

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 24, 2017  
Start: 1:29 p.m.  
Recess: 3:27 p.m.

HELD AT: Council Chambers - City Hall

B E F O R E: DONOVAN J. RICHARDS  
Chairperson

COUNCIL MEMBERS:

DANIEL R. GARODNICK BRADLEY  
JUMAANE D. WILLIAMS  
ANTONIO REYNOSO  
RITCHIE J. TORRES  
VINCENT J. GENTILE  
BARRY S. GRODENCHIK  
MARGARET CHIN  
STEPHEN T. LEVIN

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

Artti Pearson  
Director of Land Use from HPD's Office of  
Governmental Relations

Ken Spillberg  
Director of Mixed Income Programs at New York  
City Department of Housing Preservation and  
Development

Nick Bradley  
Owner of Sidewalk Café, Kio Restaurant LLC

Megan Brosterman  
Owner and Manager of Coop at 157 Duane Street,  
Resident and Board Member of the Coop

Lisa Orrantia  
Attorney at Akerman LLP

Casey Martinez  
Director of Development at United American Land,  
LLC

Richard Lobel  
Land Use Attorney at Sheldon Lobel, P.C.

Justin Sinclair  
Member of 32BJ SEIU

Carol Samol  
Director of the Department of City Planning's  
Bronx Office

Oscar Oliver-Didier  
Urban Designer for the Department of City  
Planning's Bronx Office

James Power  
Kramer Levin Naftalis and Frankel on behalf of  
Pantheon Properties

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

Lissa So  
Partner at Marvel Architects

Ken Cohen  
Founder and President and CEO of Pantheon  
Properties

[gavel]

3 CHAIRPERSON RICHARDS: Alright, good  
4 afternoon. I'm Donovan Richards, Chair of the  
5 Subcommittee on Zoning and Franchises and today we  
6 are joined by Council Members Gentile, Garodnick,  
7 Reynoso, Torres, Grodenchik, Levin and Barron. We  
8 have ten applications on our calendar today. We're  
9 going to start out with a brief hearing on a tax  
10 exemption application then we'll be holding a vote on  
11 this and several other applications that were laid  
12 over from our last meeting. We will then continue  
13 with public hearings on the remaining items on our  
14 calendar. Our first public hearing is on the Linden  
15 Boulevard Article 11 tax exemption. This application  
16 was submitted by HPD and is, is related to the Linden  
17 Boulevard rezoning that we held a public hearing on  
18 last week. The tax exemption is necessary to  
19 facilitate the anticipated affordable housing  
20 development on this site. I will now open the public  
21 hearing for this preconsidered tax exemption  
22 application and I'll call our first two panelists  
23 Miss Artti Pearson from HPD and Ken Spillberg from  
24 HPD as well. And you'll just state your name for the  
25 record and then you may begin.

ARTTI PEARSON: Afternoon Chair Richards and members of the Zoning Subcommittee. I'm Artti Pearson, Director of Land Use from HPD's Office of Governmental Relations. This preconsidered item consists of proposed Article 11 tax benefits for an exemption, area known as Linden Terrace building one which is privately owned land located at 2858 Linden Boulevard that's block 4496 lot 29 in Brooklyn Council District 42. The sponsor for the project currently has before the Zoning Subcommittee a text amendment and establishment of an MIH area, area related to Land Use Item 768 and 769. The Linden Terrace Project includes four buildings, three of which will receive 420-C tax exemptions and are not part of this request. The Article 11 tax exemption will apply to the one building being constructed under HPD's Mix and Match Program. The project will be developed by Canyon Sterling Emerald LLC, a 50/50 joint venture between Jake of Rad, Daniel Rad of Radson Development and Peter Levin and David Levin. The MIH building is one building comprised of approximately 212,541 real square feet of residential space. The project will also contain 36 parking spaces as well as 17,214 square feet... square feet of

1 ground floor retail space. Linden Terrace building  
2 number one will contain 235 residential units  
3 including an... a superintendent's unit. Of the 235  
4 units a total of 94 units will be permanently  
5 affordable, 59 units will be required under MIH  
6 option one, an additional 36 units which is 15  
7 percent of the project total will be required under  
8 HPD's Mix and Match term sheet as the sponsor is  
9 seeking subsidy for the MIH units. The project will  
10 contain a range of incomes including ten percent of  
11 the units for formerly homeless households under our  
12 space program and units ranging from 30 percent and  
13 80 percent of AMI with no more than 40 percent of the  
14 units at 80 percent in this building. Overall the  
15 fall... four buildings of the project as well as  
16 negotiations with the Council Member of no more than  
17 25 percent of the units will exceed 80 percent of  
18 AMI. Upon completion of Mix and Match building we are  
19 expecting 37 studio units, 99 one bedrooms, 72 two  
20 bedrooms, and 22 three bedrooms. As mentioned HPD is  
21 before the council seeking approval of an Article 11  
22 tax exemption for a term of 40 years that will  
23 coincide with the regulatory agreement in order to  
24

1                   assist with facilitating long term affordability of  
2                   this program. Thank you.

3                   CHAIRPERSON RICHARDS: Thank you, thank  
4                   you for your testimony. Do you have any testimony,  
5                   no? I'll go to Council Member Barron, do you have any  
6                   comments... okay, thank you for your testimony.

7                   Alright, we are now going to hold a vote on  
8                   recommendation for several applications that we laid  
9                   over weeks meeting. We will be voting to take the  
10                  following actions; we're going to vote to approve  
11                  Land Use Items Number 766 and 767, the Tillary and  
12                  Prince rezoning. This application would allow the  
13                  development of two mixed use buildings comprised of  
14                  262 apartments on a site currently occupied by a  
15                  self-storage facility, 25 percent of the residential  
16                  floor area would be affordable under mandatory  
17                  inclusionary option number one. I want to thank the  
18                  applicant in this case for working very closely with  
19                  the neighboring Ingersoll Houses Tenant Association  
20                  on this application. We are also going to vote to  
21                  approve with modifications Land Use Item Number 768  
22                  and 769, the Linden Boulevard rezoning and approve  
23                  the related preconsidered tax exemption. Council  
24                  Member Barron supports approval with the modification  
25

1  
2 to remove MIH option two from the application. I know  
3 the Council Member was up late last night and also up  
4 very early this morning putting the final touches on  
5 this project and I want to congratulate her on a  
6 really outstanding project. I'll go to Council Member  
7 Barron if she wishes for statements on this  
8 application.

9 COUNCIL MEMBER BARRON: Thank you to the  
10 Chair and thank you to the Committee Members. I just  
11 want to say that we have been working very diligently  
12 in terms of this project and I'm here today to say  
13 yes, I am supporting the project, I do have some  
14 reservations, but the overall project is one that I  
15 am supporting. This development is going to be much  
16 needed affordable housing and when I say affordable  
17 I'm talking about affordable to the people who live  
18 in my community who have a neighborhood median income  
19 of about 32,000 dollars. So, it's going to bring to  
20 the community and the developers commitment regarding  
21 parking, which exceeds what it is that he's required  
22 to do by the regulations limiting the steep... the  
23 street wall height to five stories on Warren with a  
24 set back and establishing goals for local hiring and  
25 involving local minority and women owned businesses

1 up to 40 percent is his goal which exceeds what it is  
2 that the city asked. The project includes a broad  
3 spectrum of affordability as you heard in the  
4 testimony and it's going to include units reserved  
5 for the formerly homeless because we cannot solve the  
6 problem of homelessness if we don't provide permanent  
7 housing for them, 27 percent AMI which is apartments  
8 at 23,000 dollars income, 37 percent AMI which is  
9 income bans at 31,000, 47 percent AMI which is  
10 incomes at 40,000, 57 percent incomes which is at  
11 49,000 and a few that are at the 80 percent AMI  
12 because there are people in the community who said  
13 you've been focusing on low-income, middle... low...  
14 extremely low-income and we need to have an  
15 opportunity for housing as well. So, through the  
16 course of the discussions we were able to work with  
17 the applicant to significantly lower the number of  
18 units that was initially planned at 80 percent AMI  
19 and therefore increased the affordability of the  
20 project and the number of units that are accessible  
21 to families that live in East New York because I'm  
22 not about providing housing that's going to in fact  
23 include increased gentrification. However, I do not  
24 offer my support without reservations, I always seek

1 to support good jobs and I'm here to encourage the  
2 developer to work with labor unions to ensure that  
3 jobs generated by this development will pay  
4 appropriate wages and offer a set of benefits that  
5 will support families in my district. So... but, but  
6 despite the reservation this is a project that  
7 overall will benefit my community for years to come,  
8 40 percent of the units are inter-perpetuity and  
9 that's important and others in the development will  
10 remain protected for up to 60 years so with that I am  
11 offering my support for this project, thank you Mr.  
12 Chair.

