will forever block the western views of the
11 clock. The developer will try to make... have you
12 believe that they made significant changes to the
13 façade to make it more sensitive to the context but
14 that's not true, the clock is still blocked and more
15 than that as, as other people have testified there is
16 no transition with this proposal between downtown
17 Brooklyn and Boerum Hill, it's actually an apex.

18 CHAIRPERSON MOYA: Thank you. Thank you.

19 The next panel Bradley Samuels, Bradley; Mark
20 Kushner; Chad Cooper; Elisha Cooper.

21 BRAD SAMUELS: Good afternoon, my name is
22 Brad Samuels and I'm here to speak... [cross-talk]

23 CHAIRPERSON MOYA: You have to push the...

24 BRAD SAMUELS: My name is Brad Samuels,
25 I'm here to speak in support of, of the 80 Flatbush

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2 project. I'm a founding partner at SITU which is a
3 design, research and fabrication practice and as a
4 business owner and a resident of Brooklyn I'm deeply
5 invested in the wellbeing and future growth of the
6 borough. I recently relocated my company to the
7 Brooklyn Navy Yard's new office building, building 77
8 on Flushing and we were amongst the first tenants to
9 make this move and in the past months the benefits of
10 the Navy Yard's growth and the surrounding
11 neighborhood have been obvious. We have chosen to
12 locate and grow our business in Brooklyn because we
13 believe in its future as a hub for innovation and
14 opportunity and we're drawn to the Navy Yard in part
15 because of the vibrancy of the surrounding
16 neighborhoods and we regard 80 Flatbush as squarely
17 within the ecosystem and exactly the type of
18 programming that will continue to draw the talent,
19 jobs, and economic opportunities that are critical to
20 Brooklyn's continued growth. In terms of the 80
21 Flatbush project the mixed-use building will increase
22 both the living and working capacity of downtown
23 Brooklyn. There is certainly a tension between the
24 need for increased density in New York City and the
25 question of where to locate it. Not all neighborhoods

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2 can accommodate this type of density but sitting at a
3 transportation hub for the borough this site is
4 certainly better suited than others. I believe that
5 the proposition of concentrated vertical density is a
6 reality that all New Yorkers need to not only become
7 more comfortable with but embrace when implemented
8 thoughtfully and appropriately. With 200 below market
9 rate units and the inclusion of schools and a
10 cultural center, the development will offer
11 components that move beyond what, what the market
12 alone demands and will provide resources that will
13 make a positive impact on the neighborhood. Lastly, I
14 want to speak about the execution very briefly and
15 attest to the character and the leadership at Alloy.
16 Having been tenants in the same building at 20 Jay
17 Street before I moved to the Navy Yard, I've gotten
18 to know them well. While they are certainly in the
19 business of development I do not believe that profit
20 is the only significant motivation here. I believe
21 they also care deeply about cultural and social
22 impacts that a project like this will have. This eco
23 sets them apart from most... other development peers
24 and is of critical importance to the confidence we
25 should place in the commitment to realizing a project

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2 that will deliver a well-executed development that
3 will have a positive impact on the borough and its
4 residents. Thank you.

5 MARK BALATERI: My name is Mark Balateri,
6 I'm reading on behalf of architect Marc Kushner. I'm
7 a 15-year resident of Cobble Hill and Carroll
8 Gardens, I'm also practicing architect in Lower
9 Manhattan where I am a Principal of Hollwich Kushner,
10 a firm I founded ten years ago in New York City. I'm
11 also President of Friends of the Plus Pool and an AIA
12 NY board member. So, suffice to say I'm invested in
13 making New York City a better place to live and work
14 and I am viciously protective of my neighborhood in
15 Brooklyn. From my apartment in Cobble Hill I have a
16 direct view of Flatbush Avenue in downtown Brooklyn,
17 I've had a ringside seat to the evolution of the
18 area. Every building that has gone up over the last
19 year was initially jarring, so tall, so big and then
20 a week passes, a month passes, and it is just another
21 part of the fabric of the city, that is the magic of
22 our city, its ability to subsume new buildings and
23 progress into the character of the places that we
24 love. Change is jarring and brings out passionate
25 responses in people, but I have no doubt even they

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2 will... even they will see that 80 Flatbush Avenue once
3 built will be a stunningly positive addition to our
4 city's fabric. This site in Brooklyn is uniquely
5 capable of handling height and density given its
6 transportation rich location. I was recently on a
7 panel with Jared Della Valle, principal of Alloy and
8 got the chance to talk about his project at One John
9 Street in Dumbo. Perhaps it is his background as an
10 architect or just that he is a New Yorker through and
11 through, but he talks about that building as an asset
12 to the community, as a driver for good in the city.
13 Anyone who visits One John can see he is right, the
14 building is as beautiful as it is accessible to
15 residents and the community alike, I know that as
16 much care went into planning 80 Flatbush and there
17 are few other people I would trust with a project
18 like this to ensure that Brooklyn gets the type of
19 growth it deserves. I encourage the city council to
20 approve 80 Flatbush and make way for great
21 architecture by responsible developers who will make
22 a better city for us all. Thank you.

