

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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October 25, 2022  
Start: 10:23 a.m.  
Recess: 12:38 a.m.

HELD AT: 250 BROADWAY - COMMITTEE ROOM, 16TH  
FLOOR

B E F O R E: Kevin C. Riley, Chairperson

COUNCIL MEMBERS:

Shaun Abreu  
Erik D. Bottcher  
David M. Carr  
Farah N. Louis  
Lynn C. Schulman  
Lincoln Restler

A P P E A R A N C E S

Sergey Rybak, 1571 Development, LLC

Ken Fisher, Attorney, Cozen O'Connor

Rachel Scall, Attorney, Cozen O'Connor

Dan Egers, Attorney, Greenberg Traurig

Jay Segal, Attorney, Greenberg Traurig

Rich Dillon, Dillon Realty Interests

Howard Kolins, Boerum Hill Association

Logan Phares, Political Director at Open New York

Reverend A. R. Bernard, Pastor and Founder of  
Christian Cultural Center

Vishaan Chakrabarti, Practice for Architecture  
and Urbanism

Bryan Kelly, Gotham Organization

Melanie Meyers, Attorney, Fried Frank

Bill Wilkins, Executive Director for the Local  
Development Corporation of East New York, East  
Brooklyn BID, and also East Brooklyn Housing  
Development Corporation

Aaron Sanders, Public Policy Director at the  
Association for a Better New York

David Velez, Environmental Consultant with BHB

Kaitlyn Schuster, SEIU Local 32BJ

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

Rick Russo, Chief Operating Officer at the  
Brooklyn Chamber of Commerce

Cynthia McKnight, President of Community  
Education Council 13 and Union Leader of AFGE  
Local 913 of the United States Department of  
Housing and Urban Development

Randy Whittaker, resident of East New York

Kate Cunningham, Director of Government Relations  
at the New York Building Congress

Lynda Hires, resident of East New York

Laurie Midgette, resident of East New York



2 SERGEANT-AT-ARMS: This is a microphone  
3 check. Today's date is October 25, 2022, on the  
4 Subcommittee on Zoning and Franchises. Located on the  
5 16th Floor, Committee Room. Recorded by Steven  
6 Sadowsky.

7 SERGEANT-AT-ARMS: Good morning and  
8 welcome to today's hybrid New York City Council  
9 hearing for the Subcommittee on Zoning and  
10 Franchises.

11 To minimize disruptions, please place all  
12 electronic devices to vibrate or silent mode.

13 If you'd like to submit testimony, please  
14 send via email to [landusetestimony@council.nyc.gov](mailto:landusetestimony@council.nyc.gov).

15 Thank you for your cooperation. Chair  
16 Riley, we are ready to begin.

17 CHAIRPERSON RILEY: [GAVEL] Good morning,  
18 everyone, and welcome to a meeting of the  
19 Subcommittee on Zoning and Franchises. I am Council  
20 Member Riley, Chair of the Subcommittee. This  
21 morning, I am joined by Council Members Louis,  
22 Bottcher, Schulman, Carr, and remotely by Council  
23 Member Moya.

24 Today, we will vote a rezoning proposal  
25 in Brooklyn for the Ninth Street that was heard by

2 the Subcommittee on September 22nd and hold public  
3 hearings for three rezoning proposals also in  
4 Brooklyn for 1571 McDonald Avenue, 280 Bergen Street,  
5 and Innovative Urban Village.

6 Before we begin, I recognize the  
7 Subcommittee Counsel to review the hearing  
8 procedures.

9 SUBCOMMITTEE COUNSEL MARTINEZ-RUBIO:  
10 Thank you, Chair Riley. I am Angelina Martinez-Rubio,  
11 Counsel to the Subcommittee. This meeting is being  
12 held in hybrid format so Members of the Subcommittee  
13 are required to meet in person.

14 Members of the public who wish to testify  
15 may testify in person or via Zoom. Members of the  
16 public wishing to testify remotely were asked to  
17 register for today's hearing. If you wish to testify  
18 and you have not registered already, you can do so  
19 now by visiting the New York City Council website at  
20 [www.council.nyc.gov/landuse](http://www.council.nyc.gov/landuse) to sign up. For those of  
21 you here in the hearing room, please see one of the  
22 Sergeants-at-Arms to prepare and submit a speaker  
23 card.

24 Members of the public may also view a  
25 livestream broadcast of this meeting at the Council's

2 website, and, if you need an accessible version of  
3 any of the presentations shown today, please send an  
4 email request to [landusetestimony@council.nyc.gov](mailto:landusetestimony@council.nyc.gov).

5 When called to testify, individuals  
6 appearing before the Subcommittee will remain muted  
7 until recognized by the Chair to speak.

8 Applicant teams will be recognized as a  
9 group and called first followed by members of the  
10 public.

11 When the Chair or I recognize you, if  
12 you're joining us remotely, your microphone will be  
13 unmuted. Please take a moment to check your device  
14 and confirm that your mic is on before you begin  
15 speaking.

16 Public testimony will be limited to two  
17 minutes per witness. If you have additional testimony  
18 you would like the Subcommittee to consider or if you  
19 have written testimony you would like to submit  
20 instead of appearing here before the Subcommittee you  
21 may also submit that to  
22 [landusetestimony@council.nyc.gov](mailto:landusetestimony@council.nyc.gov). Please indicate the  
23 LU number and/or the project name in the subject line  
24 of your email.

2           Witnesses joining us remotely are  
3 requested to remain in the meeting until excused by  
4 the Chair as Council Members may have questions.

5           Finally, there will be pauses over the  
6 course of this hybrid meeting for various technical  
7 reasons, and we ask that you please be patient as we  
8 work through any of these issues.

9           Chair Riley will now continue with  
10 today's agenda items.

11           CHAIRPERSON RILEY: Thank you, Counsel.  
12 Today, we will vote to approve with modifications LUs  
13 110, 111, and 112 relating to the Ninth Street  
14 Rezoning Proposal in Council Member Hanif's District  
15 in Brooklyn. The Proposal would rezone an existing  
16 M2-1 to an M1-4/R7A zoning district establishing a  
17 new special use district and an MIH program area  
18 utilizing MIH Option 1 as well as grant a special  
19 permit to waive accessory residential parking  
20 requirements. These approvals will facilitate the  
21 development of a new mixed-use building. Our  
22 modification will be to rezone to an M1-4/R6B zoning  
23 district instead of the proposed M1-4/R7A to better  
24 reflect the character of this block and (INAUDIBLE)  
25 build context which was similarly rezoned as part of



2 the recent Gowanus Neighborhood Rezoning while also  
3 maintaining the MIH requirement for the development  
4 site. We will also modify the text amendment to  
5 reflect the zoning district change and to add deep  
6 affordability option. Finally, we will also modify  
7 the zoning special permit to reflect the zoning  
8 district change. Council Member Hanif is in support  
9 of this proposal as modified. Are there any Council  
10 Members with questions or remarks at this time?

11 I will now call for a vote to approve  
12 with modifications LUs 110, 111, and 112 for the  
13 Ninth Street Rezoning Proposal. Counsel, can you  
14 please call the roll?

15 SUBCOMMITTEE COUNSEL MARTINEZ-RUBIO:  
16 Chair Riley.

17 CHAIRPERSON RILEY: Aye on all.

18 SUBCOMMITTEE COUNSEL MARTINEZ-RUBIO:  
19 Former Chair Moya online.

20 COUNCIL MEMBER MOYA: Thank you. I vote  
21 aye on all.

22 SUBCOMMITTEE COUNSEL MARTINEZ-RUBIO:  
23 Chair Louis.

24 CHAIR LOUIS: I vote aye.

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2 SUBCOMMITTEE COUNSEL MARTINEZ-RUBIO:  
3 Council Member Bottcher.

4 COUNCIL MEMBER BOTTCHEER: Aye on all.

5 SUBCOMMITTEE COUNSEL MARTINEZ-RUBIO:  
6 Council Member Schulman.

7 COUNCIL MEMBER SCHULMAN: Aye.

8 SUBCOMMITTEE COUNSEL MARTINEZ-RUBIO:  
9 Council Member Carr.

10 COUNCIL MEMBER CARR: Aye on all.

11 SUBCOMMITTEE COUNSEL MARTINEZ-RUBIO: The  
12 vote currently stands at 6 in the affirmative, no  
13 negatives, no abstentions, and we will leave the vote  
14 open.

15 CHAIRPERSON RILEY: Thank you, Counsel. To  
16 begin today's meeting, I will now open the public  
17 hearing on the Preconsidered LUs relating to ULURP  
18 numbers C-210230 ZMK and N 210232 ZRK relating to the  
19 1571 McDonald Avenue Rezoning Proposal in Council  
20 Member Yeger's District in Brooklyn. This application  
21 seeks a zoning map amendment to rezone an existing  
22 R5/C2-3 zoning district within the Special Ocean  
23 Parkway District to a C4-4L district and the relating  
24 zoning text amendment to map an MIH program area. For  
25 anyone wishing to testify on this item, if you have

2 not already done so, you must register online, and  
3 you may do that now by visiting the Council's website  
4 at [council.nyc.gov/landuse](http://council.nyc.gov/landuse).

5 Counsel, can you please call the first  
6 panel for this item?

7 SUBCOMMITTEE COUNSEL MARTINEZ-RUBIO: If  
8 we could have the panelists join us up here. While  
9 you set up, I'll say your names.

10 While we're having you guys set up, I'm  
11 going to take the vote for Abreu so continuing the  
12 vote for Land Use items 110, 111, 112. Council Member  
13 Abreu.

14 COUNCIL MEMBER ABREU: Aye.

15 SUBCOMMITTEE COUNSEL MARTINEZ-RUBIO: The  
16 vote currently stands at 7 in the affirmative, no  
17 negatives, no abstentions, and we will leave the vote  
18 open.

19 CHAIRPERSON RILEY: Thank you.

20 SUBCOMMITTEE COUNSEL MARTINEZ-RUBIO: Give  
21 me just one second, Chair, while I get the names of  
22 the panelists. I thought there were only two of you  
23 so, Rachel, I have Sergey Rybak and Ken Fisher and we  
24 have a third party. You did submit a card so thanks,  
25 Rachel. Go ahead, Chair.

2 CHAIRPERSON RILEY: Counsel, can you  
3 please administer the affirmation?

4 SUBCOMMITTEE COUNSEL MARTINEZ-RUBIO:  
5 Panelists, can you please raise your right hands and  
6 answer into the mic the following questions. Do you  
7 affirm to tell the truth, the whole truth, and  
8 nothing but the truth in your testimony before the  
9 Subcommittee and in your answers to all Council  
10 Member questions?

11 CHAIRPERSON RILEY: Thank you. For the  
12 viewing public, if you need an accessible version of  
13 the presentation, please send an email  
14 [landusetestimony@council.nyc.gov](mailto:landusetestimony@council.nyc.gov).

15 Now, the applicant team may begin.  
16 Panelists, as you begin, I'll just ask that you  
17 please restate your name and organization for the  
18 record. You may begin.

19 SERGEY RYBAK: Dear Committee, good  
20 morning. Thank you for the opportunity to present. My  
21 name is Sergey Rybak. I'm one of the principals of  
22 the development entity, 1571 Development, LLC. We are  
23 a real estate company in Brooklyn. We operate by  
24 owning buildings, developing buildings, and this is  
25 an opportunity that we sought to embark on

2 approximately 2-1/2 year ago to start this rezoning  
3 process. Currently, the lot we acquired in 2017, and  
4 it is a spa. We came before you a few years ago to  
5 seek a cultural establishment permit which was  
6 granted. Last week I believe, we received our TCO for  
7 a large facility. It's a 50,000 square foot spa.  
8 We're waiting now for our DOH approval which should  
9 happen probably this week. Approximately 2-1/2 years  
10 ago, a furniture store that occupied 30 percent of  
11 the lot went out of business. It created a large  
12 vacancy within this assemblage, and this is what  
13 started this application and this idea to add more  
14 residential housing as part of this new development.  
15 I would like to introduce my team, Rachel and Ken,  
16 who are our counsel, and thank you very much for your  
17 time.

18 KEN FISHER: Good am. I'm Ken Fisher. I'm  
19 a member of the law firm of Cozen O'Connor. We're  
20 land use counsel for the applicant, and Rachel Scall  
21 is my associate. I'm going to do the principal  
22 presentation. She's available in case I get something  
23 wrong as I often do. We also have the project  
24 architect available if that's necessary.

1           If we can get the presentation up,  
2  
3 please, and we'll go to the next slide. The site is  
4 on McDonald Avenue between Avenue M and Avenue No,  
5 and a notable feature about this is, as you can see,  
6 we're basically right where there's an elevated train  
7 line and, in fact, there's a station for the N on the  
8 block. Just want to mention that we did confirm with  
9 the MTA actually even before zoning for accessibility  
10 went into effect and then afterwards that there was  
11 not a suitable opportunity for them to take advantage  
12 of our development to make the station more  
13 accessible. Next, please.

14           We're in the Special Ocean Parkway  
15 District. It is not otherwise affected, and the basic  
16 functions of the Special District are not affected.  
17 What we're proposing to do is to rezone from what is  
18 currently an R5/C2-3 with 1.65 FAR to a C4-4L which  
19 is an R7A equivalent with a 4.6 FAR with MIH. This  
20 zoning designation was actually suggested to us by  
21 the Department of City Planning. They developed it  
22 specifically for corridors like this where you have  
23 an elevated train, an area that's well-served by mass  
24 transit, the commercial as you can imagine underneath  
25 the el is not particularly active, and it's an

2 opportunity to take advantage of the transit for  
3 additional development. We're also proposing, there's  
4 a small piece that you can see on the map on the  
5 right, there' a small piece where the commercial  
6 wraps around. City Planning felt that wasn't  
7 appropriate. The current use is residential so that's  
8 being eliminated. It otherwise doesn't really affect  
9 what our proposal is. Next, please.

10 We are a mid-block site. As Sergey  
11 mentioned, under development is a pretty substantial  
12 spa. It'll have a wonderful facility. It is  
13 multicultural. We think it's going to really help  
14 with the revitalization of the area. The ends of the  
15 block are part of the rezoning application, but  
16 they're not considered soft sites at this point. Most  
17 of the lots are individually owned. At the end of the  
18 block, there's a new four-story community facility  
19 that's being built pursuant to a variance. Next,  
20 please.

21 Just a quick picture of the spa, and  
22 we'll go to the next slide, please.

23 What we're proposing to do is basically  
24 add 116,000 square feet residential space on top of  
25 the spa. We're also going to be adding about 5,500

square feet of commercial space bringing it to a total of 27,700 square feet of commercial space, and the permitted size of the building would be 108 feet. We're accommodating 72 required parking spaces, 37 for the commercial and 35 for the residential. Sometimes things work out in ways that you didn't necessarily anticipate. One of the benefits of doing the building in these two phases is that we're going to be able to use the roof of the spa primarily for parking, which allows us the ability to lift the residential portion up even further than it would've been and, given the proximity to the subway, we consider that a benefit. Next slide, please.

The zoning also provides for us the setback 40 feet for the residential. The commercial is set back 20 feet. There's actually a small point with an initial 5-foot setback, but the residential will be 40 feet back from the trains, and, yes, there is a provision for a little bit of green space and a green roof. I think you'll see that in one of the renderings in a few minutes. Next.