14 CHAIRPERSON RICHARDS: Thank you Council  
15 Member Barron. We will... next we will be voting to  
16 approve with modifications Land Use Item Numbers 770  
17 to 661 8<sup>th</sup> Avenue Signage Text Amendment. We will be  
18 modifying this application to clarify the text so  
19 that it applies only to the corner lot portion of the  
20 zoning lot which will ensure consistency with the  
21 intent in the environment to review. Council Member  
22 Johnson supports approval with these modifications.  
23 Lastly, we will be voting to approve Land Use Item  
24 Number 761 and 762, the Pfizer Sites rezoning  
25 application. And I'll... we've been working over the

last couple of weeks to reach an agreement with the developer on this application that would address some of the concerns that were raised at our hearing and have been voiced throughout the public review process. We are voting today with the agreement that the property will be, be developed in a manner that is in... as inclusive as possible. To this end the developer has agreed to include for the affordable units at least 30 percent one-bedroom units, at least 30 percent two-bedroom units and to limit the development to a maximum of 20 percent three-bedroom units and a maximum of 20 percent four-bedroom units. This agreement combined with the existing zoning rules on the bedroom mix of MIH units will ensure that we are serving the widest spectrum of housing need in both the community and across the city. This agreement will be memorialized in a restrictive declaration that has been executed and will be recorded on the property. The Deputy Mayor has also provided us a letter stating the administration will monitor this project for compliance with the Council agreement and the restrictive declaration. In addition, the restriction on unit mix, the developer has also agreed to convene a community advisory panel

2 that will give updates on the development, conduct a...  
3 secondly conduct a series of workshops open to local  
4 residents on the affordable housing application  
5 process and lastly establish goals for local hiring  
6 and MWBE contracting. So, this is not the end of the  
7 conversation, it is going to be up to the Council  
8 Members and the local community to ensure that this  
9 continues to be an inclusive project. While the  
10 public review process for this application has been  
11 contingent I support approval now understanding that  
12 we have made every effort to strike a compromise on  
13 this application to ensure that the housing will be  
14 inclusive of all community groups. We have a lot more  
15 work to do in this neighborhood if we're all honest  
16 with ourselves, but I also hope we can start to write  
17 a new chapter in our history and recognize that we  
18 have achieved a middle ground on this project. And  
19 this development will produce, and I think a lot of  
20 the conversation we've got lost in a lot of other  
21 things but it's important to also realize that we are  
22 creating 300 units of permanently affordable housing  
23 with no funding from taxpayers. It will be affordable  
24 for families with incomes ranging from 40 percent AMI  
25 to 80 percent AMI and it comes with a commitment from

the administration to ensure ongoing monitoring of the safe guards that the developer has agreed to. All of this represents a difficult step in the right direction. I would like to thank Council Member Reynoso for pushing this conversation far and I want to thank Council Member Levin for his willingness to listen and communicate with everyone from the supporters to the opponents of this project in trying to reach a fair outcome. I will now turn it over to Council Member Levin for a statement before we take a vote, but I just want to underscore that the work continues, that today's vote does not mean that this is over, that the community and the electeds and everyone will have to continue to be diligent in watching this project. I'll go to Council Member Levin.

18 COUNCIL MEMBER LEVIN: Thank you very  
19 much Chair Richards. I want to thank you very much  
20 for your diligent hearing of this matter and I, I, I  
21 thank you for the ultimately very responsible tone  
22 that you've taken in looking at the merits of this  
23 particular application and looking at the specifics  
24 of the application and understanding all sides of  
25 this matter. So, I want to thank you very much, I

1 also want to thank Chair David Greenfield the Chair  
2 of the full committee for that very same  
3 consideration. I want to thank my colleagues on the  
4 Subcommittee, members here on the full committee as  
5 well as constituents that are here in attendance. I  
6 want to acknowledge everybody who has participated in  
7 this process from the outset, so I want to thank  
8 Community Board one, all the representatives of  
9 Community Board One that participated in this, the  
10 Community Board which approved this project. I want  
11 to thank Borough President Eric Adams, the City  
12 Planning Commission and the Department of City  
13 Planning for their diligent work on this application.  
14 I want to thank everybody that's here and had... has  
15 testified on this matter and voiced all of their  
16 positions forcefully, hopefully continuing to be  
17 respectfully in a constructive manner with the  
18 objective of ensuring that we have affordable housing  
19 for all communities in our neighborhood and, and that  
20 we maintain a civil and respectful dialogue moving  
21 forward. So, to that end I want to acknowledge Rabbi  
22 David Niederman from United Jewish Organization of  
23 Williamsburg, I want to acknowledge the Broadway  
24 Triangle Community Coalition whose here as well and  
25

1 who testified, we met yesterday and had I think a  
2 positive meeting. I want to thank and acknowledge my  
3 colleague Antonio Reynoso for, for, for expressing  
4 his concerns on this project but working in a  
5 constructive fashion as this process has, has moved  
6 forward. This application involves the rezoning of  
7 blocks 2249 and 2265 bounded by Union Avenue, Walton  
8 Street, Harrison Avenue, and Gerry Street from an M3-  
9 1 to an R8A, R7D, and R7A with a C2-4 overlay and an  
10 accompanying zoning text amendment to establish a  
11 mandatory inclusionary housing area. This development  
12 will consist of eight new mixed-use buildings. This  
13 development is an MIH project with mandatory  
14 inclusionary housing which will be developed under  
15 MIH option one which means that 25 percent of the  
16 residential floor area will go towards creating 287  
17 affordable units at an average of 60 percent AMI or  
18 below with ten percent, 115 units required at 40  
19 percent of AMI. This project will also create 404  
20 parking spaces, 64,000 square feet of local retail  
21 space and 26,000 square feet of publicly accessible  
22 open space. I was remiss earlier in not acknowledging  
23 the developer of this project, Rabsky and their team  
24 for coming in with, with an open mind, open ears and  
25

a willingness to talk through any issue at any time if there was an issue that I had that came up at ten p.m. I knew that I can get them on the phone to discuss those issues and talk through them and so as a... as an applicant they have been responsive and responsible. Over the last several weeks we at the council have addressed some of the larger issues that have been discussed throughout this process and the developer to their credit working with this council have agreed to various enforcement mechanisms to ensure that, that this project address some of the concerns that were raised. So, we know that some of the concerns that were raised had to do with potential unit size distribution in making sure that that unit size distribution meets the needs of the greater Williamsburg and North Brooklyn community and even though this is not something that we have required of every private developer or most private developers to be totally candid this developer has agreed to a restrictive declaration on the project which means this is recorded into the deed and it follows the deed and if the developer were to for some reason unforeseen sell the property these requirements stay with the property, they stay with

the deed and as our Chair mentioned the enforcer of that restriction is in fact the Speaker of the City Council and in this deed restrictive declaration the Speaker of the City Council is identified as the, the ultimate monitor and would be allowed under law, under this... under this deed to take action if any of those issues that are... that are addressed here in the deed restriction are not abided by. Now I don't expect that this developer's going to not honor these commitments but in order to assuage concerns that were raised again we don't require in this process developers to enter into deed restrictions normally, but this developer has agreed to do so. So, I'm going to read a portion of that deed restriction, the relevant portions because it is in fact about eight pages long but will say here in the restricted declaration dated on October 24<sup>th</sup>, of 2017 and effective on the effective date defined herein, Harrison Realty LLC that is the legal name of the applicant, a New York State limited liability company having an address in care of the Rabsky Group 505 Flushing Avenue, Brooklyn, New York 11205 and I'm going to be skipping to the relevant portions.

Whereas the, the declarant intends to development the

2 subject property by constructing eight new  
3 residential and mixed use buildings on the subject  
4 property, skipping ahead, whereas to ensure the  
5 development of the subject property and in accordance  
6 with the MIH requirements which my statement is the  
7 law of the land here in New York City and with a  
8 certain mix of affordable housing units here and  
9 after defined declarant has agreed to restrict the  
10 development on the subject property as set forth in  
11 this declaration. Whereas declarant desires on the  
12 terms and conditions herein to restrict the manner in  
13 which the subject property may develop, maintained  
14 and operated now and in the future and intends these  
15 restrictions to benefit the all... to benefit the all  
16 land owners and tenants including the city of New  
17 York owning or leasing property within one half mile  
18 of the subject property. Now therefore the declarant  
19 hereby declares that the subject property shall be  
20 held, sold and conveyed and developed subject to the  
21 following covenants which shall run with the subject  
22 property and bind the declarant and their heirs,  
23 successors and assigns... moving forward... in the sub...  
24 in the section development and use of the subject  
25 property, subsection 2.01, development of subject