23 ELISHA COOPER: Hello, hello, my name is
24 Elisha Cooper, I am currently the PTA president at
25 Khalil Gibran International Academy for the 2018/2019

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2 school year. My three children have been in the New
3 York School system for almost two years formerly from
4 the suburbs of Atlanta school community, my daughter
5 recently graduated from Khalil Gibran with an A
6 average and my son will be graduating with the class
7 of 2019 next spring. I must say that upon moving here
8 I was very concerned and somewhat skeptical about my
9 children's education and their educational
10 environment especially after previously hearing
11 frightening stories from educators and parents in the
12 South about New York's public system. Without a doubt
13 my heart and mind was nervously in shambles and we
14 searched for the best schools for our children but
15 after meeting the staff and students of KGIA my mind
16 suddenly was calmed and at ease, it was as if we hit
17 the school placement jackpot when it came to an
18 academic safe haven for our children. You see Khalil
19 Gibran embodies the home away from home type
20 environment for their students, it is a place of
21 hope, love, generosity, diversity and community, a
22 place of caring and sharing, learning and creating, a
23 place where the principal and teachers and staff
24 truly care. Yes, we truly are one big family at KGIA
25 however we lack something that is desperately needed

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2 to create a more well-rounded academic experience for
3 our students, frankly we need the 80 Flatbush project
4 to be approved. As a... as I volunteered throughout the
5 school year I was greatly moved at the way the
6 teachers of KGIA diligently taught their lessons on
7 smart boards that were barely functional, also
8 throughout the building there are ceilings with leaks
9 and peeled walls, rusty file cabinets, floor, floor
10 tiles and pipes, dated office and classroom
11 furniture, four, four bathrooms for 250 students that
12 are deplorable and outdated, with sometimes the lack
13 of necessary toiletries. To add there isn't a school...
14 thank you, please approve the 80 Flatbush project.

15 JACK COOPER: Hello, hello. Hello, okay.
16 Hello, my name is Jack Cooper the 2nd, I'm a rising
17 senior at Khalil Gibran International Academy and I
18 came here to talk in a student's perspective at
19 Khalil Gibran International Academy. Well when I
20 first came to Khalil Gibran International Academy
21 about two years ago I was really scared, and I cried
22 my first day of school because of the decrepit
23 conditions that there were at that school and I'm so
24 used to going to schools that were very updated
25 especially since I'm from the South and I thought

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2 education was going to be.. I just thought that the
3 education system up here was not as good as the one
4 in Georgia so.. but what really changed my opinion was
5 the people at the school and the children at the
6 school especially since I had a lot of friends from
7 Yemen and they really changed my perspective and when
8 I first came there they were so open and I taught
9 them stuff, I taught them English, I taught them
10 math, I taught them a lot of things and they taught
11 me a lot of things and having one of my friends have
12 to be shipped back to Yemen because of a ban really
13 affected me and it effected a lot of the kids at the
14 school and when you try to encourage them and tell
15 them that they can have a successful life in America
16 but when our school is broken down and we don't have
17 a lot of programs to show them that they have a lot
18 of opportunities here, it's hard because we don't
19 have an arts program, we don't have any sports
20 programs that keeps kids out of bad conditions and
21 keep them out of the streets. So, this is why I
22 strongly support 80... the 80 Flatbush project.

23 CHAIRPERSON MOYA: Thank you.

24 JACK COOPER: Thank you.

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SUBCOMMITTEE ON ZONING AND FRANCHISES

CHAIRPERSON MOYA: Thank you for your testimony. The next panel Joan Reutershan, Rueters... Reutershan, sorry, sorry. Sidney Megan... oh, you okay, Meyer, Sydney Meyer from Bergen Street, no, no Sydney? Ray Rogers; Henry Carrier. You, you may begin.

JOAN REUTERSHAN: Yes, good afternoon. My name is Joan Reutershan and I've been a Fort Greene resident for 34 years. Thank you for listening to my testimony, I'd like to testify against this 80 Flatbush project. The development proposal for 80 Flatbush by Alloy is extremely out of scale, the 2004 downtown Brooklyn plan respected the need for transitions between the new downtown Brooklyn high rise district and the existing surrounding neighborhoods. This 80 Flatbush project should adhere to the present zoning approved then and be built as of right because a proposed rezoning would overwhelm the adjacent historic neighborhood in every way in terms of height, density, traffic, shadows and infrastructure. Looting the present zoning regulations also shows disregard towards all those citizens who participated in the agreements of the 2004 plan accept the increased density but with its