We're proceeding under an environmental assessment. Our analysis showed no significant impacts in any of the categories. I just want to



1 mention that for those of you who know McDonald  
2 Avenue it can be a little bit congested. Most streets  
3 with elevated train lines are. We had our consultant  
4 look particularly close at impacts on traffic as cars  
5 came in and out of the parking, and none were  
6 identified. One of the benefits of the design is that  
7 it has an ample queuing area so we're not expecting  
8 to create any congestion on the sidewalk. We will get  
9 an e-designation because of the proximity to the  
10 subway, and what that basically means is that we'll  
11 have to put in soundproof windows in the building but  
12 nothing out of the ordinary and something that's  
13 become increasingly common as we run out of  
14 development sites in the City. Next, please.

16           This is an illustrative rendering. You  
17 can see that the area behind us is a mix of slightly  
18 smaller apartment buildings as well as lower rise  
19 buildings, but there's a fair number of apartment  
20 buildings, sort of standard building form for that  
21 area nearby. We have an ambitious project. It's not  
22 easy to build on top of an existing building, and  
23 that has some additional costs associated with it,  
24 but the building was designed to meet community needs

which are quite well-documented and quite extensive.  
We can go to the next slide.

In 2017, the Furman Center identified this Community Board as having the third highest severe crowding rate in New York City, and the Community Board's own Statement of Needs notes that families in the district have many children, they need housing to accommodate their large families, and at an affordable rate. Our building has been designed with only two- and three-bedroom apartments. The apartments are designed to be 25 to 30 percent larger than the minimum standards that HPD requires for inclusionary housing so let me just repeat that. Two- and three-bedroom apartments that are 25 to 30 percent larger than the HPD minimum requirements and the units distributed throughout, the finishes will all be identical. This is genuinely intended to meet a bona fide and unique need in the community where we think we can make a contribution. As mentioned, we're having this mapped as MIH Option 2. That's, as you know, an average of 80 percent. We have not sat down with the Council Member or HPD to kind of finalize what the spread will be in terms of those units, but we can say that as best as we can tell from the

2 Equitable Development Data Explorer, there have been  
3 no buildings constructed at this AMI since they began  
4 tracking this data in 2014. In fact, over the past 10  
5 years, this Community Board has added 13,000  
6 residents, but they've only added 1,150 new housing  
7 units. There's not a lot of places for development,  
8 which is why City Planning and the Borough President  
9 both felt that this was an appropriate location,  
10 particularly given its proximity to transit. Last  
11 point I want to make on this before I move on, I  
12 don't have to tell anybody on this Committee that as  
13 soon as you announce you're putting a new apartment  
14 building some place everybody is concerned that it's  
15 going to be the next Williamsburg or the next  
16 Downtown Brooklyn, that it's going to set off a  
17 stampede. Some of you know I had the good fortune to  
18 represent Council Member Restler's District as we  
19 were going through that period of dynamic change, and  
20 since going back to the full-time practice of law  
21 I've been involved with a lot of development projects  
22 around the city, and, in my opinion, this is not that  
23 neighborhood. This is a single apartment building,  
24 and it's going to attract primarily people from the  
25 neighborhood based on the conversations that I've had

2 with any number of residents who feel that they would  
3 like to stay in the neighborhood, that kids can't  
4 stay in the neighborhood, that got priced out of the  
5 neighborhood, but there's no reason to think that  
6 this is going to set off the kind of development rush  
7 that we've seen in other parts of the city when there  
8 are rezonings. Next, please.

9 We're not alone in terms of size. There  
10 are a few buildings that are seven stories or above  
11 nearby, but I also want to call out the next slide,  
12 please.

13 This illustrates that there have been  
14 several rezonings in proximity to our site that were  
15 approved in the past four years, including one at  
16 1881 McDonald Avenue which is permitted to be nine  
17 stories, there's another at nine stories, one at 11  
18 stories, and just two weeks ago the Council approved  
19 an application for 2080 McDonald Avenue which has the  
20 same C4-4L zoning designation and the same condition  
21 that it's alongside of the elevated track so that's  
22 the one at the bottom of the map that we're showing  
23 you, two weeks ago. Next, please.

24 Now, I have to say that the reaction we  
25 got at the Community Board was mixed. As one would

1 expect, some of the neighbors who felt that their  
2 community was being disrupted came out in opposition,  
3 and the Land Use Committee of the Community Board  
4 voted to disapprove the application. When it came  
5 before the full Board, we had developed an  
6 alternative proposal that we thought was responsive  
7 to the comments that we heard. We were prepared to  
8 reduce the height of the building to 88 feet, reduce  
9 the number of dwelling units from 104 to 84, of  
10 course the affordable would've gone down from 37 to  
11 25. We're willing to add some four-bedroom  
12 apartments, which was something that we heard, and a  
13 unique request we were able to accommodate additional  
14 parking in response to what we heard from the  
15 community. Unfortunately, we were not given the  
16 opportunity to present that at the full Land Use  
17 Committee meeting, but there was a robust discussion,  
18 and the upshot of that was that there were 17 votes  
19 in favor of the recommendation to deny, 17 in effect  
20 no votes on the project, but there were also 9 votes  
21 against the Land Use Committee recommendation and 6  
22 abstentions, and as all of you know under the Charter  
23 for this purpose an abstention is counted as a no  
24 vote so effectively this was a 17 to 15 vote to deny  
25

2 the application. The Community Board quite clearly  
3 divided on the appropriateness of what we were doing,  
4 and, again, that was without the benefit of our being  
5 able to present to them the alternative. Borough  
6 President issued a recommendation with some  
7 modifications. I think we're in the process of  
8 accommodating all of those with the exception of his  
9 recommendation to eliminate half the parking, which  
10 we didn't think was in response to what the community  
11 wanted and we'd be happy to answer any questions.

12 CHAIRPERSON RILEY: Thank you so much. The  
13 first question I have is when did you first begin  
14 working on the proposal to redevelop this property  
15 and how did you decide on the proposed density,  
16 height, and mixture of the uses.

17 KEN FISHER: As Sergey mentioned, they  
18 acquired the property back in 2017 and started  
19 planning for the spa and then, after the building was  
20 already in construction, the furniture store that  
21 occupied the rest of the lot went out of business and  
22 they were able to acquire it and that allowed them to  
23 expand the site, and that's when they started to  
24 think of whether or not it was now big enough  
25 (INAUDIBLE) you had a place where you could have cars

2 enter, to be able to do some residential on top. We  
3 approached City Planning 2-1/2 years ago roughly. We  
4 had them provide the zoning designation that we then  
5 pursued. Like a lot of other projects, we were put on  
6 the back burner during the COVID crisis. We're  
7 playing catchup with it, but we were fortunate enough  
8 to get certified into public review this year and now  
9 we're with you. It evolved because the furniture  
10 store became available which was not anticipated when  
11 they began the construction.

12 CHAIRPERSON RILEY: Thank you. Did you  
13 engage with neighbors and those property owners  
14 including in the rezoning area before filing this  
15 application?

16 KEN FISHER: The ownership team is from  
17 Brooklyn. They were spending a lot of time on the  
18 site. They talked to people as they encountered them.  
19 We didn't do any formal outreach to the neighbors,  
20 but one of the things that's unique about this  
21 Community Board was they sent a mailing out to  
22 everyone within a 400- or 500-foot radius to make  
23 sure that they were aware of the public hearing, and  
24 there was a good turnout at the Land Use Committee. I  
25 should say a number of them were critical of us. At

2 the full Community Board meeting, there were at least  
3 20 or 30 people who came to speak in favor of the  
4 project. Unfortunately, they were not given the  
5 opportunity to do that under the format that the  
6 Community Board was using.

7 CHAIRPERSON RILEY: That lived in the same  
8 radius, correct?

9 KEN FISHER: Some of them lived in the  
10 same radius, others live nearby, but all of them were  
11 from that Community Board and most of them were  
12 within walking distance.

13 CHAIRPERSON RILEY: Okay. Would the  
14 proposed new design at nine stories require the same  
15 C4-4L zoning district, and have you looked at any  
16 lower density districts in response to feedback  
17 during the public review process?

18 KEN FISHER: Assuming that that was an  
19 acceptable solution, we would still pursue the same  
20 zoning designation because it has some other  
21 qualities to it that would facilitate the design and  
22 the development. We would expect that the height  
23 limit could be imposed by modification of the  
24 Council. There are some other methodologies for doing  
25 that, but we certainly wouldn't object to a



2 modification that limited the height of the building,  
3 but, again, the envelopes and other factors, parking,  
4 setbacks, all work well with this zoning designation.

5 RACHEL SCALL: Rachel Scall, Cozen

6 O'Connor. Just to add to that, the C4-4L district,  
7 one of the biggest benefits is the setback so what  
8 you have where you have the C4-4L mapped next to the  
9 above ground train, you get to have basically a lower  
10 permitted base height so that you can set back sooner  
11 so that you can get your bulk away from the train so  
12 we're setting back 20 feet when we get to the  
13 residential portion, 20 feet from the street line. We  
14 have a very wide street here, 100 feet wide, very  
15 generous sidewalks. It results in 40 feet back from  
16 the above-ground train lines. That's probably the  
17 biggest benefit of the C4-4L and why we'd want to  
18 seek it even if we were to cap the height lower. At  
19 the ground floor, it also lets you set back the  
20 street wall five feet rather than having to have  
21 maybe a consistent street wall that's in line with  
22 other buildings so you get a sidewalk widening effect  
23 which gets more light and air down to the ground  
24 level. There's a lot of benefits to the C4-4L even if  
25 it ends up that we want to cap the height at 95 feet.

2 We, personally, would love to go to 108 feet as we've  
3 planned, but we would, no matter what, love to hang  
4 on to the C4-4L for the design benefits that come  
5 with it.

6 CHAIRPERSON RILEY: Okay. Thank you. Do  
7 any other Council Members have any questions? Council  
8 Member Louis.

9 COUNCIL MEMBER LOUIS: Thank you, Chair. I  
10 noticed in your presentation four bedrooms. If you  
11 would elaborate a little bit more on that. I noticed  
12 the two-, three-bedrooms, but then in your  
13 presentation you'd mentioned four bedrooms.

14 KEN FISHER: It was something we heard at  
15 the Community Board meeting as the Community Board  
16 Statement of Needs notes and other research into this  
17 area indicates there are a lot of large families in  
18 this neighborhood, and so the request was for some  
19 four bedrooms in order to be able to accommodate  
20 that. Effectively, we can do that by taking two two-  
21 bedrooms and combining them. We haven't done the  
22 final design yet. In part, that'll depend on what  
23 happens with the height limit, but it was clearly a  
24 need that was articulated to us and one that we're  
25 able to accommodate. On a per-square-foot basis, it's

2 not as lucrative for the developer. Quite frankly,  
3 neither are two bedrooms or three bedrooms, and  
4 certainly not apartments that are 25 percent larger  
5 than what HPD would require. We're not trying to  
6 squeeze the last square foot out of the building. We  
7 just think it's better for the community and it's  
8 something that we're fortunately in a position to be  
9 able to accommodate.

10 COUNCIL MEMBER LOUIS: I think over time  
11 it will be lucrative so if this is something that the  
12 Community Board is asking for and you're able to  
13 accommodate it, even if it's a couple, it's something  
14 that should be considered if you want to be a good  
15 partner with the Community Board.

16 KEN FISHER: Council Member, I couldn't  
17 agree more. Not only consider but committed to.

18 COUNCIL MEMBER LOUIS: All right.  
19 Regarding the traffic management plan because you  
20 mentioned congestion earlier and there's a lot of  
21 congestion in this area so where are you in that  
22 process?

23 KEN FISHER: Basically, they'll be two  
24 curb cuts so cars will enter through one, exit  
25 through the other. They'll be the automated controls.

2 They'll be warning, whatever is required by DOB for  
3 that. We don't anticipate that the spa and the  
4 apartments will be generating traffic necessarily at  
5 the same hours. The spa is not necessarily 9 to 5 and  
6 the residential may not be as much at night or during  
7 the day so our traffic consultants looked at it  
8 pretty carefully. They didn't think there would be  
9 any significant impact, and, in fact, they had been  
10 the traffic consultants for one of the other projects  
11 that I mentioned in the 1800 block of McDonald  
12 Avenue. It's the reason we picked them to do as they  
13 were familiar with the area.

14 COUNCIL MEMBER LOUIS: Will that be  
15 presented to the Community Board at some point,  
16 seeing that's one of the things that was brought up  
17 in the Borough President's report?

18 KEN FISHER: I don't think the Community  
19 Board expressed any particular concern. We'd be happy  
20 to go back to them. (INAUDIBLE) is in Brooklyn for  
21 keeps, and we know they'll be other projects,  
22 possibly even in this Community Board, so if it's  
23 something that the Board was interested in, of  
24 course, we'd be happy to talk with them and make a  
25 more detailed presentation. Council Member, as I

2 mentioned, the Community Board members who expressed  
3 themselves and members of the public who expressed  
4 themselves overwhelmingly were calling for more  
5 parking, which we were able to accommodate by doing  
6 valet parking. The Borough President's recommendation  
7 was to eliminate the parking for the commercial,  
8 basically 35, 37 spots. This is perhaps not a  
9 neighborhood particularly with so many families  
10 that's as accommodating of bicycles as his former  
11 district so we have not accepted that recommendation.  
12 We went with the Community Board sentiment to have  
13 more parking.

14 CHAIRPERSON RILEY: Thank you, Council  
15 Member Louis. Council Member Schulman. Council Member  
16 Abreu.

17 COUNCIL MEMBER ABREU: Thank you, Chair.  
18 The parking reference here, are they underground?

19 KEN FISHER: No, no. The parking is  
20 actually in the upper story of what's now the spa  
21 building and it'll be on the roof of the spa building  
22 and then the residential will be set back and  
23 cantilever up so they'll be no residential units at  
24 the level of the parking, but it's all above grade.

2 COUNCIL MEMBER ABREU: Got it. Is it fair  
3 to say that if the parking's were reduced, they'd be  
4 more affordable housing potentially?

5 KEN FISHER: No.

6 COUNCIL MEMBER ABREU: Okay. Thank you.

7 CHAIRPERSON RILEY: Thank you. Council  
8 Member Bottcher.

9 COUNCIL MEMBER BOTTCHEER: Could you  
10 describe what the street frontage would look like?  
11 Right now, it's kind of like long, featureless wall  
12 more or less. What will the proposed street look  
13 like?

14 RACHEL SCALL: If we could go to slide  
15 five. That's actually a photo.

16 SERGEY RYBAK: Hi. We could elaborate on  
17 that in just a little bit. The entire length of the  
18 site is 280 feet. Approximately 180 feet is taken up  
19 by the spa. This is just a portion of the spa.  
20 There's also a garage entrance on the right side,  
21 there were some glass entries on the left side, and  
22 then 30 percent of the site, which is now the vacant  
23 furniture store, would be your conventional  
24 residential entry which would be storefront, typical  
25 kind of storefront material with a garage next to it

2 as well so the entire street is actually engaged with  
3 different materials. There are night lights. There  
4 are various wood, concrete, and then subsequently to  
5 the spa we're planning for stone and glass material  
6 which would be representative of a typical  
7 residential building so very much engaging the street  
8 as opposed to having more of an industrial use which  
9 is your typical car repair which is right across the  
10 street or your auto body or other kind of industrial  
11 uses. Thank you.