1  
2 property. If the subject property is developed in  
3 whole or in part with the projected... with the  
4 projected development or portion thereof declarant  
5 covenants and agrees that the affordable housing  
6 shall be developed, operated and maintained as set  
7 forth in section 2.02 hereof and that's the next  
8 section, affordable housing unit mix to... [clears  
9 throat] excuse me... 2.02 housing unit mix. The bedroom  
10 mix of affordable housing units as provided in the  
11 declarant's regulatory agreement and MIH application  
12 shall be comprised as follows, the following  
13 distribution accounts for 100 percent of the units  
14 that are required to be affordable under the MIH  
15 program as the Chair had mentioned before. One-  
16 bedroom units no less than 30 percent of the MIH  
17 portion of the project. Two-bedroom units no less  
18 than 30 percent of the MIH portion of the project.  
19 Three-bedroom units no more than 20 percent of the  
20 MIH portion of the project. Four-bedroom units no  
21 more than 20 percent of the MIH portion of the  
22 project. Concurrently with its submission to HPD the  
23 MIH application shall be submitted to the effected  
24 community board and Council Member for review and  
25 comment for a period not to exceed 45 days. Two point

zero three, building permits and certificates of occupancy, declarant shall neither request nor accept a building permit from DOB until after a regulatory agreement has been executed and HPD has provided a permit notice to DOB and declarant shall neither request nor accept from DOB a temporary or permanent certificate of occupancy for any dwelling unit other than an affordable housing unit until... a dwelling unit other than affordable housing unit until HPD has assigned a completion notice for the affordable housing developed in accordance with the regulatory agreement and MIH application. There's some miscellaneous points in the following section but the relevant one 3.04, the binding nature, successors. So, this is... this is for anybody who would then purchase the property if this developer were to sell it. the covenant and agreement set forth in this declaration shall run with the land and shall inure to the benefit of and be binding upon any respective heirs, successors, legal representatives, and assigns of declarant including any mortgagee provided that no mortgagee shall have any performance or payment obligations under this declaration unless and until such mortgagee succeeds to a possessory interest

provided that the declarant shall be binding... the declaration shall be binding on any declarant only for the period during which such declarant or any successor, legal representatives, or assign thereof is the holder of an interest in the subject property and only to the extent of such declarant's interest in the subject property and references to, to declarant shall be deemed to include heirs, successors, legal representatives, and assigns as well as the successors to the interest in the subject property subject to the further provisions of this section. At such time as a declarant or any successor to a declarant no longer holds an interest in the subject property such declarant or such declarant successor obligations under this declarant declaration shall duly cease and terminate and the parties succeeding such declarant or such declarant successor shall assume the obligations of the... of the declarant pursuant to this declaration with respect to actions or matters occurring subsequent to the date such party assumes an interest in subject property to the extent that such party, parties interest in the subject property. For purposes of this declaration any successor to a... to a declarant

1 shall be deemed a declarant for such time as such  
2 successor holds all or any part, portion of any  
3 interest in the subject property. That all translates  
4 in layman's terms this runs with the deed, if  
5 somebody buys the property the subject of, of this...  
6 to this subject property the obligations under this  
7 declaration go with the property, they succeed this  
8 declarant, go to a next declarant and if they sell  
9 the property it goes to the next declarant after  
10 that, that's what that means. And then lastly with  
11 3.09 amendment modification and cancellation, this  
12 declaration may be amended, modified or cancelled  
13 only with the approval of the Speaker of the City  
14 Council, no other approval or consent shall be  
15 required from any other public entity, private  
16 person, or legal entity of any kind. The  
17 enforceability of this declaration, this is different  
18 from any other restricted declaration that we've done  
19 in this council and we've done... I can think of one  
20 other that we did, there was no enforcer. In this... in  
21 this restrictive deck the enforcer of that is the  
22 City Council's Speaker and that's recorded against  
23 the deed. I'll now read the letter from HPD which  
24 speaks to HPD's role in the MIH process ensuring that  
25

these provisions are also adhered to with regard to monitoring from HPD. Dear Council Member Levin, this is a letter dated October 24<sup>th</sup>, 2017, I'm writing in regard to the proposed Pfizer site development, a Land Use application consisting of a change in zoning district and amendment to apply to mandatory inclusionary housing to a site in the Broadway triangle area of South Williamsburg. I'm going to skip ahead because this is all things that we know... I understand that the application, applicant for the Pfizer site rezoning application has made a commitment to you and the City Council to adhere to the following mix of apartment sizes for the portion of the development that satisfies the mandatory inclusionary housing program requirements and that a restrictive declaration will be recorded against the property to require the following distribution for any, any MIH application no less than 30 percent one bedroom, no less than 30 percent two bedroom, no more than 20 percent three bedroom, no more than 20 percent four bedroom. As the agency responsible for review of the MIH application and related regulatory agreement HPD will commit to monitor the project for compliance with the unisize... with the unit mix agreed

1 to between the Council and developer at the point of  
2 submission of the MIH application commencement of  
3 marketing and conclusion of marketing. HPD further  
4 commits to refer a copy of any MIH application to the  
5 community board, the Borough President, local Council  
6 Member for no less than 45 days for comment and  
7 feedback. I look forward to working with you and your  
8 community to ensure that these much-needed affordable  
9 units are allocated in a fair and equitable manner.

10 That's... these are belts and suspenders, the first the  
11 restrictor deck is the belt, this is the suspenders  
12 and then the second pair of suspenders which is the  
13 letter from Harold... Harrison Realty that delineates  
14 all of these in a letter to the Council. I will speak  
15 to just a couple of points here that weren't  
16 addressed. With regard to administrating agent of  
17 affordable lottery to select the... an administrating  
18 agent Harrison Realty will issue a request for  
19 proposal to qualified organizations that can  
20 individually or collectively ensure completion of  
21 this undertaking, the final designees will be  
22 approved by HPD. Preparing area residents for the  
23 lottery, marketing of affordable lottery, to ensure  
24 that qualified community residents successfully

1  
2 compete for available units Harrison Realty will  
3 sponsor a series of community workshops produced by  
4 the Brooklyn Chamber of Commerce in association with  
5 other local community based organizations of its  
6 choosing to advise potential occupants how to...  
7 applicants how to compete including how to determine  
8 if they qualify, the income verifications required...  
9 requirements and how to compete... how to complete and  
10 submit their applications. Marketing of the  
11 affordable units, in addition to marketing activities  
12 undertaken by the administering, administering agent  
13 Harrison Realty will provide prior notice of the  
14 opening of the affordable housing lottery to both  
15 community board one and community board three and  
16 other area organizations. Harrison Realty will also  
17 work with the... with HPD on other options for  
18 notifying the public of and educating the public on  
19 the housing lottery. MWBE, Harrison Realty has agreed  
20 to maximize local participation in the construction  
21 and operation of this project and will use best  
22 efforts to ensure that a minimum of 25 percent of the  
23 contract value of construction of the development be  
24 awarded to MWBE firms with employees within Community  
25 Board one. Local hiring, Harrison Realty will use

best efforts to ensure that 25 percent of the workforce hired for construction and for building maintenance in service live in Community Board one. Thirty-two BJ, Harrison Realty and 32BJ have reached an agreement, as outlined in the agreement Harrison Realty will not oppose unionization of the service workers for the new development and will pay the prevailing wage to building service workers.

Beginning with children's school, Harrison Realty has committed to provide a 12-foot-tall construction barrier along the Southern perimeter of the development site to protect the school against adverse effects from construction and in coordination with the school on truck routing and dust suppression. Harrison Realty also commits to quarterly meetings with school leadership to discuss construction issues. Harrison Realty will provide the school with the cell phone number of the onsite construction manager to ensure that the... that if the school has any construction related issues they are addressed immediately. In addition I had a, a, a telephone conversation this morning with a representative from Harrison Realty who agreed that the school will have access to real time dust

monitoring, air, air sample monitoring that will be required by DEC and OER so the New York State Department of Environmental Conservation because it's Brownsville site, OER because it's under the OER which is the city Environmental Remediation Agency that, that the school will have access to the real time information that, that both the DEC, OER and the applicant have. Community Advisory Board, Harrison Realty will participate in a Community Advisory Board which will be Chaired by myself, Council Member Levin to receive community input and provide progress reports on the project. MTA, Subway Station, Harrison Realty has contacted the Metropolitan Transit Authority to inquire about the possibility of reopening the subway entrance on Union Avenue near Walton Street, the MTA does not intend to open the entrance at this time, that's the MTA's decision. Harrison Realty will coordinate with the MTA on access that they expressed the interest in reopening the entrance in the future. And then lastly on environmental, Harrison Realty is required to remediate the site completely to residential standards if the site is to be developed with residential uses. Other environmentally friendly

1 sustainable elements are under review and could  
2 include such items as green roofs, white roofs,  
3 capturing and recycling excess rain water. So, as you  
4 can see this application has been thoroughly vetted  
5 by this council, by this committee, by myself in  
6 addition to the other agencies throughout the ULURP  
7 process. We feel strongly that this is not only a, a  
8 fair application to approve but is... goes above and  
9 beyond what any other application that I have had in  
10 my district as a private application when it... when it  
11 comes to ensuring that what they say they're going to  
12 do that they actually do it and with regard to  
13 mandatory inclusionary this is a, a law that we voted  
14 on last year, I support mandatory inclusionary  
15 housing and this is an application to do development  
16 under mandatory inclusionary housing which is the law  
17 that this city council passed not 30 years ago but  
18 just last year. With that I will turn it back over to  
19 my Chair, I thank you very much for the time, I thank  
20 you all colleagues for the time, I, I ask that, that  
21 you vote yes on this application, this council has  
22 done its job here in thoroughly vetting and reviewing  
23 this application and I think it's a fair application  
24 to approve. Thank you.

1  
2                   CHAIRPERSON RICHARDS: Okay, we're going  
3 to take about a two-minute recess just waiting for  
4 one colleague to get... looks like he's coming back in...  
5 alright, thank you. alright, we're now going to...  
6 thank you Council Member Levin. I'm now going to call  
7 a vote to approve Land Use Item Numbers 761, 762,  
8 766, 767 and the preconsidered Linden Boulevard tax  
9 exemption and a vote to approve with modifications  
10 Land Use Item Numbers 768, 769, and 770 and I'll ask  
11 the Counsel to please call the roll.