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

2 transitional heights, it's breaches the trust between
3 citizens and city government. Why should citizens get
4 involved if private developers are given free reign
5 by the very city government agencies that should
6 enforce the existing agreements. It seems wrong to me
7 also that developers tried to sweeten this disregard
8 for the neighborhood of Boerum Hill in this case with
9 promises of schools and affordable housing, is free
10 education not a cornerstone of American life and
11 citizenship, why do we pay taxes if not for
12 education, must we be dependent upon developers to
13 build schools, should they be able to use schools as
14 a lever, why do we indeed give them generous tax
15 breaks, what if the developers paid their taxes and
16 the city build the schools strengthening the public
17 infrastructure? I have the same questions about
18 affordable housing and the homeless crisis and I
19 won't have time to go into that now but our city
20 building... our, our city's history of building
21 affordable housing is certainly flawed but some have
22 worked like the Hoyt Schermerhorn project that
23 Senator Simon described early, earlier, can't we
24 learn from past mistakes and successes and create

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

2 affordable housing without depending upon large
3 developers to do this. Thank you.

4 CHAIRPERSON MOYA: You have to push the
5 button...

6 SUE WOLFE: My name is Sue Wolfe, I
7 represent the Atlantic Avenue Local Development
8 Corporation, we are against this project. I
9 appreciate the questions of Councilman Levin and the
10 comments of Assemblyman Jo Anne Simon. This project
11 is in Boerum Hill, it is not in downtown Brooklyn, we
12 need to compromise. One high school, one tower, no
13 loading dock on State Street, a 50-foot set back on
14 State Street or low-rise brownstones there. Alloy
15 Development noted in a meeting we had with them that
16 they could make little money on the 12 stories of
17 office space so why are they doing that, that could
18 come down, we need more than 12 stories to come down.
19 Thank you.

20 RAY ROGERS: Ray Rogers speaking in
21 opposition. Let's discuss facts and political
22 realities, on the regressive rezoning stain for the
23 80 Flatbush development community board two's vote
24 was 32 no, one in favor and five abstentions; borough
25 President Eric Adams voted no with recommendations,

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2 Author Alessandro Busa in The Creative Destruction of
3 New York City asks, when did people tell their
4 government bureaucracies to drain city budgets to
5 subsidize or to give out massive tax breaks to
6 developers and buyers of luxury units when affordable
7 housing is shrinking at a record pace. Jeremiah Moss
8 says in his book Vanishing New York is about how the
9 city has been taken from us, it's not just a story of
10 death it's a story of murder. The spirit of the city
11 as we knew it was... has vanished in the shadow of
12 luxury condo towers and rampant greed. When we talk
13 about up zoning and rampant greed we must talk about
14 REBNY, REBNY stands for the Real Estate Board of New
15 York or more appropriately the real estate bullies of
16 New York ravaging every borough of New York City so
17 REBNY members who are property speculators,
18 developers and landlords can make obscene profits. 80
19 Flatbush developer Jared Della Valle, Co-Founder and
20 President of Alloy Development is a member of REBNY.
21 The rezoning plans defiling our city are dictated by
22 the billionaire bullies and racketeers running REBNY,
23 fat pay to play political contributions to the Mayor
24 and certain city council members keeps the EDC, the
25 Department of Planning and other city agencies in

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2 lock step with whatever REBNY wants rather than
3 improving the city REBNY's rezoning plans are
4 plaguing our city, they are fueling the proliferation
5 of super tall luxury towers causing massive
6 displacement, exacerbating the homelessness crisis
7 and inflicting great hardship on longtime residents
8 and small businesses. And instead of building REBNY's
9 rezoning plans are bulldozing important community
10 centers, libraries, schools, hospitals, nursing
11 homes, community gardens, and historic buildings to
12 make way for more super tall and absentee landlords.
13 REBNY is the head of the monster that creates the
14 political environment allowing these out of scale
15 building monstrosities that are overburdening our
16 infrastructure and our human scale neighborhoods and
17 communities. Groups all across the five boroughs are
18 trying to deal with the symptoms and havoc created by
19 REBNY's assault on the 99 percent but as long as
20 REBNY remains such a dominate political power, enough
21 about pollical... [cross-talk]

22 CHAIRPERSON MOYA: Thank, thank you...

23 [cross-talk]

24 RAY ROGERS: ...people continue... [cross-
25 talk]

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SUBCOMMITTEE ON ZONING AND FRANCHISES

CHAIRPERSON MOYA: ...for your testimony...

[cross-talk]

RAY ROGERS: ...supporting the rezoning...

[cross-talk]

CHAIRPERSON MOYA: Thank, thank you...

[cross-talk]

RAY ROGERS: ...of affordable housing...

[cross-talk]

CHAIRPERSON MOYA: ...thank you sir...

[cross-talk]

RAY ROGERS: ...and REBNY will continue
putting... [cross-talk]

CHAIRPERSON MOYA: ...for your testimony...