12 CHAIRPERSON RILEY: Council Member

13 Restler.

14 COUNCIL MEMBER RESTLER: I just wanted to

15 say that it's always good to see my predecessor and  
16 somebody who really did a terrific job representing  
17 our community, Ken Fisher. Thank you, Ken.

18 KEN FISHER: Thank you, Council Member. He

19 only says that because I'm still a voter in his  
20 district.

21 CHAIRPERSON RILEY: There being no other

22 questions for this applicant team, you are now  
23 excused.

24

25

2 Counsel, are there any members of the  
3 public who wish to testify on 1571 McDonald Avenue  
4 proposal?

5 SUBCOMMITTEE COUNSEL MARTINEZ-RUBIO:

6 Chair, there are no members of the public signed up  
7 to testify online, but I have a couple of speaker  
8 cards who I think they may be the applicant team but  
9 just double checking. Igor and Mark. They're part of  
10 the applicant team so if there's anyone here to  
11 testify on 1571 McDonald, can you please identify  
12 yourself right now?

13 It doesn't look like there's anyone,  
14 Chair, so we can go ahead and close the hearing.

15 CHAIRPERSON RILEY: Thank you. There being  
16 no other members of the public who wish to testify on  
17 the Preconsidered LUs relating to ULURP numbers C  
18 210230 ZMK and N 210232 ZRK relating to the 1571  
19 McDonald Avenue Rezoning Proposal, the public hearing  
20 is now closed, and the item is laid over.

21 To continue with today's meeting, I will  
22 now open the public hearing on the Preconsidered LUs  
23 relating to the ULURP number C 220188 ZMK and N  
24 220189 ZRK relating to the 280 Bergen Street Rezoning  
25 Proposal in Council Member Restler's District in



2 Brooklyn. This application seeks a zoning map  
3 amendment to rezone the existing M1-2 zoning district  
4 to an R7D/C2-4 and an R7A zoning district and a  
5 relating zoning text amendment to map an MIH program  
6 area.

7 For anyone wishing to testify on this  
8 item remotely, if have not already done so you must  
9 register online, and you may do that now by visiting  
10 the Council's website at [council.nyc.gov/landuse](http://council.nyc.gov/landuse).

11 For anyone here in person wishing to  
12 testify, please see one of the Sergeants-at-Arms to  
13 prepare and submit a speaker's card.

14 I would now like to yield my time to  
15 Council Member Restler to give any remarks regarding  
16 this project. Council Member Restler.

17 COUNCIL MEMBER RESTLER: Thank you so  
18 much, Chair Riley. I'd be remiss not to just  
19 recognize Reverend Bernard who is here with us today.  
20 He's one of the most distinguished spiritual leaders  
21 in New York City so it's always good to see you.

22 I want to thank firstly just my staff who  
23 work incredibly hard and do a terrific job,  
24 especially Arvind who's here with us today. He's our  
25 Land Use Director. Arvind Sindhwani guides us through

2 every Land Use application and our Chief-of-Staff  
3 Mariana. Thank you for working so hard and so smart  
4 on behalf of District 33.

5           As a candidate for office, I would talk  
6 with neighbors often about how frustrated I am with  
7 the ULURP process and how broken it is and how it  
8 often feels like the Council Member and a developer  
9 are negotiating in a back room somewhere and let the  
10 community know how this whole thing plays out, and we  
11 wanted to do something different in District 33. I  
12 think we are in the process of achieving that with  
13 this project. Last fall, the development team reached  
14 out to me before I'd even taken office and we sat  
15 down for coffee, and what we laid out together was a  
16 community engagement process that after going through  
17 the Community Board, they would meet on a number of  
18 occasions with a handful of key community leaders,  
19 NYCHA tenant association presidents, civic  
20 association leaders, Community Board representatives,  
21 community-based organization representatives, and  
22 that we as a cohort would work together to give  
23 feedback to the development team to try to make this  
24 a better project.

2 I really want to thank the community  
3 leaders who have taken the time to meet with the  
4 development team and offer their insight and  
5 expertise to try to make this a better project.  
6 Daughtry from Community Board 2, Howard from the  
7 Boerum Hill Association, Miss Bell from the Wyckoff  
8 Gardens TA, Miss Brown from the Warren Street TA,  
9 Sabine and Jay and the whole team at the Fifth Avenue  
10 Committee. Your expertise and your time have really  
11 improved this along the way, and I really deeply want  
12 to thank you.

13 I also want to recognize the developers  
14 for something else they've done here. When they  
15 approached me last fall about this project, I said  
16 plainly my sine qua non was there are two city-owned  
17 lots on this block that they had tight control of for  
18 the next 50 years, you have to give them up so that  
19 we can develop them as truly affordable housing, get  
20 the 100 percent affordable housing we need on these  
21 two city-owned lots that have been used as parking  
22 since before I was born, and I can't frankly think of  
23 a better thing to do as a Council Member than turn  
24 parking lots into 100 percent affordable housing and  
25 for us to do it in one of the wealthiest

2 neighborhoods in Brooklyn is especially important.  
3 There are still many things for us to work through on  
4 this project. I have some ongoing concerns and issues  
5 that I hope that we will work through some of today,  
6 and I know we'll work through in the weeks ahead, but  
7 I think there's a lot here that's been going right  
8 and so I just want to say that in the opening  
9 remarks. Give these folks a chance to share their  
10 schtick and ask some questions and really just,  
11 again, want to thank the community members who have  
12 been working with us so closely to try to get this to  
13 a better place.

14 CHAIRPERSON RILEY: Thank you, Council  
15 Member Restler. Counsel, please call the first panel  
16 for this item.

17 SUBCOMMITTEE COUNSEL MARTINEZ-RUBIO: The  
18 panelists can approach the podium as I call your  
19 name. Dan Egers, Jay Segal, and Rich Dillon.

20 CHAIRPERSON RILEY: Good morning,  
21 gentlemen.

22 Counsel, please administer the  
23 affirmation.

24 SUBCOMMITTEE COUNSEL MARTINEZ-RUBIO:  
25 Panelists, can you please raise your right hand and

2 give me your answer into the mic to the following  
3 question. Do you affirm to tell the truth, the whole  
4 truth, and nothing but the truth in your testimony  
5 before the Subcommittee and in your answers to all  
6 Council Member questions?

7 DAN EGGERS: I do.

8 JAY SEGEL: I do.

9 RICH DILLON: I do.

10 CHAIRPERSON RILEY: Thank you. For the  
11 viewing public, if you need an accessible version of  
12 this presentation, please send an email request to  
13 [landusetestimony@council.nyc.gov](mailto:landusetestimony@council.nyc.gov).

14 Now, the applicant team may begin.  
15 Panelists, as you begin, I'll just ask that you  
16 please restate your name and organization for the  
17 record. You may begin.

18 DAN EGGERS: Sure. Good morning. Dan Egers,  
19 Land Use Attorney at Greenberg Traurig. Good to see  
20 you again, Chair Riley, and of course Council Member  
21 Restler and Committee Members on this foggy morning.  
22 Council Member, thank you for your gracious remarks  
23 before. It's appreciated. Can we get the presentation  
24 up, please? Next, please. Before I begin, I'm joined  
25 here by my colleague, Jay Segal, in case I say

2 something I shouldn't and Rich Dillon representing  
3 ownership.

4 This is application by an affiliate of  
5 the Ulano Corporation to rezone the western portion  
6 of the block bounded by Nevins Street, 3rd Avenue,  
7 Bergen Street, and Wyckoff Street in Boerum Hill so  
8 it is all in a residential zoning district and to map  
9 MIH Options 1 and 2 over the rezoned area. Next,  
10 please.

11 As you see, this is the only  
12 manufacturing zoned block in this area. The M1-2  
13 district was put in place in the early 1970s in  
14 connection with the Bergen Street Urban Renewal Plan  
15 to allow the expansion of Ulano. Ulano manufactures  
16 screen-printing materials. This block's 3rd Avenue  
17 frontage was recently rezoned from an M1-2 district  
18 to an R7D/C2-4 district with one mid-block lot in an  
19 R6B district for a project at 98th 3rd Avenue. Next,  
20 please.

21 This shows our development site and the  
22 site of the 3rd Avenue rezoning. Next, please.

23 The lots in yellow are owned by Ulano  
24 which total 50,000 square feet and are improved with  
25 the one- and two-story buildings you just saw in the

2 photo. Ulano and its predecessors have been on this  
3 block since the 1920s. Ulano has been there since the  
4 early 1970s. They requested the rezoning to the M1-2  
5 district in the '70s then so it could expand. Ulano  
6 is now shifting its operations to facilities in Texas  
7 and Germany. Ulano also leases, as the Council Member  
8 mentioned, parcels from the City totaling about  
9 20,000 square feet which are controlled by HPD  
10 pursuant to a 1973 lease which are shown there in  
11 pink. These parcels are used for accessory parking.  
12 Ulano's lease runs through 2063. The two HPD parcels  
13 are not part of our client's proposed development.  
14 One was rezoned as part of the 3rd Avenue rezoning,  
15 and the other is part of our proposed rezoned area.  
16 Next, please.

17           Once again, here we see the site of the  
18 3rd Avenue rezoning. Next, please.

19           This is along Bergen. Next, please.

20           This shows the Wyckoff frontage of the  
21 site. Next, please.

22           This is from Nevins. Thank you. Next,  
23 please.

24           Here, once again, is the tax map with the  
25 existing zoning to orient us. Next, please.

1                   We are proposing to eliminate the  
2  
3 remainder of the M1-2 district and map an R7A  
4 district in its place. Note that one parcel of ours  
5 in the mid-block, that's lot 42, would be rezoned to  
6 an R7A from an R6B district that was mapped as part  
7 of the 3rd Avenue rezoning. This change would result  
8 in about six additional dwelling units. The full  
9 rezoning area would be mapped for MIH. A portion of  
10 the project as you see there would be in the R7D/C2-4  
11 district that was mapped under the 3rd Avenue  
12 rezoning. The R7D with MIH allows for development of  
13 up to 5.6 FAR and the R7A with MIH allows for up to  
14 4.6 FAR. We believe the proposed R7A district creates  
15 a transition to the lower density areas of Boerum  
16 Hill. Specifically, the rezoning is designed such  
17 that the development site would create a transition  
18 between the 180-foot-tall Wyckoff Gardens buildings  
19 to the south, 3rd Avenue to the east, and the lower  
20 density residential neighborhoods that are to the  
21 west and north. Next, please.

22                   Here are illustrative renderings that  
23 show the preliminary design of the project. Next,  
24 please.



1                   This is Bergen Street looking west. Next,  
2  
3 please.

4                   This is Wyckoff Street. Next please.

5                   These are illustrative (INAUDIBLE) that  
6 show the maximum-sized buildings that could be  
7 constructed in the mid-block. The R7A district with  
8 MIH sets a maximum base height of 75 feet at which  
9 height a 15-foot setback is required from narrow  
10 streets and a maximum height of 95 feet or nine  
11 stories. The rezoning could allow the development  
12 site to be redeveloped with four new buildings. A  
13 nine-story building on Bergen Street could contain  
14 approximately 250 units as well as ground floor  
15 retail and community facility uses. The smaller nine-  
16 story building fronting on Wyckoff could contain  
17 about 46 units. Two three- to five-story townhouse  
18 buildings, one on each side of the block's R6B  
19 district could contain about three to five units  
20 each. Next, please.

21                   Altogether, the contemplated development  
22 would contain about 238,000 square feet of floor area  
23 including about 5,000 square feet of commercial floor  
24 space and 5,000 square feet of community facility  
25 floor space and about 228,000 square feet of

2 residential floor area. The development would contain  
3 about 300 dwelling units. Our application includes  
4 MIH Options 1 and 2, and, as you know, Option 1 would  
5 require 25 percent of 75 units be affordable at an  
6 average of 60 percent AMI, of which 10 percent must  
7 be affordable at 40 percent AMI. Option 2 would  
8 require 30 percent or 90 units here be affordable at  
9 an average of 80 percent AMI.

10 We heard three concerns expressed by the  
11 Community Board. First, the Community Board expressed  
12 concern that given the site's proximity to mass  
13 transit the development should not need required  
14 parking, and we originally proposed 125 parking  
15 spaces so in response to this concern we've begun  
16 applying for a special permit to waive the  
17 development's parking requirement. We have submitted  
18 a draft Land Use application to City Planning along  
19 with a Tech Memo, and we're hopeful for certification  
20 around the end of this year.

21 Council Member Restler, as he mentioned,  
22 has convened multiple meetings of community  
23 stakeholders including members of the Community  
24 Board, Wyckoff Gardens, the President of the Boerum  
25 Hill Association, and we will be speaking with the

2 Council Member again this Friday. In response to  
3 comments from the stakeholders to improve the  
4 development's relation to the surrounding lower rise  
5 buildings to the west, we are agreeing to increase  
6 setbacks for the western edge of the proposed  
7 development, which I'll show in the next slide here,  
8 please.

9           This shows the development setting back  
10 from the development site's western lot line along  
11 Bergen Street above the fourth floor 20 feet at  
12 floors five to seven and floors eight and nine  
13 setting back an additional 10 feet so there's a total  
14 setback of 30 feet. It was previously 10 feet. In  
15 addition, this shows a portion of the development on  
16 Wyckoff flipping its core to its eastern portion to  
17 reduce the height in its western portion. We'd also  
18 heard from some in the community that they could  
19 actually be comfortable with greater height of the  
20 project site if there was greater affordability.

21           Third, affordability. Council Member  
22 Restler has, as he mentioned, asked Ulano to  
23 terminate its lease of the HPD parcels which has over  
24 40 years remaining in order to facilitate a future  
25 HPD proposal on those parcels, and Ulano will agree

2 to do so. We note that the HPD parcels could be  
3 redeveloped with 100 percent affordable housing,  
4 having about 100 affordable housing units. We  
5 understand the Council Member is having conversations  
6 with HPD to seek assurances that HPD will timely  
7 undertake the process to redevelop those parcels.

8           Lastly, I want to recognize my colleague,  
9 Mark Weprin, is here too. Thank you and we welcome  
10 any questions.

11           CHAIRPERSON RILEY: First and foremost,  
12 it's really impressive to see the work that you've  
13 been doing with the community and the Council Member.  
14 This is how we get projects done, and this is how we  
15 make sure and ensure that our community members have  
16 a seat at the table, especially when development is  
17 coming so I just want to start that off and commend  
18 you for the work that you've been doing, especially  
19 with Council Member Restler. It's not easy to please  
20 him so that's a good sign.

21           DAN EGGERS: No comment but thank you.

22           CHAIRPERSON RILEY: To continue, the  
23 Community Board and the Borough President expressed  
24 concern about lack of environmental or green  
25 infrastructure in this plan. Can you please describe

2 the strategies you would employ to meet building  
3 energy requirements and maintain the stormwater on  
4 site.