12                   COMMITTEE CLERK: Council Member Reynoso?

13                   COUNCIL MEMBER REYNOSO: Permission to  
14 explain my vote?

15                   CHAIRPERSON RICHARDS: Yes, sir.

16                   COUNCIL MEMBER REYNOSO: This is how  
17 segregation happens systematically in the City  
18 Council and in the City of New York. In 2009 the  
19 Bloomberg Administration rezoned the adjacent blocks  
20 of the Broadway Triangle including both private and  
21 city owned sites from manufacturing to residential.  
22 The city's plan developer of United Jewish  
23 Organizations and the Ridgewood Bushwick Senior  
24 Citizens Council with no public bidding process  
25 favored the construction of low-rise buildings with

large unit sizes this meant that the number of affordable housing units was not maximized, and the planned units were designed to favor those with large family sizes meaning the city community primarily found in nearby South Williamsburg. A coalition of churches, non-for-profit organizations and tenant associations representing the surrounding communities of color in Williamsburg, Bushwick, and Bed-Stuy successfully sued the city over this plan for violating fair housing regulations. The judge found that the city's plan quote, "would not only not foster integration of the neighborhood but would perpetuate segregation in the Broadway Triangle", end quote. In the course of this lawsuit Purnima Kapur then the Head of the Brooklyn Office of the Department of City Planning testified on the record that while developing zoning plans the Department of City Planning does not consider the possibility of racial segregation and does not evaluate whether segregation took place after zoning is implemented, it falls to us then to ensure that discriminatory housing doesn't happen here. Despite ongoing negotiations with the city, the lawsuit still has not been settled, the court issued an injunction on the

development of the two city owned sites, yet development of the privately-owned sites continues unabated and exclusively towards one demographic. Despite the fact that our community has long been advocating that any settlement of the lawsuit includes a commitment from the city to create this truly inclusive community based plan for the entire Broadway Triangle area instead the city is allowing this development to move forward with no meaningful public input. Additionally, it is worth noting that the member deference policy for approval of rezoning has had a devastating effect on North Brooklyn's Latino community already. During the 2005 rezoning of the Williamsburg Waterfront Council Member Diana Reyna did not have the opportunity for meaningful input because of member deference. Despite the fact that she represented an impacted community, yet the council passed it because of support for then Council Member David Yassky who at the time represented the neighborhood district now represented by Council Member Levin. Since then the Hispanic population of Williamsburg has decreased by more than 25 percent. The restrictive declaration is a perfect example of non-legally binding agreement that the city is going

1 to put on paper that is not worth the, the ink it is  
2 printed on... or the paper it is printed on. The reason  
3 that getting a guarantee of unitizes from Rabsky  
4 Group is so important is that they have proven  
5 themselves an untrustworthy developer in the  
6 community and others around the city. If we were  
7 serious about building affordable housing and locking  
8 in this developer, we would have done a deed  
9 restriction not a restrictive deck. In 2013 the City  
10 Council passed a manufacturing to residential  
11 rezoning plan for the former Rheingold Brewery site  
12 in Bushwick, a coalition of community based  
13 organizations and residents negotiated an agreement  
14 with the developer regroup which included a  
15 commitment to develop affordable housing at levels  
16 and unitizes tailored to meet community needs as well  
17 as other community benefits such as regular  
18 communication with the coalition and Community Board  
19 four, a local hiring program of union jobs, a  
20 partnership with a local non-profit to market  
21 affordable housing units and mitigation of the  
22 construction and traffic impacts. To this day none of  
23 these commitments have been followed through by the  
24 Rabsky Group. I would like to end by saying that at  
25

1  
2       this moment in ten years we will look back on this  
3       property and see that it is 90 percent white in a  
4       district that is bordered by black and Latinos and  
5       white population and we will affirmatory approve this  
6       project and continue segregation in this district.  
7       I'm letting you know now that we will sue and we'll  
8       back in four years and we will win... and we will win  
9       again. This council has consistently approved  
10      projects within the Broadway Triangle without trying  
11      to go above and beyond the call of duty in ensuring  
12      integration and I think we're doing... we're making a  
13      mistake here today and I hope that my colleagues  
14      would vote no on this project and I vote no.

15                    COMMITTEE CLERK: Chair Richards?

16                    CHAIRPERSON RICHARDS: I vote aye.

17                    COMMITTEE CLERK: Council Member Gentile?

18                    COUNCIL MEMBER GENTILE: I vote aye.

19                    COMMITTEE CLERK: Council Member  
20      Garodnick? Council Member Williams?

21                    COUNCIL MEMBER WILLIAMS: Pass.

22                    COMMITTEE CLERK: Council Member Torres?

23                    COUNCIL MEMBER TORRES: Permission to  
24      explain my vote?

25

1  
2                   CHAIRPERSON RICHARDS: You may explain  
3 your vote.

4                   COUNCIL MEMBER TORRES: You know the  
5 subject of segregation weighs heavily on me, one of  
6 the central causes of my brief career in politics has  
7 been the desegregation of our public schools which  
8 has been found to be the most segregated by a study  
9 by UCLA. One of my core criticisms of MIH was the  
10 failure of MIH to promote integrated housing and so  
11 the concerns about fair housing are not ones that I  
12 take lightly. Having said that I do believe that  
13 Council Member Levin has made a good faith effort at  
14 addressing those concerns, right, that the  
15 combination of restrictive deck and a lottery does  
16 address those fair housing concerns, but I do vote  
17 with some reservations. I have asked what is the  
18 enforcement mechanism for the restrictive deck, I've  
19 asked five people, I feel like I get five different  
20 answers and so that's a source of concern, I feel  
21 like we're treading uncharted territory and there's  
22 no guarantee that even if we were to sue in court  
23 that we would prevail. So, that's a concern that I  
24 have, that's a real reservation. I think second if  
25 there is a history of fair housing violations in the

1  
2 Broadway Triangle the city... the city should be taking  
3 those concerns seriously and closely scrutinizing  
4 that site rather than disregarding them. So, as far  
5 as I'm concerned there are larger policy questions  
6 that have to be addressed but I do vote aye with  
7 reservations.

8 COMMITTEE CLERK: Council Member  
9 Grodenchik?

10 COUNCIL MEMBER GRODENCHIK: Aye.

11 COMMITTEE CLERK: Council Member Reynoso  
12 your vote on other items?

13 COUNCIL MEMBER REYNOSO: I vote aye on  
14 the other items.

15 COMMITTEE CLERK: All items are, are...  
16 Council Member Williams?

17 COUNCIL MEMBER WILLIAMS: May I please  
18 explain my vote?

19 CHAIRPERSON RICHARDS: You may explain  
20 your vote.

21 COUNCIL MEMBER WILLIAMS: Thank you.  
22 There's a lot of things going on here, I think the  
23 first of which these communities as a lot of  
24 communities across the city are being forced to fight  
25 over the leftovers as actually opposed to getting the

whole pie that they deserve so that's number one. And two, I think we'd be remiss if we didn't admit there is racism, anti-Semitism abound through this whole discussion but that's just something that is a fact of life. I believe that all communities including the Latino, black and of course the Hasidic community all need affordable housing, and all have not been receiving that and that's just a problem within the city and the City Council that has to address in, in a better way. I do have to admit based on what I've seen and what history is showing us the, the black and Latino community has gotten the butt end of that and that little bit that's been available. I think the tension here is partly due to conversations that this body has continually kicked down the road and we can no longer kick down the road anymore, we have to have honest conversations about the tools that we have. I did vote against MIH, I said then that it wasn't enough, we are learning now that it is not enough, I have though supported the, the option one which is the, the best option. Also, the conversations about member deference which is uncomfortable but has to happen. I believe that member deference is important, it, it cannot go away

1 because we do know our districts better than anyone  
2 else. There is a time frame, there's a point when  
3 member deference runs afoul of what this body says it  
4 wants to accomplish that has been happening for some  
5 time. So, we have to figure it out or else we are  
6 going to continue to push forward projects that are  
7 problematic because they're not addressing the issues  
8 of deeply income targeted and affordable housing and  
9 homelessness in this city. We have... if we're going to  
10 be a body that goes in the public, goes in front of  
11 cameras and says one thing we should back it up by  
12 what we do here. I've been speaking with Council  
13 Member Reynoso for some time and the parties who... in  
14 the community have issues, I've also been speaking  
15 with Council Member Levin, the Rabbi and, and that  
16 community as well, I am... I actually believe that  
17 Council Member Levin has done a very good job in  
18 trying to push forward the best way he can to address  
19 the concerns I just want to say I don't think the  
20 concerns were ignored here, I'm not sure if they were  
21 fully addressed but I just want to credit Council  
22 Member Levin in trying his best to address the  
23 concerns. The one concern I heard the most from my  
24 colleague Council Member Reynoso and from others was  
25

about the unit breakdown and the size of the apartments. From what I understand that has been addressed somewhat, I too have some additional questions, I'm not understanding fully what the enforcement is so for that reason today I'm going to vote no on Pfizer LU Number 761, 762 but I will have to say if my... I, I plan to get some additional information and that vote may change because its, it's important to get this right and to vote for the correct reason. So, I know there's another Land Use vote on Thursday and there's a full vote, I will be trying to get as much information as I can at that point but for now I'll vote no on LU Number 761 and 762 and aye on all the rest.

COMMITTEE CLERK: Land Use Items 761 and 762 are approved with four votes in the affirmative, two in the negative and zero abstentions and let's... and Land Use Item 766, 767, the preconsidered Linden Boulevard tax exemption are approved by a vote of six in the affirmative, zero in the negative and zero abstentions. Land Use Items 768, 769, and 770 are approved with modifications by a vote of six in the affirmative, zero in the negative and zero abstentions.