[cross-talk]

RAY ROGERS: ...pressure on... [cross-talk]

CHAIRPERSON MOYA: ...sir... [cross-talk]

RAY ROGERS: ...over New Yorkers.

CHAIRPERSON MOYA: Thank you for your
testimony... [cross-talk]

RAY ROGERS: If anybody would like to run
REBNY out of business... [cross-talk]

CHAIRPERSON MOYA: Thank you... [cross-
talk]

RAY ROGERS: ...please see me... [cross-talk]

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

2 CHAIRPERSON MOYA: Thank you very much...

3 [cross-talk]

4 RAY ROGERS: Thank you.

5 CHAIRPERSON MOYA: Thank you, I ask
6 everyone to please keep it to two minutes, thank you.
7 You may begin.

8 HENRY CARRIER: Hi, my name is Henry
9 Carrier, I live in Carroll Gardens. I ask that
10 Council Member Levin and the entire city council
11 reject the 80 Flatbush spot zoning proposal. The
12 developers have painted a narrative that 80 Flatbush
13 is a tremendous gift to Brooklyn by benevolent
14 developers. A closer look reveals otherwise, 80
15 Flatbush is a lousy deal for Brooklyn and for the
16 city. The most insidious myth is that a rejection of
17 the 80 Flatbush spot zoning proposal euphemistically
18 called no action will result in nothing being built
19 and no public benefits. This... the truth is a
20 significant residential tower larger than the towers
21 in the immediate vicinity, vicinity as well as both
22 schools and a good number of affordable housing units
23 can be built with no action. So, please don't believe
24 what the developers are telling you. The proposed
25 elementary school is located in a least crowded

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2 section district 15, the children of the 80 Flatbush
3 project will, will occupy at least 75 percent of the
4 seats in that elementary school, the other students
5 that don't live in 80 Flatbush will need to be bused
6 to school according to the Department of pupil
7 transportation, you want to bus kindergarteners, I
8 don't think so. The school sub, subdistrict that is
9 used to justify the project is simply not
10 overcrowded. Among other misrepresentations, the
11 developers conveniently forgot to include the new
12 building that is being built at PS32, I have a
13 picture here plus they forgot to mention that the
14 middle school moved out of the district adding more
15 seats so you're talking about 450 more seats in the
16 district currently building... it's not like they just
17 started building, I can show you a picture. Finally,
18 if we believe the, the narrative of the developers
19 looks at what you're giving them; tax abatements,
20 free air space, on and on, it's just not worth it...
21 [cross-talk]

22 CHAIRPERSON MOYA: Thank... [cross-talk]

23 HENRY CARRIER: ...it's a bad deal, sell
24 them... [cross-talk]

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

2 CHAIRPERSON MOYA: Thank, thank you...

3 [cross-talk]

4 HENRY CARRIER: ...the air space... [cross-
5 talk]

6 CHAIRPERSON MOYA: ...thank you for your
7 testimony... [cross-talk]

8 HENRY CARRIER: ...you'll make a lot more...
9 [cross-talk]

10 CHAIRPERSON MOYA: ...we have... we have one,
11 one question... [cross-talk]

12 COUNCIL MEMBER LEVIN: I just... I just
13 have one quick question, Henry I just have one quick
14 question for you because you're on CEC for PS133
15 which is a choice school, right, an unzone school,
16 133 on 4th Avenue on Butler Street?

17 HENRY CARRIER: Yeah, okay, yes. Is this
18 a children's school, I'm...

19 COUNCIL MEMBER LEVIN: No, no, no the...
20 PS133, the... I'm just wondering whether they are... they
21 are bussing because I know that as an un-zoned school
22 the... there was a potential that they were going to be
23 bussing from the other end of district 15 which is
24 Sunset Park students, I just didn't know if they were
25 actually bussing?

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2 HENRY CARRIER: Yeah, this is my, my
3 understanding, the most overcrowding is in Sunset
4 Park... [cross-talk]

5 COUNCIL MEMBER LEVIN: Sunset Park,
6 right... [cross-talk]

7 HENRY CARRIER: ...in district 15 so when
8 they do not have available seats these children do
9 get bussed but as soon as... and it's hard to
10 understand, a school that has 170 of capacity has
11 available seats but as soon as a parent finds out
12 that they can squeeze their kid back into an
13 overcrowded school they, they take them out so that's
14 what happening at 133 and other schools that are
15 meant to have the overflow, it's just not the right
16 place to put it.

17 COUNCIL MEMBER LEVIN: Uh-huh...

18 HENRY CARRIER: And again, you know
19 you're not counting PS32, you... where they're, they're
20 building 400 seats and they, they, they got rid of
21 the middle school which is another 200 seats or so
22 but of course they're getting rid of the trailers too
23 so, that would have a negative... [cross-talk]

24 COUNCIL MEMBER LEVIN: Got it... [cross-
25 talk]

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2 HENRY CARRIER: ...impact.