5 DAN EGGERS: Sure. The chosen contractor  
6 we're contemplating will use green strategies during  
7 construction ranging from leading energy efficient  
8 construction methodology and equipment usage and  
9 process. Under consideration are various measures  
10 that would include the design and building standard  
11 of using predominantly electric power, highly  
12 efficient skin and window systems, green roofs, a  
13 landscaped rear yard potentially serving as a  
14 stormwater infiltration area as well as extensive new  
15 tree planting as permitted along the streetscape, and  
16 ownership does have every intention of designing as  
17 many LAD level specifications as possible.

18 CHAIRPERSON RILEY: Thank you. Does your  
19 plan include any green infrastructure investments  
20 such as rain gardens in the public right of way?

21 DAN EGGERS: We're open to consulting and  
22 coordinating with DEP and DOT on rain gardens.

23 CHAIRPERSON RILEY: Okay. In addition to  
24 the new affordable housing that will be provided on  
25 this site, this development will be adjacent to three

2 different NYCHA developments. How will you ensure  
3 that the commercial space in your building serves  
4 lower income residents and neighbors.

5 DAN EGGERS: As part of the conversations  
6 we're having with the community, we've discussed  
7 potential uses that could be in that space that would  
8 be desired by the community and also potentially  
9 allowing for rents at below market for such uses, and  
10 that's part of the ongoing discussion, and we do want  
11 to see something in that space that would serve the  
12 community.

13 CHAIRPERSON RILEY: Thank you. My last  
14 question. If the rezoning is approved, will you  
15 guarantee that the existing commercial lease on the  
16 HPD properties included in the rezoning area will be  
17 relinquished to the City?

18 DAN EGGERS: Yes.

19 CHAIRPERSON RILEY: Thank you. Council  
20 Member Restler.

21 COUNCIL MEMBER RESTLER: Thank you, Chair  
22 Riley. Just not because he's not up here, thank Mark  
23 for his help and partnership on this one. A bunch of  
24 questions. I'll try to go quickly and ask for kind of  
25

2 quick answers because I know we have other folks  
3 waiting.

4           Firstly, do you all commit to signing or  
5 at the very least making best faith efforts to sign a  
6 Community Benefits Agreement with the Fifth Avenue  
7 Committee and the Boerum Hill Association that  
8 memorializes the various community benefits that we  
9 aim to achieve together on this project?

10           JAY SEGAL: Yes.

11           COUNCIL MEMBER RESTLER: Great. We've gone  
12 through the status of the relinquish city properties.  
13 Actually, where are we in the process, just for the  
14 record, on the relinquishing of the city properties?

15           DAN EGGERS: Sure. We received recently a  
16 draft lease termination agreement from DCAS. The team  
17 is reviewing that, and we expect to provide comments  
18 to that agreement very shortly, in the next few days.

19           COUNCIL MEMBER RESTLER: Okay. Do you  
20 expect for that agreement to be completed or executed  
21 by the time of the City Council vote on this project?

22           DAN EGGERS: Yes.

23           COUNCIL MEMBER RESTLER: Great. The  
24 parking waiver, I think we've covered. One of the  
25 issues that many community members have raised

2 concerns about are the serious chemicals the Ulano  
3 Corporation has used at this site over the years.  
4 Could you share insight into how you'll be  
5 approaching the remediation of this location?

6 DAN EGGERS: Rich, please.

7 RICH DILLON: Yes. Thank you. There is no  
8 evidence that there is a chemical problem from the  
9 site. Most people would describe the operation as  
10 having produced a dye that is used in a screen-  
11 printing operation, not necessarily a chemical  
12 solvent that is dangerous. Nonetheless, our Phase 1  
13 evaluation of the site is indicating that up until  
14 about 1950 that site had been used as a Borden Milk  
15 company distribution site so route trucks would stay  
16 there overnight, be fueled up, loaded with milk to be  
17 delivered to people's homes. There were some diesel  
18 tanks for that operation. Our Phase 1 indicates that  
19 they've been removed properly, and that will be  
20 checked in Phase 2. Likewise, they'll be borings and  
21 a whole host of other issues that will be undertaken  
22 as part of Phase 2 before any demolition permit is  
23 sought. What should be said is that the corner which  
24 has already achieved a rezoning is a gas station, and  
25 that gas station has applied some years ago in the



2 State Environmental Program for leaks. I have more  
3 concerns about that and how to negotiate and work on  
4 the cost issues for that than any other issue, but  
5 all of those, whether it's gasoline or as you  
6 suggested, all of those will be tested and  
7 mandatorily fixed if to the extent they show up.

8 COUNCIL MEMBER RESTLER: You're not at  
9 this time anticipating pursuing the State Brownfield  
10 Program?

11 RICH DILLON: No. We have no suspicion or  
12 concern or reason to.

13 COUNCIL MEMBER RESTLER: Okay.

14 RICH DILLON: The gas station is in that.

15 COUNCIL MEMBER RESTLER: Great. As was  
16 referenced in your earlier comments, we are very  
17 focused on the commercial space at this location. The  
18 primary supermarket that serves the public housing  
19 residents in the Gowanus area is a soft site in the  
20 Gowanus rezoning, and we're very concerned that we  
21 could lose the key access to healthy food and  
22 affordable food for public housing residents in our  
23 community. We are intending to memorialize this in  
24 the Community Benefits Agreement and just wanted to  
25 affirm your commitment to working with us in

2 providing fresh and affordable fruits and vegetables  
3 at prices that are affordable to public housing  
4 residents at this location..

5 RICH DILLON: I can say we're absolutely  
6 committed to working with you and your team on what  
7 you want for both the community space and for the  
8 retail space.

9 COUNCIL MEMBER RESTLER: Great.

10 RICH DILLON: I would say we'd prefer not  
11 to have food preparation because of the extra cost in  
12 fire protection.

13 COUNCIL MEMBER RESTLER: No argument  
14 there. Great. I think that's fine as it relates to  
15 the community facility space as well. As Chair Riley  
16 noted, we do have three public housing developments  
17 in immediate proximity to this location. In the  
18 Community Benefits Agreement, we will hope to  
19 incorporate best efforts around local hiring with a  
20 prioritization of local NYCHA residents as well.

21 DAN EGGERS: Yes.

22 RICH DILLON: We're open to that.

23 COUNCIL MEMBER RESTLER: Final items. One  
24 is on design. We'd like for the setbacks that you  
25

2 shared in the proposed updated designs to be  
3 reflected in the CBA. Any concerns about that?

4 DAN EGGERS: No.

5 RICH DILLON: We're willing to do that.

6 COUNCIL MEMBER RESTLER: Great. We'd like  
7 for you to also agree to consult with the Boerum Hill  
8 Association on the materiality of the site as this  
9 moves forward as well.

10 JAY SEGAL: Be happy to consult with them.

11 COUNCIL MEMBER RESTLER: Thank you. The  
12 last three items are probably the most important.  
13 One, MIH Option 1 would be our preference here. Any  
14 concerns there?

15 DAN EGGERS: No.

16 COUNCIL MEMBER RESTLER: Great. Secondly,  
17 it's important to us that we go above and beyond MIH  
18 in the development projects in our community. I  
19 realize there are a lot of moving parts in the  
20 outstanding negotiations here, but are you all open  
21 to working with us to go above and beyond the floor  
22 that MIH represents to see if more affordable housing  
23 can be achieved at this location?

24 JAY SEGAL: We've been talking to you  
25 about that, Council Member Restler. We feel that by

2 giving up our lease which has over 40 years to go so  
3 that 100 affordable housing units can be constructed  
4 on the former leased property..

5 COUNCIL MEMBER RESTLER: More than 100,  
6 for the record.

7 JAY SEGAL: Yes, you've been dealing with  
8 HPD. That's terrific. Coupled with our 75 under  
9 Option 1, we have close to 200 affordable units  
10 generated by the project, and we would hope that we  
11 would not be asked to go beyond Option 1.

12 COUNCIL MEMBER RESTLER: You will be  
13 asked.

14 RICH DILLON: And I'm sure we'll discuss  
15 it, but I would like to say since you asked it in a  
16 larger forum than we typically discuss, I applaud you  
17 for having led a process that every member of your  
18 community has spoken or can speak, some quite a  
19 number of times, and we have gotten a better project  
20 because of it. The answer that you've asked for is  
21 one that, those parking lots have economic value to  
22 us. They had been used for factory employees. The  
23 factory employees are essentially down to a handful  
24 so community members, some of whom are on your  
25 Community Board, use that for parking. It has

2 economic value, and we all look at numbers, but it  
3 has a value between 5 and 8 million dollars in  
4 present value for the life of the next 40 years.  
5 We're giving that up and giving it up for all the  
6 right reasons. Likewise, the request that we give up  
7 parking has an economic cost. There are people who  
8 like cars, surprisingly, and people who want to have  
9 a parking garage. Like in this previous presentation,  
10 people who want to have a parking garage..

11 COUNCIL MEMBER RESTLER: (INAUDIBLE) Park  
12 and Boerum Hill are very different neighborhoods.  
13 We're the most transit-rich part of Brooklyn,  
14 probably the most transit-rich part of New York..

15 RICH DILLON: Yes.

16 COUNCIL MEMBER RESTLER: United States of  
17 America outside (INAUDIBLE)

18 RICH DILLON: Yes, and the Atlantic  
19 Terminal is a wonderful asset for us all, and, hence,  
20 planners believe in density around assets like that,  
21 so we'd like to continue talking about that, but we  
22 are adverse to that.

23 COUNCIL MEMBER RESTLER: Appreciate the  
24 explanation. It will certainly be a topic of ongoing  
25 conversation in the weeks ahead.

2           The last thing I wanted to ask about is a  
3 concern that community members and others have raised  
4 through this project which is the potential sale of  
5 this property and wanted to affirm, Rich, your  
6 representative's plans to be the developer of this  
7 site and commitment that should a sale happen that  
8 what is memorialized in the Community Benefits  
9 Agreement will be incorporated into any agreement on  
10 the sale of this property.

11           RICH DILLON: Okay. We've been clear.  
12 You've asked the question directly, and I think we've  
13 answered it directly. I represent the owners. I am a  
14 developer. I am a New Yorker who lives in Dallas,  
15 Texas.

16           COUNCIL MEMBER RESTLER: Nobody's perfect.

17           RICH DILLON: I will not be the developer  
18 for this project. As soon as we know the scope of the  
19 project in its totality and because there's not a  
20 421-a at present, we have time. We will go through a  
21 process and seek either a joint venture partner or a  
22 successor. I prefer a joint venture partner. However,  
23 sometimes those discussions become successors. That's  
24 why I think your strong request for a CBA is  
25 important. There will be someone who is in control,

2 that's not me, who will have to follow that, and I  
3 will make sure that's part of the discussion going  
4 forward.

5 COUNCIL MEMBER RESTLER: I appreciate  
6 that. I imagine each of the Council Members up here  
7 and each of our predecessors has seen time and again  
8 projects where we have a handshake agreement and a  
9 reasonable understanding with a developer, the  
10 property gets sold, and all of the work that we put  
11 in to trying to make a project actually better meet  
12 the needs of our community falls to the wayside, and  
13 it does provide a great source of anxiety for me and  
14 I'm sure for many members of my community. I  
15 appreciate that we will memorialize these commitments  
16 in a Community Benefits Agreement, but it does put a  
17 kind of shadow over this entire discussion and  
18 negotiation and agreement of what I think could be a  
19 beneficial project for our community so I have to say  
20 that on the record, that it's an area of concern, and  
21 I hope that the ultimate development team will do all  
22 of the things that we are requiring them to do  
23 through this process.

24 JAY SEGAL: Council Member, as you said,  
25 the CBA will be signed, and you'll be ensured that

2 any joint venture or successor will be made aware of  
3 the CBA and obligated under its terms to comply with  
4 the CBA.

5 COUNCIL MEMBER RESTLER: Okay. It's not a  
6 perfect instrument. It's the best we have. We will  
7 work to make the language as tight as possible, but I  
8 think that as an institution the City Council is  
9 often frustrated by our limitations on how we can  
10 force developers to do the things that they say  
11 they're going to do, and, when properties change  
12 hands, it gets even harder and so we'll do our best  
13 here. We know that you'll work hard in the weeks  
14 ahead to try to meet the needs of our community, but  
15 I just want to say again this is an area of real  
16 concern.

17 JAY SEGAL: Understood.

18 CHAIRPERSON RILEY: Thank you, Council  
19 Member Restler. Any other Council Members have any  
20 questions?

21 COUNCIL MEMBER RESTLER: Can I? Actually,  
22 I forgot to thank the Council Land Use staff. Thank  
23 you to the Council Land Use staff for all your hard  
24 work, Julie and Brian (phonetic), on this. I  
25 apologize.



2 CHAIRPERSON RILEY: Thank you, Council  
3 Member Restler. There being no other questions for  
4 this applicant panel, you are now excused.

5 Counsel, are there any members of the  
6 public who wish to testify on 280 Bergen Street  
7 Proposal remotely or in-person?

8 SUBCOMMITTEE COUNSEL MARTINEZ-RUBIO:  
9 Chair, we have two members of the public to testify  
10 remotely that are in the hearing so while they're  
11 being promoted, I'll make an announcement. Also, if  
12 there's anyone here to testify on this project,  
13 please see one of the Sergeants to submit a card.

14 For the two of you that are waiting to  
15 testify, know that you will be called as a panel, and  
16 when you hear your name being called please prepare  
17 to speak when the Chair says that you may begin.  
18 Please also note that once you're finished with your  
19 testimony, you will be removed from the meeting as a  
20 group. Once removed, you may continue to view the  
21 livestream of the hearing on the Council website.

22 We will now hear from the first panel  
23 which is made up of Howard Kolins and Logan Phares.  
24 I'm sorry, Logan, if I'm mispronouncing your name so  
25 we'll hear from Howard Kolins first.

2 SERGEANT-AT-ARMS: Starting time.

3 HOWARD KOLINS: Okay. Thank you very much  
4 for the time. The Boerum Hill Association supports  
5 this zoning with reservations. Only a few years ago,  
6 a more appropriate six-story building would've been  
7 constructed. However, with MIH, nine-stories as are  
8 reflected in this proposal. This building will tower  
9 over the adjacent four-story brownstones on Bergen  
10 Street and also on Wyckoff, and it runs counter to  
11 the traditional zoning that calls for lower height  
12 mid-block than can be found on 3rd Avenue. However,  
13 we understand and support the need for affordable  
14 housing at all levels so affordable units in our  
15 transit-rich environment are welcomed. We'd like most  
16 of them to be at 60 percent rather than 80 percent  
17 AMI. We've talked about the CBA. We want one that  
18 binds this developer or any successor to building  
19 with the appropriate materials that respect their  
20 surroundings and the setbacks previously mentioned.  
21 The CBA needs to let the community define the use of  
22 ground floor community space, and we certainly could  
23 use a job training center, computer lab, or pre-K.  
24 Council Member Restler's concept of low-cost truly  
25 affordable housing on the City-owned HPD lots is a

1 worthy goal, and we fully support it. While the 33rd  
2 District has gained thousand of affordable units, the  
3 majority are not deeply affordable. We simply do not  
4 have enough of these units. Senior housing would be a  
5 welcome addition here. However, we are uncomfortable  
6 with the projected timetable. The market-rate  
7 building will go forward and the 100 percent  
8 affordable units will follow later, and we do need  
9 them. We are assured that clear commitments will be  
10 made from the City to build this affordable housing,  
11 and we'd like that to be before the zoning is  
12 approved and we realize that's probably not possible.  
13 Community should include all of us. For decades,  
14 Boerum Hill residents have longed for green space in  
15 the from of a dog run. For many, many years, we've  
16 waited for something to happen on this block,  
17 particularly at that large parking lot at Wyckoff and  
18 Nevins. The PS261 and 38 schoolyards provide  
19 recreational space, but a dog run is a different type  
20 of amenity that is truly treasured by the community.  
21 Boerum Hill has very, very little green space. We  
22 have many community facilities although. We are  
23 getting a new jail, a new shelter, and we applaud the  
24 recently opened...