1  
2                   CHAIRPERSON RICHARDS: Thank you and  
3 we're going to move on to the next items on the  
4 agenda. I want to thank everyone for coming out who  
5 came out and contributed to this conversation and as  
6 I've said there's no magic wand in any Land Use  
7 application, it's about community input, community  
8 accountability and the community holding developers  
9 accountable. With that being said I am now going to  
10 move onto our next public hearing where we'll be...  
11 which will be a continuation of a hearing on the  
12 Sendero Verde application. Since closing our last  
13 hearing the council has officially called up the  
14 discretionary items in this application and has  
15 received a related Article 11 tax exemption from HPD.  
16 Today we will accept testimony on the discretionary  
17 items and hear from HPD regarding the tax exemption  
18 application. I will now open the public hearing for  
19 Land Use Item Number 776 through 782 and Land Use  
20 Item Number 790. Alright and we will hear once again...  
21 from Ken Spillberg from HPD, Director of Mixed Income  
22 Programs and Miss Pearson I believe, Director of Land  
23 Use, HPD. How do I say your first name Arttimeche...  
24                   ARTTI PEARSON: Arttimeche.

SUBCOMMITTEE ON ZONING AND FRANCHISES 40

CHAIRPERSON RICHARDS: Arttimecha, okay...

3 [cross-talk]

ARTTI PEARSON: Yeah... [cross-talk]

5 CHAIRPERSON RICHARDS: ...there you go so I  
6 can get right... alright, Miss Arttimeche Pearson.

7 ARTTI PEARSON: Alright...

8 CHAIRPERSON RICHARDS: Thank you.

9 ARTTI PEARSON: Afternoon Chair Richards.

Again, I'm Artti Pearson from HPD's Office of Governmental Relations. Land Use Number 790 consists of proposed Article 11 tax benefits for city owned property located within the East Harlem rezoning area at block 17... in block 1617, lots 20, 51, 52, 53, 54 and part of lot 50 in Manhattan Council District eight and is known as Sendero Verde. Land Use Number 790 is currently before the zoning Subcommittee seeking zoning text amendment and establishment of MIH... of an MIH area related to Land Use Items Number 776 to 782. Summarizing the development of the project three mixed use buildings with commercial and community facility uses as well as community gardens will be constructed. The sponsor of the Sendero, Sendero Verde project is proposing to create 674 affordable dwelling units including three

2 superintendent's units. The project will be marketed  
3 towards households with incomes ranging from 30  
4 percent to 165 percent AMI and rents ranging from 30  
5 percent to 130 percent of AMI. Building A will be  
6 comprised of 384 units, building B will be comprised  
7 of 211 units and building C will be comprised of 79  
8 units. In an effort to facilitate long term  
9 affordability of the residential units HPD is seeking  
10 an Article 11 tax exemption for a period of 40 years  
11 that will coincide with the regulatory agreement.

12 || Thank you.

13 CHAIRPERSON RICHARDS: Thank you for your  
14 testimony. Thank you. That was easy, you've not going  
15 to get off that Scott easy on a lot of other projects  
16 but take it while you get it as they say. Our next  
17 public hearing is on the Kio sidewalk café  
18 application, Land Use Item Number 789. The applicant  
19 here is asking for approval of a sidewalk café with  
20 three tables and six chairs to be located at 157  
21 Duane Street in Council Member Chin's district. I  
22 will now open the public hearing for Land Use Item  
23 number 789, is Council Member Chin here, I saw her...  
24 okay, she's coming up, okay. So, the applicant... I  
25 will call the applicant Nick Bradley, come on up.

1  
2 Council Member Chin do you want to give any quick  
3 comments on the sidewalk café or we could hear from  
4 the applicant?

5 COUNCIL MEMBER CHIN: Yeah.

6 CHAIRPERSON RICHARDS: Comments?

7 COUNCIL MEMBER CHIN: Yep.

8 CHAIRPERSON RICHARDS: I'm going to go to  
9 Council Member Chin for comments, also joined by Land  
10 Use Chair Greenfield.

11 COUNCIL MEMBER CHIN: Thank you Chair. I  
12 know a sidewalk café that's not as big as those... the  
13 big Land Use Item you have but still... [cross-talk]

14 CHAIRPERSON RICHARDS: They are  
15 important.

16 COUNCIL MEMBER CHIN: I want to make sure  
17 that my constituents concerns are taken care of so  
18 thank you again to Chair Richard and the committee  
19 for holding a hearing on this new unenclosed sidewalk  
20 café application at 157 Duane Street for a restaurant  
21 so called Kio and the original plan calls for a  
22 maximum of six tables and 12 chairs in front of a  
23 commercial entrance of a small coop building in my  
24 district. Now Community Board one has worked  
25 diligently to reduce the allowable number, tables and

2 chairs to three tables and six chairs and with the  
3 applicant to agree to additional restrictions on the  
4 allowable hours of operation and... you know this is a,  
5 a quiet street so I just wanted to ask the applicant  
6 a couple of questions because, you know the  
7 residents, you know continue to express their concern  
8 for quality of life and the impact on this café, I  
9 mean this is not a street where there's a lot of  
10 cafes so you're... I mean a sidewalk café, you're going  
11 to be the, the first and only one so... what steps have  
12 you taken to ensure that the patrons do not become  
13 rowdy and loud and disturbing the neighbors and, and  
14 do you have plans to sell hard liquors on the  
15 sidewalk café and also where are you going to post  
16 all the stipulation required by the community board  
17 after this hearing?

18 CHAIRPERSON RICHARDS: Alright, applicant  
19 you may begin.

NICK BRADLEY: Alright, do you mind doing  
the first question and I'll answer that one first?

22 COUNCIL MEMBER CHIN: What, what steps  
23 are you going to take to ensure that the, the patrons  
24 of your restaurant do not become loud and rowdy, you

1 know when they're out there on, on the... at the  
2 sidewalk café disturbing... [cross-talk]

3 NICK BRADLEY: Okay... [cross-talk]

4 COUNCIL MEMBER CHIN: ...the, the  
5 neighbors?

6 NICK BRADLEY: So, Kio's been in business  
7 about four and a half years, we've established a  
8 clientele that is as far as we're concerned as  
9 business owners respectful of the neighborhood so  
10 anybody who does sit outside and this is  
11 predominately full, full dinner or full lunch only,  
12 you cannot sit in the café and, and have anything to,  
13 to drink unless you're having a, a meal because as a  
14 business owner we value the, the, the neighbors that  
15 are dwelling above us and around us. We manage the  
16 environment inside, we do not allow for anybody to  
17 create a problem inside via, via... if they're loud or  
18 disruptive unfortunately they, they're, they're not  
19 welcome to dine at the establishment so we have  
20 spoken to the concerns voice by our direct neighbors  
21 with CB1 to put in a lot of different regulations to  
22 ensure that the clients, the guests in the café  
23 respect those that, that live close be it music will  
24 not be permitted, we minimize the café to be smaller,

1  
2 it is three tables and six chairs. The hours are  
3 going to be not only visible to the guests as they  
4 sit but on each menu, that goes down into the, the  
5 guest's hands. We understand that this is... this is  
6 not a situation to be taken lightly, we understand  
7 that our guests are our responsibility and, and as an  
8 owner I take responsibility for their actions and  
9 will be available to address any concerns from my  
10 neighbors if there are any but as a business owner  
11 and an operator for 15 years in New York City I, I  
12 know how to create an environment that will minimize  
13 any effect on, on our neighbors so that our neighbors  
14 continue to come to our space and not be upset by  
15 our, our presence.

16 COUNCIL MEMBER CHIN: Okay, I mean there...  
17 it's a long stipulation so... [cross-talk]

18 NICK BRADLEY: Uh-huh... [cross-talk]

19 COUNCIL MEMBER CHIN: ...you'll be able to...  
20 not just posting it but also hand it to the, the  
21 customers so they know... [cross-talk]

22 NICK BRADLEY: Yes, it'll be... [cross-  
23 talk]

24 COUNCIL MEMBER CHIN: ...the hours... [cross-  
25 talk]

1  
2                   NICK BRADLEY: ...on the menus themselves  
3 that are designed for the café so anybody who gets it  
4 will see this, we're not going to make it... we're  
5 going to make it very visible so our, our guests  
6 understand that this café comes with stipulations if  
7 you don't abide by them you can't dine in that café  
8 and our management will enforce them.

9                   COUNCIL MEMBER CHIN: Okay, I mean... just  
10 one last question, I mean it's a quite block that  
11 really does not have sidewalk cafes why do you... if  
12 you've been there for a couple of years why do you  
13 all the sudden want to have a sidewalk café?

14                   NICK BRADLEY: Being there four and a  
15 half years... [cross-talk]

16                   COUNCIL MEMBER CHIN: And how's that  
17 going to really help enhance the neighborhood?

18                   NICK BRADLEY: We're in a, a landmark  
19 district, we're actually the last building within the  
20 landmark district in that region and there really  
21 isn't much of a presence of a storefront for Kio by  
22 law which we, we understand but with essentially, you  
23 know minimum wage going up and, and trying to be a, a  
24 business owner that hopefully stays in the  
25 neighborhood for a long time as a positive

1 contributor to the community we're... we need a... we  
2 need a little more visibility or income to make it  
3 work and, and in the beginning we didn't plan on  
4 doing a, a café but the, the numbers are just as such  
5 where this little additional visibility and revenue  
6 will, will, will hopefully keep us in that location  
7 for, for years to come, honestly.