3 COUNCIL MEMBER LEVIN: Okay, alright,
4 thank you.

5 HENRY CARRIER: Yes, thank you.

6 COUNCIL MEMBER LEVIN: I don't... do you
7 want to answer that really quickly? Okay, I'm being
8 told 133 does bus, okay, thanks just because that
9 bussing would then be on State Street in the mornings
10 and afternoons so... okay, thanks.

11 CHAIRPERSON MOYA: Thank you. The next
12 panel, we have Steven Smith, yeah, okay; Brian
13 Butterfield, he left; Jill Stimple; Andrew Kalish;
14 Alexandra Secahek, [sp?]. You may begin, yeah.

15 ANDREW KALISH: Hi, my name is Andrew
16 Kalish, I am a third generation New Yorker, the city
17 not the state and like one of my fellow panelists
18 earlier on, I have three generations in Brooklyn
19 maybe not as back far as the 1800's but pretty close.
20 I'm also the father of two young children in the
21 district a stone's throw away from this project. My
22 son is three and my daughter is six months old. I'm
23 not going to talk about the facts of this project
24 because I think that's been talked of... spoken about
25 ad nauseam, I'm going to talk... another person who

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

2 spoke here talked about taking the emotion out of it,
3 I'm going to try and inject it back in. I have a lot
4 of stake in the future of this borough because that's
5 where my children and I hope for them to grow up. My,
6 my outlook is not... right now, it is not the next few
7 years, it is not the duration of the construction of
8 this project but it is the duration of my child's
9 lives in the borough and I know that maybe not be the
10 same for a lot of other folks who live near the
11 project and I understand that, I grew up in New York
12 City, I grew up in construction, my father used to
13 say if you lived between you and a view there is no
14 view as long as you live in New York City so that is
15 the reality that we live in. When we choose to live
16 in New York City we don't live here to have our acre,
17 we don't live here for peace and quiet, we live here
18 because of this great melting pot because of the
19 diversity of the place. I grew up on the upper west
20 side, I watched towers get built in the upper west
21 side and the neighborhood be down-zoned, I then
22 subsequently watched prices astronomically go up and
23 those beautiful luxury town... condo towers views
24 protected in perpetuity, we cannot let that happen in
25 Brooklyn, we cannot allow these neighborhoods to

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

2 calcify and then turn to the West Village into
3 Tribeca where only the wealthy benefit from our
4 protections on these neighborhoods. Thank you very
5 much.

6 STEVEN SMITH: My name is Steven Smith, I
7 live in Bushwick nowhere near the project, I can't
8 afford to live there. Tomorrow night I will go home
9 and unfortunately go to a co-op board meeting and at
10 the co-op board meeting we're going to discuss
11 renewing a lease for a family that lives in a one
12 bedroom apartment, it is a market rate apartment, I
13 know Chairman Moya you said that there's no shortage
14 of market rate housing, I would invite you to come
15 into our board meeting and you can hear, it's a one
16 bedroom apartment, there are four maybe five people
17 living in it, every night I see them set up a crib in
18 the living room, it's an immigrant family I believe
19 from Bangladesh, their rent is currently 1,550... it's
20 1,550 dollars, I'm going to advocate that we keep it
21 there, the rest of the board wants to raise it closer
22 to market more like 18, 19 maybe 2,000 dollars a
23 month, we'll probably settle somewhere in the middle.
24 Maybe they'll make it this year but eventually
25 they'll have to leave the building because there are

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2 people who might want to live in downtown Brooklyn,
3 might want to live in Williamsburg, might want to
4 live around there but they can't, it's too expensive
5 so they'll keep on getting pushed down the line
6 eventually they'll end up in our building, they'll
7 bid up the price probably even above 2,000 dollars a
8 month. I see this family every night when they come
9 home, they're right across from me in the courtyard,
10 it's the new Law Tenement building, every night they
11 come home around eleven o'clock. They're not... and
12 actually not even on the lease that's why it's, you
13 know being brought to our discussion. They took over
14 the lease, I don't know why they're not on the lease,
15 they're probably... I don't know maybe they can't prove
16 their income, maybe they're undocumented, they're
17 never going to qualify for affordable housing, they
18 are going to be stuck in market rate housing forever
19 in New York until they're priced out of the city
20 entirely. So, you know there's this idea that, you
21 know these are, you know entirely different markets,
22 the luxury market, the affordable market, low income,
23 middle income, it's all one market. This room is full
24 of people who live in Boerum Hill they probably... you
25 know right now they're very proud to live in Boerum

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2 Hill, it's a very nice neighborhood, they probably
3 wanted to live in Brooklyn Heights, they probably
4 wanted to live in Chelsea, they probably wanted to
5 live in the village when they moved there in what
6 used to be called downtown Brooklyn and then was
7 renamed by these, you know gentrifiers to Boerum
8 Hill. Anyway, it's all one market, please approve of
9 the project, thank you.