2 SERGEANT-AT-ARMS: Time expired.

3 HOWARD KOLINS: Housing. We do not say no,  
4 but we'd like to see something as an amenity for the  
5 community. We seek balance. Thank you for your time.

6 CHAIRPERSON RILEY: Thank you, Howard. The  
7 next testimony we're going to have is from Logan  
8 Phares. Logan, you may begin if you can hear me.

9 SERGEANT-AT-ARMS: Starting time.

10 LOGAN PHARES: Thank you, Chair Riley,  
11 Council Member Restler, and Members of the  
12 Subcommittee for the opportunity to share testimony  
13 in support of this project. My name is Logan Phares,  
14 and I serve as the Political Director of Open New  
15 York. Open New York is an independent grassroots pro-  
16 housing non-profit. New York is in a housing crisis.  
17 Available jobs in the city have grown far faster than  
18 the number of homes meaning that renters are  
19 competing for the same number of apartments and  
20 landlords hold all of the bargaining power. Right  
21 now, New Yorkers are facing rent increases of up to  
22 50, 60, 70 percent as rent discounts offered during  
23 the pandemic expire. Homelessness is at the highest  
24 rate since the Great Depression. There are over  
25 14,000 children who sleep in city shelters each

1 night, and our shelter system is unequipped to  
2 provide shelter and services to asylum seekers in no  
3 small part because of shelter overcrowding. One of  
4 the many needed long-term solutions to this is to  
5 build more housing.  
6

7           This project would create over 300  
8 residential units including 74 affordable units, both  
9 of which are sorely needed in a city that is facing a  
10 severe housing shortage. The proposal would also  
11 allow for retail and community space. This  
12 neighborhood is exactly where we should focus efforts  
13 to build more housing. The median household income in  
14 2019 for this Community District was 117,000, over 60  
15 percent more than the citywide median income, and the  
16 community is well-served by a number of transit  
17 options. Well-resourced neighborhoods such as Boerum  
18 Hill must do their fair share to build more housing.  
19 Open New York is supportive of all efforts to  
20 maximize the number of affordable units in this  
21 project, and we are particularly excited about the  
22 opportunity for two nearby city-owned lots to be  
23 developed into deeply affordable housing as part of  
24 the rezoning. We also hope to see the parking waiver  
25 to remove all required off-street parking from this

2 project approved. We need to house people, not cars,  
3 and renters who do not own cars should no longer be  
4 forced to subsidize those who do through higher  
5 rents. The City's failure to produce enough housing  
6 has real and direct human consequences, high rent..

7 SERGEANT-AT-ARMS: Time expired.

8 LOGAN PHARES: Segregation, increased  
9 tenant harassment, homelessness, and countless other  
10 problems. We encourage the Council to vote yes on  
11 this project. Thank you for your time.

12 CHAIRPERSON RILEY: Thank you for your  
13 testimony. Are there any Council Members with  
14 questions for this panel?

15 There being no questions for this panel,  
16 the witness panel is now excused.

17 Counsel, are there any more members of  
18 the public who wish to testify on this item?

19 SUBCOMMITTEE COUNSEL MARTINEZ-RUBIO:  
20 Chair, there are no members who signed up to testify  
21 so we can probably do a last call and then close the  
22 hearing.

23 If there's any members of the public  
24 wishing to testify either remotely or in-person,

2 either raise your hand via Zoom or if you can see one  
3 of the Sergeants.

4 It doesn't look like there's any other  
5 members so we can close the hearing.

6 CHAIRPERSON RILEY: Thank you, Counsel.  
7 There being no other members of the public who wish  
8 to testify on Preconsidered LUs related to ULURP C  
9 220188 ZMK and N 220189 ZRK related to the 280 Bergen  
10 Street Rezoning Proposal, the public hearing is now  
11 closed, and the item is laid over.

12 To continue with today's meeting, I will  
13 now open the public hearing on Preconsidered LUs  
14 relating to ULURP C 220312 ZMK and N 220313 ZRK  
15 relating to the Innovative Urban Village (ENY CCC)  
16 Rezoning Proposal in Council Member Barron's District  
17 in Queens. This application seeks a zoning map  
18 amendment to rezone an existing R5 to an R7-2/C2-4  
19 zoning district and the relating zoning text  
20 amendment to map an MIH program area.

21 For anyone wishing to testify on this  
22 item remotely, if have not already done so, you must  
23 register online, and you may do that now by visiting  
24 the Council's website at [council.nyc.gov/landuse](http://council.nyc.gov/landuse).

2           Once again, for anyone with us in person,  
3 please see one of the Sergeants-at-Arms to prepare  
4 and submit a speaker's card.

5           Counsel, please call the first panel for  
6 this item.

7           SUBCOMMITTEE COUNSEL MARTINEZ-RUBIO: I  
8 may need your help in case there's any of you that  
9 I'm not mentioning, but the panel for this item is  
10 Bryan Kelly, Reverend A.R. Bernard, Kirk Goodrich,  
11 Melanie Meyers, and Vishaan Chakrabarti. Did I miss  
12 anyone?

13           CHAIRPERSON RILEY: Counsel, please  
14 administer the affirmation.

15           SUBCOMMITTEE COUNSEL MARTINEZ-RUBIO: Can  
16 you please raise your right hands and answer the  
17 following question into the mic? Do you affirm to  
18 tell the truth, the whole truth, and nothing but the  
19 truth in your testimony before the Subcommittee and  
20 in your answers to all Council Member questions?

21           PANEL: (INAUDIBLE)

22           CHAIRPERSON RILEY: Thank you. For the  
23 viewing public, if you need an accessible version of  
24 this presentation, please send us an email request to  
25 [landusetestimony@council.nyc.gov](mailto:landusetestimony@council.nyc.gov).



2 Now, the applicant team may begin.

3 Panelists, as you begin, I'll just ask that you  
4 please restate your name and organization for the  
5 record. You may begin.

6 REVEREND A. R. BERNARD: Good morning,  
7 Council. Thank you for the opportunity to share our  
8 vision with you. I'm Reverend A. R. Bernard, the  
9 pastor and founder of Christian Cultural Center, a  
10 joint venture partner in this development project. If  
11 we can go to slide 3.

12 Just to give you a little bit of  
13 backstory, it's been a six-year journey to this  
14 moment. It began with a diligent search to find the  
15 right development partner, one who shared our values  
16 and philosophy for community transformation. That  
17 shared values partnership was realized, identified,  
18 and formalized with Gotham, PAU Architects, and  
19 Monadnock. Continuous meetings with local  
20 stakeholders, community leaders, elected officials to  
21 get their input was the number one priority in this  
22 process. Out of those meetings came major adjustments  
23 to our plan as we worked diligently to strike the  
24 right balance between affordability and feasibility.  
25 Our local elected, Charles and Inez Barron, were

1 extremely helpful with this process. From the  
2 beginning, the Urban Village has been driven by a  
3 philosophy supported by four pillars: environment,  
4 people, programs, and sustainability. East New York  
5 has come a long way over the last half century. The  
6 introduction of Starrett City in the 1970s, the  
7 Nehemiah Program in the 1980s, Gateway Center,  
8 Shirley Chisholm Park, and continued affordable  
9 housing development in the area has made a big  
10 difference in the quality of life for many  
11 marginalized New Yorkers. The last decade has seen  
12 aggressive urban renewal and programs and  
13 specifically addressing the social problems that have  
14 plagued our community for years. Christian Cultural  
15 Center's presence in the community has helped to  
16 reduce sex trafficking, gangs, and drugs along the  
17 Flatlands Avenue corridor, improving the quality of  
18 life for our local residents. Through the Urban  
19 Village Program and Project, we have an opportunity  
20 to build on that legacy of positive change. Our  
21 vision is to provide a sustainable community that  
22 allows for upward mobility for lower income bands  
23 without having to leave the community they grew up  
24 in. Not just with housing, but of quality of life  
25

2 with all the ingredients that make a livable,  
3 walkable community of people living and thriving  
4 together. Urban Village seeks to change the narrative  
5 that the only way up is out. It affords a more  
6 educated and upwardly mobile generation to stay in  
7 their community, contributing their creative,  
8 innovative, and intellectual capital while protecting  
9 the lower and working class from the threats of  
10 gentrification. It includes rentals, homeownership,  
11 retail, commercial, medical, educational, vocational  
12 training, cultural and community spaces, a cybercafé,  
13 24-hour childcare, and a performing arts center.  
14 There's a lot of excitement in the community around  
15 this project, and we believe it's a model that can be  
16 accomplished when the spirit of collaboration is  
17 present between government, not-for-profit, and the  
18 private sector. It's a project that I believe we can  
19 all take pride in. Next slide, please.

20           The guiding principles, of course, the  
21 pillars that I shared with you. The Urban Village is  
22 envisioned as an ecosystem of opportunity in which  
23 community members can live, grow, and have access to  
24 the tools and amenities needed to truly thrive.  
25 Income-based intergenerational affordable housing,

2 neighborhood-focused retail, community facilities and  
3 amenities, education and jobs, green living, cultural  
4 arts, and open space. Next slide, please.

5           The key to prosperity, we believe, for  
6 our community are opportunities, opportunities that  
7 can serve from birth through every stage of their  
8 lives. 24/7 daycare, a novel concept that can assist  
9 our working parents when they have overnight shifts  
10 or are working when school is dismissed. A cybercafé,  
11 we need to eradicate the digital divide. Our kids can  
12 use the café to research school assignments, apply  
13 for colleges, use remote learning, be part of a  
14 digital community, and actually have the tools in  
15 their possession to do better, do much better than  
16 what's afforded to them currently. A workforce  
17 training center, having the skills to enter the  
18 workforce or re-enter society serves as a tool to  
19 overcome barriers to economic mobility. The center  
20 will complement the vision of Urban Village by  
21 providing local community residents to access to  
22 skills-based training and opportunities to work on  
23 the construction of this project and others in the  
24 area. Next slide, please.

2 Overview of our plan. The master planned  
3 community in CCC's 10.5-acre East New York campus  
4 consists of 10 new buildings, open space, a street  
5 network to be constructed in phases over an  
6 approximate 10-year period, creation of approximately  
7 1,975 units of 100 percent rent-stabilized,  
8 intergenerational, income-based workforce housing.  
9 The residential plan affords the plan a mix of new  
10 community facilities, neighborhood commercial and  
11 recreational uses to create a 21st century urban  
12 community. Next slide, please.

13 Convenience, neighborhood retail  
14 including fresh food grocery, cultural resources  
15 including a performing arts center, a focus on green  
16 living and increase in publicly accessible open space  
17 including a children's playground, active rooftop  
18 recreational space, and a central quad, a trade  
19 school, as I mentioned, for workforce development,  
20 24/7 daycare and adjacent children's playground, a  
21 shuttle service to nearby subway stations to access  
22 public transportation in this two-fare zone. Next  
23 slide, please.

24 I'm going to turn it over now to our  
25 architect, Vishaan Chakrabarti.

2 VISHAAN CHAKRABARTI: Good morning,  
3 Council Members. Thank you, Reverend Bernard. It's an  
4 honor to be here. It's a privilege to be designing  
5 this great project.

6 The slide in front of you is showing you  
7 the context of this site. As the Reverend said, it's  
8 about a 10.5-acre site located on Flatlands Avenue  
9 between Louisiana Avenue to the west and Pennsylvania  
10 Avenue to the east, Starrett City to the south. The  
11 context varies quite a bit in terms of larger towers  
12 like Starrett City, NYCHA housing as well as some  
13 two- and three-story housing off to the west. It is  
14 in Council District 42, the existing zoning is R5,  
15 and the closest transportation in terms of the subway  
16 is the terminus of the Number 3 and L train, and  
17 there are a variety of bus lanes as well. Next slide,  
18 please.

19 From the beginning, with the Pastor and  
20 with Gotham, there has been an idea for the physical  
21 layout of this project that embodies the pillars that  
22 the Pastor spoke about. First of all that the site be  
23 public, that it be a destination. What you see in  
24 this drawing is that little baseball-shaped element  
25 is the existing Christian Cultural Center. Next to

1 that, we've planned for a major public space as well  
2 as other community facilities and then a strong  
3 street wall of housing along Flatlands, Louisiana,  
4 and Pennsylvania, a lot of solar access from the  
5 south, and a lot of porosity to the existing street  
6 grid. Next, please.

8           We've been following a lot of the  
9 principles that Jane Jacobs laid out but typically  
10 not for neighborhoods like East New York so it's a  
11 pleasure to bring some of these principles to a place  
12 like East New York including mixed use, small blocks,  
13 a mix of existing and new structures, and activated  
14 streetscapes. We've been working very hard to make  
15 sure that every street has storefronts, housing  
16 entrances, and so forth so that the place is made  
17 safe by the community and by the residents and by  
18 street activation in terms of all the variety of uses  
19 that would go on there. Next, please.

20           This image gives you a sense of the  
21 scale. This is the heart of the central quad. You see  
22 to the right of that is the new performing arts  
23 center for about 300 seats as the Reverend mentioned.  
24 There is a commitment from Gotham for very high-  
25 quality buildings here in terms of both materiality

2 of probably the use of a lot of brick as well as  
3 high-quality windows and so forth and high-quality  
4 landscape in terms of the landscape design. Next,  
5 please.

6 I mentioned that all of the open space is  
7 meant to be publicly accessible. There's a major open  
8 space on the corner of Louisiana and Flatlands that  
9 leads you into a network of open spaces around the  
10 Christian Cultural Center in the proposal and to a  
11 central quad. The blue areas are showing how the new  
12 street grid in the site connects to the existing  
13 street grid all around it. I should mention that on  
14 the site that of the 10.5 acres, about 3 acres  
15 including the streets and sidewalks are public open  
16 space, and 6 acres of the 10.5 acres are open to the  
17 sky so it is quite a porous, airy site plan. Next,  
18 please.

19 On the corner of Pennsylvania and  
20 Flatlands, we are planning for a fresh food grocer as  
21 the Reverend mentioned. Next, please.

22 In terms of building heights, as the  
23 Reverend stated, we've been at this for about six  
24 years, and in the last iteration, if you'll just go  
25 to the next slide, you can see that we have lowered



2 building heights in response to community and Council  
3 Member concerns. The building heights were originally  
4 about 10 to 17 stories. They are about 9 to 15  
5 stories now. I should mention that Starrett City to  
6 the south is about 9 to 14 stories. Next, please.