8  
9 COUNCIL MEMBER CHIN: Okay, thank you.  
10 Thank you Chair.

11 CHAIRPERSON RICHARDS: Thank you.  
12 Alright, any other questions from colleagues, no,  
13 alright seeing none, thank you. Are there any members  
14 of the public who wish to testify on this issue? I  
15 think we have Megan Brosterman. Hello and you'll just  
16 hit... press your mic and it'll light up red.

17 MEGAN BROSTERMAN: Okay...

18 CHAIRPERSON RICHARDS: ...and you'll say  
19 your name for the record and who you're representing  
20 and then you may begin.

21 MEGAN BROSTERMAN: Hi, my name is Megan  
22 Brosterman, I represent the Coop at 157 Duane Street  
23 we're owners and managers of, of the premises. Good  
24 afternoon Chairman Richards and the Zoning  
25 Subcommittee. Hi, I'm a resident and Board Member of

the Coop located at 157 Duane Street, the building where Kio is located. I live on the second floor of the building with our living room windows opening out to just above where this café is proposed to be located with my husband and four and six-year-old daughters. The café is not just in front of commercial entrance, it is right adjacent to our residential entrance, this is an extremely small patch of sidewalk and I don't know if you've had an opportunity to review the, the map plan that shows where these tables are proposed to be placed but... I mean basically if, if someone pushed their chair out they'd be in front of my doorway. We as residents of the building hear patrons of the restaurant talking in the street all the time, this is not a compliant of ours but just, so you know if I can only hear a patron who just left the restaurant chatting in the street imagine what it's going to be like if there's a sidewalk café there and this is even through closed windows and we like to open our windows in the nice weather which is exactly when the café will be most crowded. I'm not sure how... I'm actually not sure how the sidewalk café application process has gotten this far. Kio never received a valid landowner's consent

which is required to apply for this permit, the theme throughout this entire process has been a lack of transparency, a lack of due process and a lack of attention to the concerns of the community. I sent an email to the City Council on October 5<sup>th</sup> with relevant documents attached but I'm happy to resend.

The restaurant space in my building is governed by a 50-year lease that was executed over 30 years ago between my coop doing street park corp. and an association called Duane Street Park Associates. So, the landlord on the governing lease is managed by my coop a four-residential unit building in which all residents are shareholders and each unit has a seat on the board. My Coop bylaws require consent to the board before any major actions affecting our residents take place. My neighbor, one of these four units who is both a Coop member and the only one who's also a member of the Duane Street Park Associates who are the leaseholders on this original lease signs the landholder's consent for this sidewalk café without notifying the rest of the board members or shareholders of the Coop. So, this consent was signed without valid authority and this application should be denied. My fellow Coop members

1 have contested this application both at the Community  
2 Board meeting on April 12<sup>th</sup> and at the DCA hearing on  
3 April 26<sup>th</sup>. At the DCA hearing we thought this was  
4 finished when the judge provided... presiding tabled  
5 the application without approving it at that time.  
6 Then after months of no news all summer we received a  
7 letter dated September 27<sup>th</sup> out of the blue from a  
8 lawyer at the DCA named Eileen Yap saying that they  
9 had been convinced by evidence presented by my  
10 neighbor, Brad Palace that his landowner's consent  
11 that he had signed is valid. Again, Brad did this  
12 without notifying the Coop Board, we were never given  
13 the opportunity to review or dispute any evidence  
14 that he presented so this approval was pushed through  
15 without due process. We submitted a FOIA request on  
16 October 2<sup>nd</sup> for the evidence submitted, that he had  
17 submitted in, in support of his landowner's consent  
18 but we haven't received any documents yet from this  
19 FOIA request. The Kio management will tell you that  
20 Brad is the manager of their... [cross-talk]

22 CHAIRPERSON RICHARDS: Going to ask you  
23 to begin to wrap up.

24 MEGAN BROSTERMAN: Yes.

25 CHAIRPERSON RICHARDS: Yes.

1                   MEGAN BROSTERMAN: Excuse me?

2                   CHAIRPERSON RICHARDS: Going to ask you  
3 to begin to wrap up.

4                   MEGAN BROSTERMAN: Oh okay... [cross-talk]

5                   CHAIRPERSON RICHARDS: Okay, thank you...  
6 [cross-talk]

7                   MEGAN BROSTERMAN: ...alright... [cross-talk]

8                   CHAIRPERSON RICHARDS: ...no problem. And  
9 then if you could just sum up what are the two things  
10 you're really... want him to focus on changing?

11                  MEGAN BROSTERMAN: I, I, I do not want a  
12 sidewalk café, this has not... [cross-talk]

13                  CHAIRPERSON RICHARDS: Okay... [cross-talk]

14                  MEGAN BROSTERMAN: ...been approved...

15                  [cross-talk]

16                  CHAIRPERSON RICHARDS: Okay... [cross-talk]

17                  MEGAN BROSTERMAN: The sidewalk café...

18                  [cross-talk]

19                  CHAIRPERSON RICHARDS: If it were  
20 approved... [cross-talk]

21                  MEGAN BROSTERMAN: ...application requires  
22 a landowner's consent that's part of the application,  
23 the landowners consent that was signed is not valid,  
24 we... the Coop who is the landowner does not consent to

2 this sidewalk café. So, this keeps getting pushed and  
3 pushed and pushed through, through back channels and  
4 every time it goes through a different step of the  
5 process we're, we're not given the opportunity to, to  
6 dispute it so... at any rate the Associates don't have  
7 any authority to extend their premises to the  
8 sidewalk, the, the, the original lease does not  
9 include this area and so my neighbors and I are at  
10 our wits end at this, the City Council is our last  
11 line of defense against a major chain store building  
12 that is detrimental to the residents use of the  
13 premises and enjoyment of our homes and something  
14 that has been pushed on us without transparency and  
15 without our approval as owners and management of the  
16 premises. So, I urge the members of the City Council  
17 to deny that... deny this application or at least  
18 withhold your approval until we can review the  
19 documents that come back from our FOIA request so  
20 that we can determine what legal action we can take  
21 to deal with this. Thank you very much for your time.

22 CHAIRPERSON RICHARDS: Thank you and  
23 thank you for your testimony and I'll... we'll  
24 certainly be working with Council Member Chin on  
25 this... [cross-talk]

1  
2           MEGAN BROSTERMAN: Thank you... [cross-  
3 talk]

4           CHAIRPERSON RICHARDS: ...item so thank you  
5 for... [cross-talk]

6           MEGAN BROSTERMAN: I appreciate it, thank  
7 you... [cross-talk]

8           CHAIRPERSON RICHARDS: ...bringing this up...  
9 [cross-talk]

10          MEGAN BROSTERMAN: ...Council Member Chin...  
11 [cross-talk]

12          CHAIRPERSON RICHARDS: ...thank you...  
13 [cross-talk]

14          MEGAN BROSTERMAN: ...thank you.

15          CHAIRPERSON RICHARDS: Any other members  
16 of the public wising to testify on this issue? Okay,  
17 seeing none I will now close the public hearing on  
18 Land Use Item Number 789 and we will move on Land Use  
19 Items Number... Land Use Item Number 784, the 449  
20 Broadway Special Permit application. The application  
21 here is seeking a special permit under Section 74-781  
22 to allow for retail use on the ground floor of an  
23 existing five story commercial building located at  
24 449 Broadway, this application is also in Council  
25 Member Chin's district. I will now open the public

1  
2 hearing on Land Use Item Number 784. And I'll ask the  
3 applicants to state their name for the record and who  
4 they're representing. I believe we're joined by Lisa  
5 Orrantia, Akerman LLP; Casey Martinez, 449 Broadway  
6 LLC. With that being said just state your name for  
7 the record and you may begin.

8                   LISA ORRANTIA: Good afternoon, Lisa  
9 Orrantia from Akerman LLP representing the applicant  
10 449 Broadway LLC and I'm joined by Casey Martinez,  
11 Director of Development at United American Land. This  
12 is an application for a special permit for ground  
13 floor commercial use, ground floor and cellar and the  
14 property is on a lot that's 5,000 square feet, it's  
15 200 feet deep, it's got frontage on Broadway and  
16 Mercer Streets, it's located in an M1-5B zoning  
17 district within the Soho cast iron historic district.  
18 The building is a five story with cellar, it's about  
19 8,000 square feet for lease on the first floor and  
20 cellar, the building was constructed in 1855 and its  
21 original function was as a store on the ground floor.  
22 The zoning district has been designated M1-5 in 1961,  
23 it was amended M1-5B in 1971 and since '76 commercial  
24 uses haven't been allowed below the second floor. The  
25 most recent use was for a radio studio and the space

on the ground floor and cellar has been vacant since October of 2010 so vacant for almost seven years. Retail uses, and service establishments are predominant along Broadway and Mercer, there are clothing stores, furniture stores, shoe stores, drug stores and a bank. So, the zoning doesn't allow retail or office uses below the second story, but City Planning Commission can issue a special permit to modify the use regulations to allow this proposed use. A good faith effort was made to secure a conforming tenant in that the properties were listed with two real estate brokers, advertisements were published weekly in the New York Post and in the Villager for a year, letters and phone calls were directed at 12 community local and citywide industry groups and no offers for as of right uses were received. The application receives support from Community Board two and the Borough President given that the good faith effort was made, and the building was originally constructed for commercial use and is not inconsistent with the commercial corridor along Broadway and Mercer.