10 ALEXANDRIA SECAHEK: Thank you for the
11 opportunity to testify. I'm Alexandria Secahek [sp?]
12 and I am a, a mother and resident of Park Slope, I
13 have... as, as the other fellow members of my panel a
14 long term view on the health of this borough and the
15 central nature of downtown Brooklyn to playing a key
16 role in providing not only housing opportunity,
17 culture and education for my family and for every
18 kind of family in this city and I think that 80
19 Flatbush exemplifies taking advantage of that. I
20 think this is the kind of project that we should be
21 promoting, this is the kind of developer that does
22 very contextually sensitive, beautiful work, I've
23 seen their work up close both in Dumbo and in
24 Brooklyn Bridge Park and we should be encouraging
25 these kinds of projects, we should be green lighting

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2 them if the city is to be really aggressive about
3 solving the kind of education and housing crisis that
4 we have. Thank you.

5 CHAIRPERSON MOYA: Thank you. The next
6 panel and it's our last panel is Lynn Ellsworth;
7 George Cumbas; Allison Greenberg; Mimi Kahida, Kakita
8 [sp?], yep; Julie Sebinyau [sp?], did I say it
9 correctly? Okay. Okay. If you can state your name, we
10 can begin.

11 LYNN ELLSWORTH: Great, thank you. Can
12 you hear me, is this good? I'm Lynn Ellsworth and I'm
13 one of the founders of Human Scale NYC, it's a non-
14 profit that advocates for a human scale build out of
15 New York City, neighborhood livability and democratic
16 control over our built environment. This spot
17 rezoning requested here to us represents a taking
18 from the public realm and a giveaway for the
19 developer with a trivial return to the public in the
20 guise of school and a few benefits that people have
21 already disputed here. we find that spot rezoning
22 like this make a mockery of the legal requirement
23 that zoning take place on the basis of a quote, "well
24 considered plan" unquote to quote from state law
25 about how zoning is permitted in New York City. It is

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2 in fact the very opposite of well-considered
3 planning. We urge all council members to stop
4 approving these abuses of the purpose and intent of
5 the zoning resolution. Council Member Reynoso in the
6 hearing over Inwood called for communities to be
7 willing to compromise and I beg to disagree,
8 communities in New York City have been compromising
9 way too much since the very beginning of zoning in
10 New York City as someone who's done a pretty, fairly
11 deep study of the zoning codes, I would say that that
12 compromise started with the 1916 code. In fact, even
13 the author of the code said that they compromised too
14 much with real estate interest. And so, in fact the
15 history of zoning in New York City has been a history
16 of its manipulation and exploitation by what we could
17 call the architectural and real estate industrial
18 complex and it's the similar history of politicians
19 kowtowing to that lobby and I think that Human Scale
20 NYC is asking politicians to put an end to that
21 kowtowing to that lobby. Thank you.

22 GEORGE CUMBAS: Good afternoon. What I
23 want to address here today... my name is George Cumbas,
24 I am a 41-year member or resident of Boerum Hill.
25 What I want to emphasize today, and I want to

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2 encourage Council Member Levin and the entire city
3 council to reject this proposal. For all that has
4 been uttered and written already about the proposed
5 development of block 174 or 80 Flatbush Avenue, there
6 are two points that I, I want to emphasize right now.
7 Number one, zoning and the completely arbitrary
8 abrogation and dismissal of its validity in the
9 conduct of rational planning by the city government
10 i.e. the Mayor's Office and the City Planning
11 Commission. Let me go back to the recent past, when
12 the most recent up-zoning of block 174 occurred back
13 14 years ago it was done with the consent and
14 understanding of the surrounding community of Boerum
15 Hill. That understanding was that block 174 would
16 stand or act as a transition buffer against the large
17 office development of downtown Brooklyn at the time
18 which didn't happen. Well now we are told that
19 understanding is not valid or appropriate by Alloy,
20 the developers and the city, that block 174 is not
21 part of Boerum Hill, it is part of downtown Brooklyn,
22 that the encroachment should go forward and Boerum
23 Hill and the stakeholders on State Street don't
24 matter. Well wrong, what I want to.. finish this by
25 saying let me tell you in summary it is.. it's, it's

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2 the egregious and capricious nature of this that is
3 frightening, zoning can be changed without the
4 consent of those immediately affected for the benefit
5 of development and some ephemeral goal. All this is
6 being done against the continued stability of the
7 surrounding community. This is a harbinger and a
8 warning for any and all neighborhoods in the future
9 of the city... [cross-talk]