7 In terms of sustainability, and if there  
8 are questions about this we can talk about this in  
9 detail, but we are planning for sustainable buildings  
10 to the extent that we can make them here including  
11 open space which, of course, helps with stormwater  
12 retention and so forth then the last couple of slides  
13 just give you some more images of the design. Next,  
14 please.

15 This shows you the corner of Louisiana  
16 and Flatlands. That is the existing church that you  
17 see, the lower building in the corner. If you're  
18 familiar with this corner today, it is fenced off.  
19 This would be completely open to public, and there  
20 would be this sense of a gateway into the site from  
21 the ballfields and from Louisiana. Next.

22 Within the site, one of the things that  
23 we heard from the local Council Member and the  
24 community was a desire for materials like brick and a  
25 desire for a modulation in scale so we have

1 everything from lower two-story maisonettes that feel  
2 like brownstone environment all the way up to the 14-  
3 story building so it isn't at all a monolithic site  
4 plan. With that, I'm going to turn it over to Bryan  
5 Kelly from Gotham who's going to talk about  
6 affordability and other aspects of the project.  
7

8           BRYAN KELLY: Good morning. Bryan Kelly  
9 with the Gotham Organization. It's an honor to be  
10 here. It's a honor to be a partner of CCC and Pastor  
11 as well as the rest of our team. I'd also like to  
12 open by saying our affordability plan is a byproduct  
13 of community outreach, and I would say the correct  
14 words are that it's custom-made. It's custom-made  
15 after communicating with the Community Board, tenant  
16 associations, local not-for-profits, and our most  
17 esteemed elected officials including the Barrons.  
18 That custom-made plan has led to a process that  
19 evolved in terms of our affordability. We originally  
20 were entering the ULURP certification process and had  
21 bands that went as high as 120 percent of the  
22 citywide AMI. The citywide AMI for a four-person  
23 household is 133,600 dollars. We eliminated that band  
24 at 120 so we entered the ULURP certification, if you  
25 can go to the next slide, with 30 to 60 AMI being

1 half of our homes, 25 percent of our homes between 60  
2 and 80, and 25 between 80 and 100. As we entered the  
3 ULURP process and the certification, there were  
4 nearly a dozen meetings, whether phone calls, Zooms,  
5 or public meetings with the Community Board as well  
6 as participation by our esteemed Council Member  
7 Barron. It was clear from those meetings that a  
8 variety of changes were needed to be made. Next  
9 slide.

11 Those changes were first and foremost  
12 that the community did not feel that 100 percent at  
13 AMI for rentals was a fit. Our team huddled up and  
14 gave that a lot of thought, and, looking at where the  
15 2020 AMIs landed, we agreed. We eliminated it.  
16 Moreover, the community and the Council Member  
17 expressed concern that only 50 percent of the homes  
18 were between 30 and 60 AMI. We made a major change.  
19 We increased to 60 percent of all rental homes  
20 between 30 and 50, I'll talk more specifically about  
21 what 30 to 50, 15 percent between 50 and 60, and 25  
22 at 60 to 80, 80 being the upper income limit. That's  
23 for all of the rentals. The 1,875 rentals would  
24 include 200 rental units for seniors. Homeownership  
25 is a key component of our plan as well. Homeownership

1 would be included in those beautiful maisonettes you  
2 saw in the interior street as well as within a future  
3 condo building within the master plan. Homeownership  
4 would be also included for economic mobility. As  
5 Pastor said, it's the way and not the way out so we  
6 want to create economic mobility. We would include at  
7 least 100 affordable homeownership homes between  
8 maisonettes and condos, half up to 90 AMI and half up  
9 to 100 AMI. To maximize the marketing band of those  
10 homes, we would price the 90 at 83 percent AMI and  
11 the 100 AMI we would price at 93. I can give examples  
12 later what that price point would be. Next slide,  
13 please.

14  
15 Affordability is a function of the  
16 community so we did take a hard look at what those  
17 community incomes are, and that tailored our  
18 commitment to the affordability plan, which I just  
19 presented. Approximately 50 percent of households  
20 within CB5 earn between 25,000 and 100,000. The  
21 average household income based on the American  
22 Community Survey Data for 2019 is 56,103, and the  
23 median household income is 39,163. That informed our  
24 substantial and massive commitment to deep  
25 affordability. As I mentioned earlier, no less than

60 percent of the homes would be between 30 and 50 AMI. Very specifically, of those 60 percent, 20 would be at 30 AMI, 20 would be at 40 AMI, and 20 would be at 50 AMI. I would say on a national scale that is one of the most ambitious, most affordable housing plans in the country. 15 percent of the homes will be at 50 AMI to 60, that's approximately 281 homes of the 1,875 rentals. Then the moderate income from 60 to AMI is paramount for a number of reasons. Economic mobility being one. Secondly is it cross-subsidizes the ability to provide the deep affordability. Our overall plan provides a weighted average AMI of 53 percent. That is at the lower end of the spectrum of the ELLA Term Sheet published by the New York City HPD. That being one of the most significant avenues for us to produce deep affordable housing. The rentals at the 60 AMI, as I mentioned, cross-subsidize the 30 and 40 and 50 AMI. What does that mean? It costs approximately 8,000 dollars per unit to operate a brand new building, not including a mortgage payment. At 30 and 40 AMI, at those rents, they are essentially insufficient to cover operating expenses so the economic ecosystem and the variety of incomes work together as a whole so that income

1 averaging makes this sustainable economically. Next  
2 slide, please.

3  
4           The senior units will be allocated  
5 between studios and one-bedrooms. Of the 1,875  
6 rentals, we will include 200 senior housing units.  
7 Until last evening, we were at 65 to 75 percent of  
8 those as studios. The Council Member and Community  
9 Board members had a discussion with us and asked that  
10 we increase the number of one-bedrooms, and we are  
11 committed to doing so. The non-senior rentals are  
12 targeted to a diverse household size and mix. We  
13 would have 50 percent of our rentals as two- and  
14 three-bedrooms to ensure that we accommodate larger  
15 household sizes. We would have no more than 25  
16 percent studios, and the balance would be one-  
17 bedrooms. All of the rental apartments in every  
18 single building will be proportionally allocated by  
19 income band and unit type, meaning the household  
20 size. Another important consideration is even up to  
21 80 AMI, those with rental assistance will be  
22 accessible to our plan so if you're making 50 percent  
23 AMI and you have rental assistance and there are no  
24 more 50 percent AMI units available, you could gain  
25 access to an AMI home so this is an equitable model

2 and it follows Fair Housing. Last, but very important  
3 to CB5, is that there's a 50 percent Community Board  
4 preference. We fully support it. Next slide, please.

5 Exemplary of what the rents are, these  
6 rents are specifically from the New York City HPD  
7 Rent Calculator. They include a utility allowance for  
8 electric as well as an electric stove. That gives you  
9 a clear eyesight from studios all the way to three-  
10 bedrooms on what the rents would be for the deepest  
11 affordability of 30 AMI and 40 to the highest income  
12 band at 80. All are reflective of a deep discount  
13 compared to the free market in Brooklyn.

14 With that, thank you and I will pass it  
15 along to Melanie Meyers to discuss the Land Use  
16 actions.

17 MELANIE MEYERS: Thank you very much.  
18 Thank you for your time. My name is Melanie Meyers.  
19 I'm an attorney with Fried Frank and Land Use Counsel  
20 for the applicant.

21 There are four actions before the  
22 Subcommittee today. The first is a zoning map  
23 amendment. It would be rezoning the project from the  
24 existing R5 zoning R7-2 with a C2-4 overlay, and that  
25 would allow for the mixture of uses in housing that

2 have been described by the team as well as the nearly  
3 2,000 units of affordable housing on the site.

4           The second action is a zoning text  
5 amendment. The first part of that amendment is an  
6 amendment to Appendix F of the Zoning Resolution, and  
7 that would bring the site into an MIH site under  
8 Option 1. The second text amendment is an amendment  
9 to Appendix I of the Zoning Resolution, and that  
10 would put the site into the transit zone.

11           The third action is a large-scale special  
12 permit that will allow for adjustments to yards,  
13 height and setbacks, and distance between buildings,  
14 and that will allow for the site plan that's been  
15 presented. It will establish the development  
16 envelopes, and it will include the requirements to  
17 create the private street network as well as the open  
18 space within the project.

19           Finally, the fourth action before the  
20 Subcommittee is for a special permit for a 500-space  
21 public parking garage, and that will allow for the  
22 surface parking that exists today to be replaced with  
23 a garage, and that will allow for the performing arts  
24 center, the open space, and the housing in those  
25 areas.



2 We appreciate your time. As has been  
3 said, this has been a long process, one that  
4 benefited greatly from all of the outreach and from  
5 the years of discussion. It was reflected in the  
6 positive recommendations that we received from the  
7 Community Board and Borough President and City  
8 Planning, and we thank you for your time.

9 With that, I will turn it over to the  
10 Reverend. We can go to the next slide, please.

11 REVEREND A. R. BERNARD: Thank you,  
12 Melanie. Next slide.

13 In closing, let me just restate, CCC is a  
14 long-term stakeholder in the neighborhood, 10 years  
15 at 1400 Linden Boulevard and the last 22 years at the  
16 12020 Flatlands address. There's no direct or  
17 indirect displacement in this project. It's 100  
18 percent income-based workforce housing, income-based  
19 affordability, and rent stabilization allows for  
20 families to stay and grow in the community. The  
21 integration of affordable housing, community facility  
22 services, and retail. I'm excited about it, I think  
23 the community's excited about it, and, again, I  
24 believe it's a model to be emulated. Thank you.

2 CHAIRPERSON RILEY: Thank you, Reverend.  
3 I'm excited about this project. This a beautiful  
4 project, and I just want to commend Council Member  
5 Barron for his negotiation skills and making sure  
6 that this is deeply affordable, and 100 percent  
7 affordability is what we really need, especially in  
8 areas like that so Council Member Barron, kudos to  
9 you.

10 Just a few questions. Can you please  
11 confirm the homeless units that you will be setting  
12 aside for this project, if any?

13 BRYAN KELLY: Yes. There are two facets to  
14 that. The first is the Council Member asked us to  
15 include 20 percent within the 30 percent AMI band for  
16 formerly homeless, and we have committed to doing so.  
17 That would be if there was State funding.

18 If there is City funding pursuant to City  
19 Council law, we would also comply with the Council  
20 Member's request but would have to provide 15 percent  
21 of all of the units to be formerly homeless, which  
22 our experience is that it tends to be families in  
23 shelter who need housing stability so we're very  
24 excited about that. The answer to both is yes.

2 CHAIRPERSON RILEY: Thank you. Can you  
3 explain the origins of this proposal, when did you  
4 first begin working on the proposal to redevelop the  
5 unused portions of the Christian Cultural Center  
6 property, and how did the partnership with Gotham  
7 arise, and how did you decide on the proposed  
8 density, height, and mixture of uses?

9 REVEREND A. R. BERNARD: As I stated in my  
10 introduction, this goes back some six years in  
11 process. We spent the first two years from 2014 to  
12 2016 to identify the right partners, partners who  
13 would share our philosophy and our values, and we  
14 found that with Gotham, and then we spent 2016 to  
15 2017 ironing out a joint venture agreement because it  
16 is a 50/50 partnership between Christian Cultural  
17 Center and Gotham. I hope that answers your question.

18 CHAIRPERSON RILEY: Thank you. Can you  
19 please explain how did you decide on the proposed  
20 density, height, and mixture of uses?

21 BRYAN KELLY: Adding on to what Pastor  
22 mentioned is the density and the height was really a  
23 function of six years of charette, an outreach. For  
24 example, Council Member, we originally had at the  
25 corner of Flatlands Avenue and Pennsylvania a 22-

1 story building. We've gone through three or four  
2 master plan iterations so that's meeting with  
3 different tenant associations. Five years ago, Pastor  
4 and I went to the facility that Monadnock runs in the  
5 community to give a presentation, which was an open  
6 public meeting, just to get thoughts and ideas from  
7 folks so it was way before the concept of ULURP,  
8 meeting with not-for-profit organizations and local  
9 stakeholders, including folks like the Wilkins, the  
10 East New York Local Development Corporation, so the  
11 virtues created are first iteration, but five years  
12 of outreach, revisions, and changing and stretching  
13 and revising really led us to where we are, and the  
14 changes have also been ongoing, including at the  
15 Community Board process and now through where we are.  
16 I think that's been successful. I pride myself on  
17 being able to say with Pastor and our partners in the  
18 community we received a 29 to 1 vote in favor at the  
19 Community Board. It's a great Community Board. It's a  
20 tough Community Board, but they want to earn your  
21 trust, and we feel like we've developed and creating  
22 and will continue to build that relationship.  
23  
24  
25

2 CHAIRPERSON RILEY: Thank you. Would the  
3 full project be built in phases and how many years do  
4 you anticipate it would take to be fully completed?

5 BRYAN KELLY: Our estimates pursuant to  
6 the FEIS are 10 years. It will be developed in  
7 phases. It would be developed from Pennsylvania  
8 Avenue working westerly towards Louisiana. We have a  
9 restrictive declaration that we've signed that City  
10 Planning has a hold of on how we would build each  
11 phase, the open spaces we would build and commit to,  
12 what the quality of them includes including down to  
13 the last planter and street tree and bench and the  
14 material of the curbs and roads, and over that 10-  
15 year period we would work our way all the way through  
16 to build each phase. We expect there would be five  
17 phases, 10 years, which would generate this overall  
18 community.

19 CHAIRPERSON RILEY: Thank you. Do you have  
20 plans for how to fund the non-residential portions of  
21 the development such as the workforce training center  
22 and the performing arts center?

23 BRYAN KELLY: We do. That creates and  
24 requires in some sense ingenuity so fundraising being  
25 one, which we think this team is very well-suited to

2 do. Also, there are many other ways to provide for  
3 those, including debt financing, new market tax  
4 credits, grants so there's a whole variety of capital  
5 we can leverage to create those centers. The  
6 workforce development center is paramount to this  
7 project. We're in conversations already with  
8 stakeholders on curriculum, the size of the space  
9 within CCC that we're retrofitting, and to ensure  
10 that that engine is built and running when we put our  
11 shovel in the ground for the first building because  
12 the point of it is to be an economic engine for the  
13 community.

14 REVEREND A. R. BERNARD: And there's  
15 excitement around fundraising, especially with the  
16 performing arts center. We have individuals who are  
17 committed. One is actually in Italy shooting a film  
18 called, I think it's Equalizer 3, and no names  
19 mentioned, but there's a lot of excitement and  
20 fundraising that's going to go into the performing  
21 arts center.