COUNCIL MEMBER CHIN: Chair can I make...

1  
2                   CHAIRPERSON RICHARDS: Sorry, I'll go to  
3 Council Member Chin, okay, that concludes your  
4 presentation? Alright, great... [cross-talk]

5                   LISA ORRANTIA: Thank you... [cross-talk]

6                   CHAIRPERSON RICHARDS: Council Member...  
7 sorry... [cross-talk]

8                   COUNCIL MEMBER CHIN: Well, I... [cross-  
9 talk]

10                  CHAIRPERSON RICHARDS: ...I was getting  
11 coffee...

12                  COUNCIL MEMBER CHIN: The reason I call  
13 this up because look, this is the second of such  
14 application at this location after the good faith  
15 marketing permit application was withdrawn I think in  
16 2015 after the applicant did not meet the  
17 requirements to market the space to conforming use  
18 with a truly good faith effort. As many members of  
19 the committee and the public know that Soho has, has  
20 seen a slew of these changes, permits and especially  
21 both good faith marketing and the 74-711 permit which  
22 have amounted to enormous change in the character and  
23 quality of life in the neighborhood and before 2010  
24 this building hosted a Chinese language radio station  
25 and TV station and, and it's the tenants there they

1 supported a vibrant community, local community  
2 purpose. So, in this hearing today will help us  
3 determine whether or not this applicant has met the  
4 requirements for the special permit and if their  
5 proposal genuinely meets the needs of and fits in  
6 with the true character of the neighborhood because  
7 one of my questions is that the radio station... radio,  
8 TV station left in 2010 so what happened with that  
9 vacant space, what was the tenants in the space after  
10 2010 and then also what kind of retail are you  
11 looking for in the ground floor space, are you  
12 looking for eating and drinking establishments, what  
13 type of retail are you looking for?

14  
15 LISA ORRANTIA: The, the ground floor...  
16 excuse me... and cellar have been vacant since October  
17 of 2010 and since then there have been renovations  
18 taking place in the building, the upper floors have  
19 been consistently occupied for office uses. The  
20 former radio station tenant did relocate within the,  
21 the community district to a larger space but again  
22 since, since they've left the space has been vacant.  
23 There's no tenant identified at this time as no  
24 marketing efforts have been made to identify a retail  
25 tenant and the, the owners are open to any offers

1  
2 they've received to use this space that... being  
3 mindful of, you know the respect due to the neighbors  
4 and to the tenants on the upper floors.

5 COUNCIL MEMBER CHIN: Well, I mean some  
6 of the concerns that have been raised, you know over  
7 and over again is that nighttime delivery, pop up  
8 stores, special events and those are the things that  
9 have been inundated in this neighborhood with  
10 buildings with ground floor retail or even the whole  
11 building that's commercial. So, there's got to be  
12 some restriction on those and then the other thing is  
13 the whole issue with eating and drinking  
14 establishment, so I wanted to make sure that the, the  
15 retail area can really offer opportunity for business  
16 owner or a designer, people who are in the creative  
17 industry because that's what Soho is about and we  
18 want to make sure that we continue to maintain that  
19 character and so I would really encourage that the  
20 marketing or the... attracting these type of businesses  
21 to be able to use your retail space and to offer, you  
22 know that type of services rather than eating and  
23 drinking establishment or another sneaker store.

24 LISA ORRANTIA: Yeah, the... so the  
25 applicant is amendable to those uses and is willing

1                   to make efforts to locate those desirable uses that  
2                   would be a benefit to the community.

3                   COUNCIL MEMBER CHIN: Well I think we  
4                   will, you know meet with the, the owner before the  
5                   committee vote to see if we can work in some of these  
6                   agreements that will benefit the neighborhood. Thank  
7                   you Chair.

8                   LISA ORRANTIA: Thank you.

9                   CASEY MARTINEZ: Thank you.

10                  CHAIRPERSON RICHARDS: Thank you. Thank  
11                  you for your testimony. Alright and any other members  
12                  of the public who wish to testify on this issue?  
13                  Okay, seeing none I will now close the public hearing  
14                  on the Land Use Item Number 784 and we will move onto  
15                  public hearing Land Use Item Number 787 and 788, the  
16                  723-733 Myrtle Avenue rezoning. This application  
17                  would change the existing M1-1 and M1-2 zoning  
18                  district to R6A and R7D district with C2-4 commercial  
19                  overlays. The property affected is located at Myrtle  
20                  Avenue between Nostrand Avenue and Walworth Street.

21                  The text amendment would apply the mandatory  
22                  inclusionary housing program option one to the site.  
23                  The projected development for the site would consist  
24                  of 75 residential units with 25 percent affordable to

1 families making an average of 60 percent of the AMI  
2 and commercial and community facility space. This  
3 application is located in Council Member Levin's  
4 district, he's having a lot of fun today. I will now  
5 open the public hearing on Land Use Item Number 787  
6 and 788 and I'll go to Council Member Levin if he  
7 wants to give opening remarks. I'm going to step out  
8 for a second so you're actually going to Chair...

9 [cross-talk]

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

11 CHAIRPERSON RICHARDS: ...for a second so I  
12 will go to you for statements first and we have our  
13 Housing friend Richard Lobel, who is an applicant of  
14 JMS Realty, good to see you Richard.

15 RICHARD LOBEL: It's good to see you  
16 Chair Richards and thank you. So, the application  
17 today as was stated is for 723 to 733 Myrtle Avenue,  
18 if you'll excuse me one moment... great. So, the  
19 applicant is JMS Realty which is Scott Fishman along  
20 with his family, the owners of the property. And as  
21 per the first sheet, the zoning map amendment here  
22 would rezone a portion of Myrtle Avenue between  
23 Walworth and Nostrand. On the Northern portion of  
24 Myrtle to an R7D with a C2-4 overlay and on the

2 Southern portion to an R6A with a C2-4 overlay  
3 between Sanford and Nostrand and this application...  
4 this rezoning would also be accompanied of course by  
5 a text amendment to appendix F of the zoning  
6 resolution which would in, indicate an inclusionary  
7 housing designated area to require for mandatory  
8 inclusionary housing. The... and this is the zoning map  
9 in, in, in whole. The area around this property was  
10 prior... was prior... was, was... the subject of a prior  
11 rezoning which in 2012 in the Bed-Stuy North rezoning  
12 mapped about eight block fronts to the East of this  
13 property to an R7D with a C2-4 overlay and so this  
14 Land Use and this pattern is very well known to the  
15 area. This is why the Department of City Planning  
16 echoed that zoning on our blocks to the North of  
17 Myrtle Avenue with an R6A on the Southern portion and  
18 so when we look at the actual area of the rezoning we  
19 have a total of about 60,000 square feet amounting to  
20 three block fronts which amounts to about 22 lots.  
21 The lots actually controlled by the applicant as far  
22 as the development side are concerned are the five  
23 lots that are highlighted in red to the... on the  
24 Western portion of the rezoning. You can see that  
25 Land Use in the area generally reflects residential

and open uses along Myrtle Avenue in this area. In fact, the uses on the lots that are covered by the rezoning 50 percent of those uses are residential with commercial use and about 35 percent are open uses and parking so... most of this property that's part of this rezoning will now become conforming in accordance with the rezoning and this will allow for some additional development, residential development with commercial on the ground floor on some of these vacant and open sites. This is seen to be a desirable land use in the area, the Bed-Stuy North rezoning some of the goals of that rezoning were to allow for development of sites with affordable housing to allow for ground floor commercial use and indeed the choice of zoning district here, the C2-4 with, with over... the over, over the R7D would mandate commercial uses on the ground floor so it's seen as a way of activating the commercial frontage on, on Myrtle Avenue. Again the zoning map amendment would rezone the M1-1 portion to the North of Myrtle to an R7D/C2-4 which echoes the R7D/C2-4 that has been established pursuant to the Bed-Stuy North rezoning and on the South side of Myrtle between Sanford and Nostrand there would be an R6A/C2-4 this was chosen by the

2 Department of City Planning because the sites on that  
3 block front amounts to about six sites all reflect  
4 ground floor commercial with residential uses above  
5 and so all of them will become conforming pursuant to  
6 this rezoning and, and actually as far as soft sites  
7 are concerned this will establish the conformity of  
8 those sites and will not pursuant to City Planning's  
9 review create any soft sites or additional  
10 development immediately. We have a, a shot...  
11 screenshot, eagle eye view of the rezoning district  
12 boundary as well as the development site in green and  
13 then some photos of the site which right now the  
14 development site is used for open uses including as  
15 truck parking. The... to, to kind of summarize the  
16 proposal, the proposed R7D/C2-4 would respond to an  
17 increased demand for new housing in the area, it  
18 would allow for medium density apartment buildings  
19 with mandatory affordable of course, would require  
20 active non-residential ground floor uses, creates  
21 consistency with the R7D/C2-4 to the East, permits  
22 mixed use, use development along Myrtle which is of  
23 course a major East, West thoroughfare in this area  
24 which strengthen the character of Myrtle Avenue as a  
25 retail and service corridor and would enliven Myrtle

Avenue and benefit businesses and the community by creating a more engaging pedestrian experience. And to summarize the development site, we'd be looking at a new eight story mixed use building with 66 residential units, 17 of these would be permanently affordable and the building in, in total would be 82... approximately 82,000 square feet of which there would be ground floor of 14,000 square feet of commercial use, 14,000 square feet of medical office, community facility on the second floor and then 52,000 square feet of residential floor area with space for a 68 space parking garage in the cellar. I would note that since the time of the Brooklyn Borough President's hearing we did update the unit distribution and in accordance with our conversations with Council Member Levin there are now a reduced number of units and an increased number of two and three bedrooms, so this allows for larger units as was requested initially or discussed at the... at the Borough President's hearing and this has been further discussed with Council Member Levin. The building plans round out the presentation and then there's a, a rendering of the site, I would note that we have received tremendous support from the Community Board, Community Board

three voted overwhelmingly by a vote I think of 23 to 5 in favor of this rezoning, we're very happy to get that support from them and the Brooklyn Borough President although requesting modifications was indeed supportive of the proposal. We've had great outreach as far as the community is concerned and we've also discussed and been, been engaged with impact Brooklyn which is... been designated as the, the registered agent, the administering agent for the affordable housing on the site, this is something that was requested by the Community Board and which Scott and the Fishman family was happy to... happy to comply with. So, that's really the crux of the presentation, I'm happy to answer any specific questions.