10 CHAIRPERSON MOYA: Thank you. Thank you
11 for your testimony.

12 GEORGE CUMBAS: Thank you.

13 ALLISON GREENBERG: Thank you, my name is
14 Allison Greenberg, I'm opposed to the project as it
15 stands. I thank you for your service as council
16 members. I'm a New York City voter, a resident, an
17 attorney for employees who face discrimination in the
18 work place, I'm an idealist, I'm a political club
19 member, I'm a member of the historic districts
20 council, I'm a member of the steering committee of
21 the Human Scale NYC but I'm testifying as an
22 individual on my personal behalf. I'm not a wealthy
23 landowner. I live in Greenwich Village but I'm here
24 for the people of Brooklyn who've spoken out in
25 opposition to this project and I ask did each of you

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2 read the post on that... the issue that came out on
3 Sunday which we keep waving, I don't always agree
4 with the Post, often I don't agree with the Post but
5 here they got it right when they wrote about city for
6 sale and we really want you to pay attention to this
7 article and we wonder how you feel Council members
8 about the state of lobbying in the city and whether
9 regular New Yorkers really can contend with real
10 estate lobbying. Beyond the specific issues raised by
11 Brooklyn residents I approach... oppose the project
12 because of the pattern of unreasonable and seriously
13 flawed enforcement of city laws and regulations
14 regarding zoning and land use. We go through this
15 dance each time there's a controversial land use
16 project which is opposed by the people who live and
17 work at or near a development site, each time the
18 developer relies on back room deals, access and
19 influence that the public does not have, we have
20 these hearings, it doesn't seem like you take them
21 seriously, it seems like a performance, we're not
22 naïve, we're paying attention and we vote. We ask you
23 to show integrity and surprise us and vote down this
24 plan because you know in your hearts it's wrong and
25 you can make a difference and we will support you. We

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2 will be voting when you're running for Mayor, when
3 you're running for reelection, public advocate,
4 please do the right thing and vote on this project
5 for the people of Brooklyn against this project and
6 thank you.

7 CHAIRPERSON MOYA: You just have to press
8 the button.

9 MIMORI KISHIDA: Oh, good afternoon, my
10 name is Mimori Kishida, I'm a lifelong Boerum Hiller,
11 my mom was born in Brooklyn too and the first thing I
12 want to say to the council people is heaven help us
13 if we start to look to Asia as a model for density as
14 one of the architects suggested earlier. I've sat
15 here all day and listened to lies from architects, I
16 suppose affiliated with Alloy as to who and what is
17 Boerum Hill. I'd like to say first of all that Boerum
18 Hill is already home to two huge building projects
19 that not a single person has mentioned; the Gowanus
20 projects of about 900 units and the Wyckoff projects
21 of about 1,300 units. I live across the street from
22 the Gowanus projects and I can tell you that there
23 are thousands of people who go to work every day, who
24 have affordable housing and who live in a place that
25 since 1957 when it was built and New York City has

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2 had a building... a, a housing crisis forever, when has
3 it not had a housing crisis and the little lull that
4 we had in the 70's but since then it's, it's always
5 been a housing crisis. In 1957 they built these two
6 gigantic projects including public schools in the
7 neighborhood, all built in 1957 and they still to
8 this day haven't been able to deal with the trash
9 problem, they can't deal with that many people living
10 in such a small confined block. I also want to say
11 that given the current environmental crisis when
12 hurricane Sandy hit Gowanus projects were in the dark
13 for a couple of weeks, a good portion of the
14 neighborhood had about three to four feet of water in
15 our basements. This project is going to... is going... is
16 going to if built will be one block away from the
17 Wyckoff projects, two, three blocks away from the
18 Wyckoff project... Gowanus projects, we're dealing with
19 enough density that's not... that's not... you know a
20 question, Boerum Hill is extremely dense and the
21 environmental question is a real one. Okay, that...
22 thank you.

23 CHAIRPERSON MOYA: Thank you.

24 JULIE SEBINYAU: Hello, I'm Julie...

25 [cross-talk]

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SUBCOMMITTEE ON ZONING AND FRANCHISES

CHAIRPERSON MOYA: You got to... you got to...

JULIE SEBINYAU: Hello, I'm Julie Sebinyau [sp?], I'm a teacher in district 15, a resident of Fort Greene and I'd much rather be at the double D pool with my son who has his head phones who is also in district 15 with me. Let's get some facts, there are 200 seats open right now at PS38, they have a brand-new Principal coming in this year who is fabulous, I've worked with her as a colleague at PS321 nor from PS107. I think that there's blatant lies being told about the... what they'll do for students and families. There's 70 million... 700 million extra money in district 15 that's not... that, that isn't already being used for rebuilding schools and... you know the district has money for this and it can be allocated for helping the, the kids that, that live there but this, this project needs to be opposed and we need to really protect the, the constituents and the citizens of Brooklyn.

CHAIRPERSON MOYA: Thank you. Thank you all you're your testimony. Are there... are there any other members of the public that wish to testify?

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2 Seeing none I now close the public hearing on this
3 application... oh...