22 CHAIRPERSON RILEY: Thank you, Reverend.  
23 The site is relatively far from the subway. Do you  
24 have any plans to offer shuttle services or work with  
25

2 DOT to improve safety for pedestrians along the  
3 walking route?

4           BRYAN KELLY: Yes. Actually part of the  
5 original plans was to include, aside from the fact  
6 that the site has six different bus lines, including  
7 two express, that provides transit directly or  
8 indirectly to the 3 and the L, both stops, a shuttle  
9 that would be equitably available to all residents  
10 that would run a route from the site to the L as well  
11 as to the 3. It'll probably make at least two,  
12 possibly three, cycles per hour during weekdays in  
13 the a.m. commute, during the afternoon in the p.m.  
14 peak work commute, and then on Sundays to help  
15 alleviate the obvious congestion resulting from CCC's  
16 operations but which is key to the community so it's  
17 an amenity not based on income. It's an amenity based  
18 on one living at the Urban Village or attending or  
19 utilizing one of the community amenities like the  
20 performing arts center, CCC, or the workforce  
21 development center so the site is supported by public  
22 transportation from subway, which is walkable, it's  
23 within or less than half a mile, the buses, which  
24 there are over six routes plus the shuttle. Also key  
25 to that is the design of our plan was to make it

2 livable and walkable and to ensure that those  
3 amenities are resident's fingertip. East New York has  
4 a lot of drive-up retail, and our retail is designed  
5 to be accessible by foot traffic.

6 CHAIRPERSON RILEY: Thank you. Just to  
7 continue with that question, the CCC is an amazing  
8 organization. Do you plan to handle any of the influx  
9 from cars on days when the CCC is hosting services or  
10 events?

11 REVEREND A. R. BERNARD: Absolutely. We've  
12 had 22 years of practice with that, and we will  
13 continue to upgrade our services to that effect.

14 CHAIRPERSON RILEY: Thank you, Reverend  
15 Bernard. Do you have a plan in place to ensure local  
16 hiring and M/WBE participation during construction?

17 BRYAN KELLY: Absolutely, affirmatively  
18 yes. The workforce development is going to be  
19 launched with construction of the first building  
20 specifically for that. Also working through the HPD  
21 Build Up Program targeting absolutely best efforts  
22 for 30 percent M/WBE participation so we view this as  
23 an ecosystem between M/WBEs, the training skills as  
24 well as the workforce development center and then  
25 working with organizations like the East New York



2 Local Development Corporation, the Community Board,  
3 and other local organizations to ensure that there's  
4 visibility, there's skills to identify to increase  
5 mobility within the workforce, and that they have  
6 long-term access to these opportunities.

7 CHAIRPERSON RILEY: Thank you, Bryan.

8 Lastly, which is very important, sustainability and  
9 resiliency measures. I know you briefly talked about  
10 it, but can you just go into more depth what  
11 sustainability and resiliency measures are  
12 incorporated into building design and construction  
13 such as incorporating blue and green, white roof  
14 treatment, Passive House, rain gardens, solar panels,  
15 or wind turbines?

16 BRYAN KELLY: I'll provide some thoughts,  
17 and Vashaan can add in as well. I'll start with the  
18 buildings themselves. We prided ourselves on  
19 developing building envelopes before many others did  
20 by not having (INAUDIBLE) holes in the wall, the  
21 (INAUDIBLE) so our building with the exception of  
22 generator and potentially using gas for hot water  
23 will be all electric from stoves to how it's heated  
24 and cooled, to how it's lit, sensors, and the  
25 envelope would be super tight like a Passive House.

1 Passive House is great, but, again, it's an acronym  
2 and a plaque. We're into creating the end result so  
3 the building would be substantially all electric. The  
4 buildings would include a significant amount of green  
5 roofs but also, more importantly, active roofs. We  
6 tend to program our interior amenity spaces which  
7 includes children's playrooms, computer labs which  
8 we're definitely going to have because it's a  
9 mitigation measure within our EIS and social lounges  
10 so like the modern-day co-living and co-working, and  
11 those spaces tend to be accessible from outdoor  
12 spaces or rooftops so we want to create active spaces  
13 and then separately have all the other roofs be green  
14 or white roofs to comply. All of our appliances, all  
15 of our materials would be forward-looking, energy  
16 star, our envelope would be super-tight and then from  
17 the ground floor up, the site plan includes a massive  
18 amount of storm detention. That is to control flow  
19 into the sewer system which is absolutely paramount  
20 to resiliency including a major flood event. The vast  
21 majority of our site is not in a flood area, but  
22 we're still taking those measures. Moreover, as  
23 Vashaan mentioned earlier, over three acres of our  
24 site is green and over six acres is open to the sky  
25

2 so environment to us is not only materials but is  
3 also the quality of life. Every single building has  
4 light and air exposure on 360 degrees on the site  
5 (INAUDIBLE). That, the systems, the quality of the  
6 environment is health. The rest, a lot are co-driven  
7 and are check the box. We feel like we meet both.

8 CHAIRPERSON RILEY: Okay. My last  
9 question. The parking, how many parking spots did you  
10 state?

11 BRYAN KELLY: The plan includes nearly 400  
12 residential parking spaces. The vast majority of them  
13 are located under buildings 1 to 4 so we'll call that  
14 Phase 1A and Phase 1B. There's also some residential  
15 parking including in the last phase or two.  
16 Separately, there is a 500-space public parking  
17 garage specifically allocated for CCC's functions  
18 which is primarily driven for Sundays but will be  
19 complementary to benefit the commercial, retail,  
20 community facilities like the performing arts center,  
21 the workforce development, etc. because if you're  
22 sleeping on a Sunday morning and you haven't gone to  
23 church or synagogue or worship somewhere and you're  
24 in bed, well, you can't go move your car to allow a  
25 congregant to park so we created separate and

2 distinct parking facilities that will be controlled  
3 so that residents have peace and quiet and enjoyment  
4 use.

5 CHAIRPERSON RILEY: Okay. Are there any  
6 charging stations in the parking garages that you're  
7 thinking about?

8 BRYAN KELLY: That's very important  
9 nowadays. Absolutely. We will have EV parking. I  
10 don't know if it's by law required yet for a certain  
11 amount, but we will definitely have EV parking. At  
12 the time we break ground and for the later phases, it  
13 may be the only thing.

14 CHAIRPERSON RILEY: Yeah, because you said  
15 10 years so I'm just thinking about how the car  
16 dynamics are going within New York City or across the  
17 nation, I think electric cars are going to be  
18 proficient and out there more so just to think about.

19 BRYAN KELLY: We just opened up one of our  
20 affordable housing buildings called Gotham Point in  
21 Long Island City on the waterfront, and we've  
22 installed 15 EV chargers voluntarily so it's  
23 something we believe in.

24 CHAIRPERSON RILEY: Thank you, Bryan. Any  
25 Council Members have any questions? Chair Louis.

2 CHAIR LOUIS: No questions. I just want to  
3 give remarks. It sounds like you're in support,  
4 Chair, so that's a good thing. I just wanted to tell  
5 you that I'm a Starrett City kid. I grew up in  
6 Starrett City, and just to see the upward mobility of  
7 East New York just lets us know that this project is  
8 going to bring sustainability to this neighborhood,  
9 to this community. I'm really happy Council Member  
10 Barron is in support. As you mentioned, he has great  
11 negotiation skills, and I want to thank this team for  
12 taking the recommendations of the Community Board and  
13 working through it. I know it was challenging, but  
14 the fact that you were able to sit with the community  
15 to get to where you needed to be and where they would  
16 like you to be is a good thing so I'm in full support  
17 of this project and want to thank you for your  
18 diligence.

19 BRYAN KELLY: Thank you, Council Member.

20 REVEREND A. R. BERNARD: Thank you.

21 CHAIRPERSON RILEY: Thank you, Chair.

22 There being no other questions for this applicant  
23 panel, you are now excused.

24

25

2 Counsel, are there any members of the  
3 public who wish to testify on Innovative Urban  
4 Village Proposal in-person or remotely?

5 SUBCOMMITTEE COUNSEL MARTINEZ-RUBIO: I  
6 believe we have one person here to testify in person  
7 and several that are here remotely so I can make  
8 announcements, Chair, for the remote panels and then  
9 we can call on the first witness.

10 CHAIRPERSON RILEY: William Wilkins.

11 SUBCOMMITTEE COUNSEL MARTINEZ-RUBIO:  
12 William, if you want to set up while I make the  
13 announcements.

14 For members of the public here to  
15 testify, please note that witnesses will be called in  
16 panels of four. If you're a member of the public  
17 signed up to testify on the proposal, please stand by  
18 when you hear your name being called and prepare to  
19 speak when the Chair or I say that you may begin.

20 Please also note that once all panelists  
21 in your group have completed their testimonies  
22 remotely, you will be removed from the meeting as a  
23 group and the next group of speakers will be  
24 introduced. Once removed, participants may continue

2 to view the livestream broadcast of this hearing on  
3 the Council's website.

4 CHAIRPERSON RILEY: Thank you, Counsel.

5 Members of the public will be given two minutes to  
6 speak. Please do not begin until the Sergeant-at-Arms  
7 has started the clock. Mr. Wilkins, just state your  
8 name for the record and then you may begin.

9 BILL WILKINS: My name is Bill Wilkins.

10 I'm the Executive Director for the Local Development  
11 Corporation of East New York, East Brooklyn BID, and  
12 also East Brooklyn Housing Development Corporation.

13 By virtue of the multiple affiliates  
14 under my direction provides me with a unique  
15 perspective on both economic development and housing  
16 development. Additionally, I've worked in East New  
17 York for the past 22 years. I've also lived in East  
18 New York for 32 years, and I live 13 blocks from the  
19 project site.

20 The LDC has been in service in the East  
21 Brooklyn community for over 40 years growing  
22 businesses, changing lives, and strengthening  
23 communities. I believe this project reaches that  
24 trifecta of doing all three. We've been involved as  
25 one of the first Building Improvement Districts in

2 the City, also the first industrial BID. By virtue of  
3 housing, I've also been a part of, as a non-profit  
4 partner, in the erection of over 500 units of  
5 housing, and we're right now on the ground at 1510  
6 Broadway. I believe I have a unique perspective on  
7 economic development and housing development. This  
8 project, I submit, is a confluence of a lot of  
9 energy, of a lot of outreach, of a lot of  
10 stakeholders really weighing in and I believe it's  
11 something that's heavenly. To be honest, it is  
12 heavenly to sit before you of a project that I cannot  
13 poke any holes at. It brings into the envelope all of  
14 the necessary elements that we need in East New York  
15 as we start to see the Manhattan-ization of Brooklyn  
16 finally reach our shores. What's imperative is that  
17 those indigenous businesses, residents, and  
18 institutions that have experienced decades of neglect  
19 finally are at the table to shape what the  
20 transformation is going to be. By touching all of the  
21 buckets which include parking, and I submit to you  
22 parking is extremely important, even if it's transit-  
23 rich. I don't know what those other panelists were  
24 talking about, but you talk to residents, they're  
25 looking for parking and people are taking a lot of



2 time, but there's parking, there's vocational  
3 training, there's homeownership, there's residential,  
4 there's seniors, there's affordable band so this is  
5 truly what we call bottom-up development. Instead of  
6 having developers who are interlopers, poachers, and  
7 outsiders coming into exploit assets in our  
8 community, this is the reverse of that. It's bottom-  
9 up development and also middle-out with the  
10 homeownership application. I thank you for the time  
11 to present my comments today.

12 CHAIRPERSON RILEY: Thank you, Mr.  
13 Wilkins. You are now excused. Thank you.

14 The next panel that we're going to be  
15 calling up remotely, Aaron Sanders, David Velez,  
16 Kaitlyn Schuster, Rick Russo. First, I would like to  
17 call on Aaron Sanders to begin.

18 SERGEANT-AT-ARMS: Starting time.

19 AARON SANDERS: Good afternoon, Chair  
20 Riley and Members of the Subcommittee on Zoning and  
21 Franchises. My name is Aaron Sanders, and I'm the  
22 Public Policy Director at the Association for a  
23 Better New York. Thank you for the opportunity to  
24 provide testimony on behalf of ABNY. On August 24,  
25 2022, I delivered testimony to the City Planning

Commission in support of this project. Today I hope to convey to the Committee the importance of this project and its value to East New York. ABNY is a non-profit organization representing community stakeholders including corporations, non-profits, unions, government authorities, educational, cultural, and health institutions dedicated to the advancement and support of New York City's people, communities, and businesses. ABNY's mission is to promote connections between the public and private sectors to make New York City a better place to live, work, and visit for all.

The Innovative Urban Village Project is vital to the community of East New York Brooklyn. Housing insecurity and affordability are problems that persist in New York City aggregately. However, neighborhoods like East New York are facing the brunt of this crisis. According to a May 2022 report from the Association for Neighborhood and Housing Development, the rate of evictions for every 1,000 filings was 25.2 percent. Community Board 5 in Brooklyn ranks in the top 20 in evictions. Since this data shows that only 9 percent of affordable housing stock was available to residents who live in East New

2 York. In other words, there's a scarcity of housing  
3 for those who need it most. Notably, in the same  
4 year, 33 percent of households were categorized as  
5 severely rent-burdened, and 29 percent of those  
6 households were surveyed to be generally rent-  
7 burdened. This data suggests that the housing crisis  
8 is negatively impacting the residents of East New  
9 York. Importantly, this project received overwhelming  
10 support from Community Board 5 during its review at  
11 the ULURP stage. This project received a favorable  
12 vote of 22 to 1. A vote of this magnitude shows  
13 community consensus around this project.

14 In conclusion, after reviewing the merits  
15 of this project and the thoughtful recommendations  
16 from various stakeholders, ABNY supports the  
17 development of the Innovative Urban Village. This  
18 project encourages economic growth, sustainable  
19 housing, and innovative childcare options for New  
20 Yorkers, and we encourage the Committee to consider  
21 this comprehensive value-add of this project to the  
22 Brooklyn community. Thank you for your time.

23 CHAIRPERSON RILEY: Thank you, Aaron. The  
24 next testimony will come from David Velez. David, if  
25 you hear me, please unmute and you may begin.

2 SERGEANT-AT-ARMS: Starting time.

3 DAVID VELEZ: Good morning. I am David  
4 Velez. I'm the Environmental Consultant with BHB for  
5 the project, and I was just available for questions  
6 only.

7 CHAIRPERSON RILEY: Okay. Thank you,  
8 David. The next person to testify will be Kaitlyn  
9 Schuster. Kaitlyn, if you hear me please unmute and  
10 you may begin.

11 SERGEANT-AT-ARMS: Starting time.

12 KAITLYN SCHUSTER: Thank you so much. Good  
13 morning, Chair Riley and Committee Members. My name  
14 is Kaitlyn Schuster. I'm here today representing SEIU  
15 Local 32BJ. 32BJ is the largest property service  
16 workers union in New York representing over 85,000  
17 union members across the city. Our union is in strong  
18 support of this project. 32BJ is happy to show  
19 support for developers who invest in the communities  
20 where they build. Our union supports new development  
21 that upholds industry standards and provides  
22 opportunities for working families to not just  
23 survive but thrive. That's why we are here in support  
24 today. The developer, Innovative Urban Village, has  
25 demonstrated that they intend to invest in the

community where this project will be built. To start, the developer reached out to 32BJ early in the process and is committed to creating prevailing wage jobs for the workers who will permanently staff this site. We estimate that the rezoning will allow for the creation of over 30 new property service jobs. Good jobs like these mean prevailing wages, meaningful benefits, and a pathway to the middle class for the local community members who tend to fill such positions. In addition to the important job creation that will come from this project, the developer has proposed the construction of thousands of units of badly needed affordable housing. This development will create nearly 1,900 truly affordable rental units. This is new housing that our members, many of whom are long-time residents of central Brooklyn, and our neighbors badly need as the housing crisis worsens. Of course, as we've heard, beyond good jobs and affordable housing, there are numerous other benefits included in this development that make it worthy of approval. For all of these reasons, 32BJ is in strong support of this rezoning. Thanks for your time.