4 COUNCIL MEMBER LEVIN: I just actually
5 want... before you close it out I want to say one
6 thing.

7 CHAIRPERSON MOYA: But you, you testified
8 already.

9 [off mic dialogue]

10 CHAIRPERSON MOYA: Okay. You wish to
11 testify as well?

12 KATE RILEY: Yes.

13 CHAIRPERSON MOYA: Okay.

14 JAY MARCUS: I'm Jay Marcus with Fifth
15 Avenue Committee and we're obviously very much in
16 support of the project and we're very proud to be
17 working with Alloy on this. I just wanted to speak
18 for FAC's mission about why this project is so
19 important for us. Our mission is based on economic
20 and social justice and the reality is that a majority
21 of the rezoning's that have happened using MIH in
22 this city have been in East New York, East Harlem
23 currently lower income communities. This right now is
24 a higher income community, the median income is 51
25 percent above the citywide median income, sales

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2 prices per unit have gone up for example from...
3 according to the American Community Survey, from
4 668,000 to 1.1 million... in 2010 to 1.1 million now
5 and the... and for social justice the black and
6 Hispanic population has decreased from 61 percent in
7 2000 down to 37 percent today. So, this is an area
8 where MIH is needed and for MIH to work in wealthier
9 communities particularly in sites where only 23
10 percent of the land is city owned and the majority
11 you have to buy from the private market, you do need
12 to have higher density and I appreciate and the
13 council member obviously knows the district well and
14 I think has very important questions but the reality
15 is that I do think Alloy is dedicated to making sure
16 the loading docks on 3rd Avenue will work, to make
17 sure the shadows are minimized so that there's a
18 minimum... there's a, a minimum of at least four hours
19 if not more on the nearby park and to make sure that
20 the height and dense... the traffic volume works well
21 on what we know is a, a residential street of State
22 Street with the brown houses. The, the reality is
23 we're going to have to as a city, if we really want
24 to be able to create economic equality and economic

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2 integration work out the issues that the council
3 members raised and have higher... [cross-talk]

4 CHAIRPERSON MOYA: Thank you... [cross-
5 talk]

6 JAY MARCUS: ...density in upper income
7 areas... [cross-talk]

8 CHAIRPERSON MOYA: Thank you... [cross-
9 talk]

10 JAY MARCUS: Thank you.

11 CHAIRPERSON MOYA: Kate is it?

12 KATE RILEY: My name is Kate Riley and I
13 live at 29 3rd Avenue which is less than a block away
14 from this project. I'm a member of the Rockwell Place
15 Garden. I am... I want to really speak though to this
16 access to the transit hub. I have lived in this
17 neighborhood since 1993, I would use that transit hub
18 for getting to and from work in Greenwich Village.
19 Many, many occasions I would be in fear of my life
20 from standing on some of those platforms when they
21 got overcrowded, I raised a son in this neighborhood
22 and I had to make sure that he would never use that
23 transit hub during rush hour and school times because
24 it is a mess, it cannot handle thousands of more
25 people traveling at those peak transit times. If you

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2 travel at ten o'clock at night you can get on the
3 subway but we're talking about people who are going
4 to live and work and send their children through that
5 massive transit hub. I walk more than a half a mile
6 to get away from that so that I can get on the
7 subway, this is an inappropriate project to
8 overburden a transit system that cannot handle the
9 people that actually already live here and already
10 work here who use it as a transit hub for commuting
11 and that's really all I wanted to add.

12 CHAIRPERSON MOYA: Okay, thank you. I'm
13 going to turn it over to Council Member Levin for
14 some words.

15 COUNCIL MEMBER LEVIN: I just want to
16 thank everybody that came to, to testify today and
17 for all of your thoughtful input. I want to thank the
18 development team, Alloy, ECF as well as everybody
19 that came to testify in favor and opposition, the
20 Boerum Hill Association, the, the Rockwell Place
21 Garden and you know we're going to really start to
22 get to work now and you have my commitment that over
23 the coming weeks this is going to be my very top
24 priority and there's really going to be nothing on my
25 agenda and on my calendar that is more important and,

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you know by all means I look forward to engaging with every single one of you and obviously we... our fabulous land use staff will, will be all working very closely together. I also want to acknowledge Spiderman who was here before, I think he might have left but I want to thank him for coming as well and with that I'll turn it back over to the Chairman.

CHAIRPERSON MOYA: Thank you Council Member Levin. I now close the public hearing on this application and it will be laid over. This concludes today's hearing. I want to take this opportunity to thank the members of the public, my colleagues, the great Julie Lubin, our counsel and all of the great staff members in our land use department that do a tremendous job. Thank you and this meeting is hereby adjourned.

[gavel]

C E R T I F I C A T E

World Wide Dictation certifies that the foregoing transcript is a true and accurate record of the proceedings. We further certify that there is no relation to any of the parties to this action by blood or marriage, and that there is interest in the outcome of this matter.



Date

August 26, 2018