2 CHAIRPERSON RILEY: Thank you. The last  
3 person to testify on this panel is Rick Russo. Rick,  
4 if you can hear me, please unmute and you may begin.

5 SERGEANT-AT-ARMS: Starting time.

6 CHAIRPERSON RILEY: Rick, you have to  
7 unmute.

8 RICK RUSSO: Sorry about that. Good  
9 afternoon. Thank you for the opportunity. My name is  
10 Rick Russo, and I am the Chief Operating Officer at  
11 the Brooklyn Chamber of Commerce, but I am delivering  
12 testimony on behalf of Randy Peers, President and CEO  
13 of the Brooklyn Chamber of Commerce, a borough-wide  
14 membership and economic development organization  
15 dedicated to helping businesses through four  
16 channels, promotion, support, advocacy, and  
17 convening. The Brooklyn Chamber believes this  
18 development is beneficial for East New York and its  
19 residents. First and foremost, the Christian Cultural  
20 Center is a reputable longstanding community member  
21 that has the best interest of the community at heart.  
22 This project will create housing opportunities for  
23 family of various sizes and incomes. Their plans call  
24 for nearly 2,000 units of (INAUDIBLE) housing, all of  
25 which would be income-restricted, ranging from 30

1 percent to 100 percent of AMI and 200 of units of  
2 which would be set aside for seniors, our most  
3 vulnerable population. There are also 100 units of  
4 affordable homeownership that will provide our  
5 residents and families the ability to establish  
6 themselves here for the long-term and build  
7 generational wealth. Secondly, the plan will create  
8 opportunities for local entrepreneurs and business  
9 owners to open businesses and employ its neighbors.  
10 The Center plans to incorporate a host of services  
11 and amenities that will not only serve the residents  
12 of the new buildings but the broader community as  
13 well. This will benefit residents from across the  
14 street as well as the broader East New York  
15 neighborhood. These services include GED programs,  
16 childcare programs, career counseling, vocational  
17 training, a performing arts center, and open green  
18 space to name a few. Based on our experience in  
19 Brooklyn and East New York specifically, we believe  
20 it will drive economic growth and benefits to the  
21 local business community. It creates a total 1,975  
22 units of housing. The plans offer all these housing  
23 units to be income-based and affordable. A large  
24 portion of these units will be reserved for  
25

2 households with lower incomes, ensuring that members  
3 of the East New York community can afford to move in.  
4 Also, 200 of these affordable housing units would be  
5 reserved for seniors and 100 units would be  
6 designated for homeownership. It includes many  
7 benefits that will be available to the public.

8 SERGEANT-AT-ARMS: Time expired.

9 RICK RUSSO: Performing arts center,  
10 school, playground, 24/7 childcare, green space,  
11 retail, parking, and shuttle service to nearby  
12 transit stations. It creates economic opportunities  
13 for community members. This project will create  
14 locations for local businesses that serve our  
15 community to open up shop. These businesses will  
16 bring local retail jobs to East New York. I look  
17 forward to continuing to work with the Christian  
18 Cultural Center on this project and furthering the  
19 needs and aspirations of East New York residents, and  
20 I urge the City Council to vote to approve this  
21 project. Thank you so much.

22 CHAIRPERSON RILEY: Thank you so much,  
23 Rick. The next panel we're going to call up is  
24 Cynthia McKnight, Janice Smith, Randy Whittaker, and  
25



2 Kate Cunningham. Cynthia McKnight, if you can hear  
3 me, please unmute and you may begin.

4 SERGEANT-AT-ARMS: Starting time.

5 CYNTHIA MCKNIGHT: Good afternoon,  
6 everyone. My name is Cynthia McKnight, President of  
7 Community Education Council 13 and union leader of  
8 AFGE Local 913 of the United States Department of  
9 Housing and Urban Development, HUD.

10 I'm here to express my support for the  
11 Christian Cultural Center's Innovative Urban Village  
12 project in the East New York neighborhood of  
13 Brooklyn, New York. Based on working on this project,  
14 I believe this development is beneficial to East New  
15 York and its residents. As was shared, the project  
16 would give a lot of needed apartments and housing to  
17 the East New York neighborhood. As a person who grew  
18 up in Linden Houses in East New York, I know the  
19 importance of safe and affordable housing. The  
20 Innovative Urban Village project will create a total  
21 of 2,050 units of housing as was discussed earlier,  
22 and I just wanted to stress that we are in a housing  
23 crisis, and many black and brown families cannot  
24 afford to remain in the city. A large portion of  
25 these units in this project will be reserved for

2 households with lower incomes ensuring that East New  
3 York community members can afford to move in, and,  
4 also as was shared, I wanted to just reiterate is  
5 that 200 of these affordable housing units will be  
6 reserved for seniors. This will positively change the  
7 trajectory of many of the most vulnerable  
8 populations, and what is really dear to me is their  
9 homeownership component of this project. As we all  
10 know, with systemic racism that was caused by  
11 agencies that I work for, it's HUD with redlining,  
12 that a lot of black and brown people, it's one of the  
13 reasons for the low homeownership rate so having  
14 these 100 units of affordable homeownership is  
15 really, really important for our community.

16 In closing, I urge the Subcommittee on  
17 Zoning and Franchises to vote to approve this  
18 project. Thank you.

19 CHAIRPERSON RILEY: Thank you so much. The  
20 next person to speak will be Janice Smith. Janice, if  
21 you can hear me, please unmute and you may begin.

22 SERGEANT-AT-ARMS: Starting time.

23 JANICE SMITH: Hi. Thank you so much for  
24 the opportunity to just make my brief comment on the  
25 IUV project, which I call it IUV for short. This

2 project to me is, the word for it for me is hope. As  
3 a homeowner from Louisiana, I'm with my husband over  
4 the past 20-odd years, I cannot say much, but what I  
5 will say is Pastor Bernard and the team have  
6 addressed the social, emotional, physical, spiritual,  
7 financial, educational, health, well-being of the  
8 community and the surrounding community. That's why  
9 for me, the name I give this project is hope. I  
10 support it fully. Thank you.

11 CHAIRPERSON RILEY: Thank you so much,  
12 Miss Smith. The next person to speak will be Randy  
13 Whittaker.

14 SERGEANT-AT-ARMS: Starting time.

15 RANDY WHITTAKER: Good afternoon. My name  
16 is Randy Whittaker, and I am a resident of East New  
17 York. I'm here to lend my support of the Innovative  
18 Urban Village project. We are all aware that our  
19 community suffers from high unemployment and lack of  
20 opportunity. It takes real local leadership to guide  
21 us to prosperity. The Christian Cultural Center plans  
22 to incorporate several services that will benefit the  
23 residents of East New York and beyond. These include  
24 GED programs, childcare program, career counseling,  
25 and vocational training. In order for our kids,

2 grandkids, nephews, and nieces to succeed, they need  
3 tools to achieve success. It is critical that our  
4 community receives their planned 24/7 daycare and  
5 workforce training center that the project will  
6 bring. It takes a village to raise our children, and  
7 the resources that the Innovative Urban Village  
8 proposes will help our children to learn, earn, pay  
9 it forward to future generations in East New York. I  
10 welcome the Innovative Urban Village, and I hope your  
11 Committee finds favor upon the project. Thank you.

12 CHAIRPERSON RILEY: Thank you, Mr.  
13 Whittaker. The last panel on this panel to speak is  
14 Kate Cunningham. Kate, if you can hear me, please  
15 unmute and you may begin.

16 SERGEANT-AT-ARMS: Starting time.

17 KATE CUNNINGHAM: Good afternoon, Chair  
18 Riley and Committee Members. My name is Kate  
19 Cunningham. I'm the Director of Government Relations  
20 at the New York Building Congress, and I'll be  
21 testifying on behalf of our President and CEO, Carlo  
22 A. Scissura.

23 On behalf of more than 550 constituent  
24 organizations and 250,000 skilled tradespeople and  
25 professionals, we testify today in support of the

1 Innovative Urban Village project as we firmly believe  
2 the plan will be truly beneficial for East New York  
3 and its residents. As we all know, New York City is  
4 currently facing the dire realities of a housing  
5 crisis. More housing development is needed now more  
6 than ever, and the Christian Cultural Center is a  
7 perfect candidate to lead the charge. The Center  
8 under the dedicated magnificent leadership of  
9 Reverend Bernard with whom Carlo has had the pleasure  
10 of working closely with in the past is a reputable,  
11 longstanding community member that has the best  
12 interest of the community at heart. Throughout their  
13 partnership with Gotham Organization and Monadnock  
14 Development and over the course of their engagement  
15 with the community over the last six years, the  
16 Center has incorporated community feedback including  
17 reducing the heights of some buildings and  
18 eliminating higher income tiers above 80 percent of  
19 AMI, which they just explained at length. The  
20 Innovative Urban Village's plan will quintuple the  
21 number of homes on the block, building a  
22 transformative new micro-neighborhood on what is  
23 currently 10 acres of surface parking. The project  
24 will create housing opportunities for families of  
25

2 various sizes and incomes with 75 percent of all  
3 rented units being between 30 percent to 80 percent  
4 of AMI, making it one of the most affordable projects  
5 of this scale in all of New York City. The  
6 development also includes 100 affordable  
7 homeownership units which will allow residents to  
8 gain financial security and build equity for  
9 generations to come. The development would provide  
10 residents with an abundance of transportation methods  
11 including nearly 900 parking spaces, shuttle service  
12 to the nearby L and 3 trains, and bus rapid transit  
13 on the Southern Brooklyn B82 SBS. The integration of  
14 affordable rental housing, homeownership, community  
15 facility services, and retail in this transit-rich..

16 SERGEANT-AT-ARMS: Time expired.

17 KATE CUNNINGHAM: Neighborhood is a win  
18 for the direct community and New York as a whole. The  
19 New York Building Congress is proud to support the  
20 Innovating Urban Village project.

21 CHAIRPERSON RILEY: Thank you, Kate. This  
22 panel is now excused. The last panel we'll call up is  
23 Lynda Hires and Laurie Midgette.

24 SERGEANT-AT-ARMS: Starting time.

2 CHAIRPERSON RILEY: Lynda, if you can hear  
3 me, please unmute and you may begin.

4 LYNDA HIRES: Yes, can you hear me?

5 CHAIRPERSON RILEY: Yes, we can hear you.

6 LYNDA HIRES: Okay. Good morning to  
7 everyone attending this hearing today. My name is  
8 Lynda Hires. I am a retiree who lives in East New  
9 York, and I also am a member of CCC for many years. I  
10 absolutely support the creation of Christian Cultural  
11 Center's Innovative Urban Village. I believe this  
12 project under the leadership of Pastor A. R. Bernard  
13 will benefit my generation and future generations to  
14 come by providing not only affordable housing but, in  
15 addition, the following, senior housing, affordable  
16 homeownership, a community playground, a new  
17 performing arts center, childcare facility,  
18 vocational training, and a shuttle service, and much,  
19 much more. This project gives me hope for a brighter  
20 future in my community. Thank you for your time.

21 CHAIRPERSON RILEY: Thank you so much,  
22 Lynda. The last person to testify will be Laurie  
23 Midgette. Laurie, if you can hear me, please unmute,  
24 sorry if I mispronounced your last name, and you may  
25 begin.

2 SERGEANT-AT-ARMS: Starting time.

3 LAURIE MIDGETTE: Good morning and thank  
4 you for this opportunity to speak. My name is Laurie  
5 Midgette. I've been a member of the East New York  
6 community since 1988 when I become a teacher,  
7 assistant principal, and now principal for the last  
8 35 years. I have helped raise a whole lot of children  
9 in East New York, and many of my students have come  
10 of age and are now in their 30s and 40s. They're  
11 raising families, and they're ready to be homeowners,  
12 businessowners, and entrepreneurs in the community  
13 where they grew up. They are the parents of my grand-  
14 students. East New York is their home, and it's my  
15 home too. I clearly remember this community the way  
16 it was in the 80s and 90s and all that was happening  
17 in the streets with our families and to our children.  
18 The one constant that enabled us to change this  
19 community around was the support of the religious  
20 leaders and clergy that walked the streets with us,  
21 providing resources that could help save our  
22 community, and one of those churches is CCC which has  
23 been my church for 30 years. I can testify that Dr.  
24 Bernard, his wife, and the congregation of CCC are  
25 personally invested in the East New York community,



1 especially the children and youth. Investment means  
2 one thing on Wall Street, but it means something  
3 totally different in the hood and our community among  
4 neighbors and friends. Investing in our community  
5 means you have to put some time, care, and attention  
6 into something that we can see with our eyes, touch  
7 with our hands, and feel in our hearts, something  
8 that has made a difference in people's lives, and  
9 Pastor Bernard and CCC understand the assignment and  
10 continue to give 110 percent. For decades, they've  
11 gone above and beyond to do a good job, lifting the  
12 spirit of this community and insisting that elected  
13 officials and government agencies and federal  
14 programs make us a priority. For all those things  
15 that will be borne from this project, the affordable  
16 housing, daycare, senior services, small business  
17 opportunities, positive quality of life to name a  
18 few, I strongly support the Innovative Urban Village  
19 project. It will not only dismantle generational  
20 disparities and systemic inequity that have plagued  
21 East New York, this project is a viable pathway to  
22 accelerate revitalization among an essential  
23 demographic. This gift must be delivered to...

24  
25 SERGEANT-AT-ARMS: Time expired.

2 LAURIE MIDGETTE: Community with all due  
3 speed. Thank you for your time this morning.

4 CHAIRPERSON RILEY: Thank you so much.  
5 We'll do a last call. If there's any members of the  
6 public who wish to testify remotely on Innovative  
7 Urban Village proposal, please raise your hand now.  
8 If you're in the room, please see the Sergeant-at-  
9 Arms to let them know that you want to speak. We'll  
10 stand at ease for 30 seconds.

11 There being no other members of the  
12 public who wish to testify on the Preconsidered LUs  
13 relating to ULURP C 220312 ZMK and N 220313 ZRK  
14 relating to the Innovative Urban Village Rezoning  
15 Proposal, the public hearing is now closed, and the  
16 items are laid over.

17 SUBCOMMITTEE COUNSEL MARTINEZ-RUBIO:  
18 Chair, before we adjourn, I will just close the vote  
19 for Land Use items 110, 111, and 112. The final vote  
20 is 7 in the affirmative, no negatives, no  
21 abstentions.

22 CHAIRPERSON RILEY: Thank you, Counsel.

23 SUBCOMMITTEE COUNSEL MARTINEZ-RUBIO: I  
24 will just say the items are approved and will be  
25 referred to the full Land Use Committee for a vote.

2 CHAIRPERSON RILEY: Thank you, Counsel.  
3 That concludes today's business. I would like to  
4 thank the members of the public, my Colleagues,  
5 Subcommittee Counsel, Land Use, and other Council  
6 staff, and the Sergeant-at-Arms for participating in  
7 today's hearing.

8 This meeting is hereby adjourned. Thank  
9 you. [GAVEL]

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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 November 6, 2022