17 COUNCIL MEMBER LEVIN: Thank you so much  
18 for this presentation. Sorry, can you speak a little  
19 bit about the engagement that the applicant has done  
20 with Community Board three, how long has that  
21 engagement been going on and has there been different  
22 iterations that have transpired during those  
23 throughout those engagements?

24 RICHARD LOBEL: Sure, so the applicant  
25 has had approximately four meetings with the

Community Board. There've been two prior to entry into the ULURP process, there've been... and there've been the ULURP hearing as well as the... as well as the hearing at the Brooklyn Borough President's Office. With regards to the Community Board specifically we were happy to go in at least two times prior to ULURP, we sat down with Miss Penn with the Land Use Committee and modifications were made to the design of the building in that regard, we discussed potential uses on the site, we discussed where they'd like to see the parking located and the entrance to the parking. So, it was a very spirited discussion and a very productive discussion, we were really happy given the history of rezonings in that area with where the Community Board came out on this and the fact that they were very much in support. I'd also note that the Fishman's have been long standing members of Community Board three, I believe as the story goes Scotts grandfather ran a, a butcher shop in the area at which the family was engaged for years and so there... you know the... this establishment and the family is, is known to the Community Board so it was a really... it was just an excellent engagement with the... with the community.

1  
2                   COUNCIL MEMBER LEVIN: And... I'm sorry,  
3 the vote again at the Community Board level?

4                   RICHARD LOBEL: If you give me one  
5 moment... Community Board three voted in favor 23 to  
6 five.

7                   COUNCIL MEMBER LEVIN: Thank you. There's  
8 a couple of other sites that are proposed in this  
9 rezoning, I know one of them is a church, one of them  
10 is a not-for-profit, do you know of... are you in  
11 contact with the other owners within the rezoning  
12 area and are there any plans on redevelopment of  
13 those sites and do you know if there would be any  
14 opportunity for retaining those not-for-profit and  
15 ecumenical uses?

16                  RICHARD LOBEL: So, the... excuse me, give  
17 me a moment... so, the number of... and I'm just trying  
18 to page back to the... it's not, not quite working...  
19 there's a number of other sites included within the  
20 rezoning area so of the 22 sites that would be  
21 rezoned the applicant only controls about less than a  
22 third of those sites. There has not been a lot of  
23 discussion with, with other owners within the area  
24 and we, we had a pretty full engagement with the  
25 Community Board and the, the truth is that the... most

1 of the uses within those 22 lots about 85 percent of  
2 them will either now be allowed to do residential  
3 where formerly they were only allowed to do  
4 manufacturing and so there are vacant and open uses  
5 as well as uses which now become conforming so any of  
6 the feedback we have gotten from local residents has  
7 been positive but we didn't specifically go out door  
8 to door and, and engage them the local owner... We're,  
9 we're making a strong assumption that they're,  
10 they're in favor given the fact that Community Board  
11 vote was fairly strong in favor of the rezoning and  
12 that there was... proper notice was provided in  
13 accordance with Community Board so that's kind of  
14 where we sit.

16 COUNCIL MEMBER LEVIN: Have... we've been  
17 approached by a potential union partners about  
18 ensuring that the building service workers be paid a  
19 prevailing wage and have the opportunity to unionize  
20 if they so wish, has, has the applicant been  
21 approached and is there conversations that you could  
22 provide, you know an update on to this committee?

23 RICHARD LOBEL: Council Member I know  
24 that that, that's been a subject of discussion  
25 recently and, and we understand that there's members

1 of the union here today, there have not been any  
2 specific conversations with them, I don't think that  
3 we're adverse to, to entering into those  
4 conversations there... I just know that there haven't  
5 been any specific talks but again I... you know  
6 obviously this is a process, I would note that, that  
7 with regards to the, the size of the building and the  
8 number of units it's a... it's a relatively modest  
9 building given the, the fact that there's 66  
10 residential units so there's a ground floor of 14,000  
11 commercial, 14,000 square foot of community facility,  
12 the actual... the actual number of residential units  
13 is, is relatively low in the... in scheme of some of  
14 the rezonings that we've looked at. Having said that  
15 again we're, we're happy at your discretion to talk  
16 to them but, but as to date that really hasn't  
17 happened.

19 COUNCIL MEMBER LEVIN: Is the applicant  
20 looking to pursue a 421A?

21 RICHARD LOBEL: They are... they are...  
22 [cross-talk]

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

25 RICHARD LOBEL: So, out of... [cross-talk]

1  
2                   COUNCIL MEMBER LEVIN: There are  
3 requirements under 421A... [cross-talk]

4                   RICHARD LOBEL: Correct.

5                   COUNCIL MEMBER LEVIN: You know I would...  
6 I mean I'm, I'm not here to advocate for one specific  
7 union or another but good paying jobs are important  
8 and job security is important. So, I... you know just...  
9 we just obviously voted on the Pfizer application in  
10 which that applicant committed to prevailing wage and  
11 not opposing any, any move by building service  
12 workers to, you know exercise their right to unionize  
13 so maybe that's something to explore.

14                  RICHARD LOBEL: Yeah, we, we'd be happy  
15 to explore that, I mean obviously as far as scope  
16 we're, we're, we face a far smaller project having  
17 said that though we're, we're... we, we were happy to  
18 talk to anybody.

19                  COUNCIL MEMBER LEVIN: Okay. And that's,  
20 that's all I can ask so... okay, I want to thank you  
21 very much for this application, we'll be talking to  
22 our Land Use Division staff and communicating with  
23 the Borough President's Office and, and the Community  
24 Board and, and reviewing all the recommendations and

25

the status of the application at this point and we'll be in touch for sure. Great...

RICHARD LOBEL: Great. Thank you, thank you Council Member Levin

CHAIRPERSON RICHARDS: Thank you and just the last two points I think when we met I mentioned, I think the Marcy Houses is close to here, so I wanted to hear a little bit more about outreach strategy on not just good jobs but also figuring out a pipeline for local hiring and with local organizations are in this community you could work with and... a percentage of hires a, a particular percentage that you agree to, I like 30 percent personally and MWBE procurement so can you speak to those things quickly and if you don't have information that's fine just before we vote this item out eventually I would like to hear what's your plan to ensure that individuals in the Marcy Houses have access to jobs?

RICHARD LOBEL: Chair Richards I think that we would elect to provide you with that information prior to the vote, I know that there have been some internal discussions with regards to MWBE and local hiring and that that is a commitment on

1  
2 behalf of the owner particularly in light of the fact  
3 that they would be seeking some relief through some  
4 programs which would be tied to MWBE hiring but we do  
5 have a consultant whose specifically working on that  
6 so we'd be happy to, to gather that information to  
7 send that to you sometime in the next several days.

8 CHAIRPERSON RICHARDS: Great and also a,  
9 a reporting mechanism so a report to the Council  
10 Member, perhaps to the Community Board, to the  
11 Tenants Association, Association at least bi-annually  
12 or something on how that local hiring or whatever  
13 framework Council Member Levin comes up with on how  
14 that will work.

15 RICHARD LOBEL: Excellent, thank you.

16 CHAIRPERSON RICHARDS: Alright, great.  
17 Alright, thank you for your testimony. We will now  
18 hear from Justin Sinclair from 32BJ SEIU.

19 JUSTIN SINCLAIR: Good afternoon, my name  
20 is Justin Sinclair. I'm here today testifying on  
21 behalf of my union 32BJ. 32BJ is the largest property  
22 service workers union in the country, 32BJ represents  
23 85,000 building service workers in New York City,  
24 nearly 3,000 of us live in community district three  
25 and over 35,000 of us work in residential buildings

like the one JMS Realty is proposing to develop. I'm here to tell you just how important it is that JMS Realty commit to creating high quality jobs at 723-733 Myrtle Avenue. The development at 723-733 Myrtle Avenue should provide the community with high quality building service jobs, these jobs at the building will affect the wellbeing of the community for years to come. Developments that pay building service workers the industry standard prevailing wage and benefits allow workers to stay in the city and support their families. Building service jobs can be jobs that pay 10.50 an hour with no benefits or they can be good quality jobs that pay wages that allow people to afford to put a roof over their head, save for retirement and access health benefits. My union brothers and sisters and I have to... been able to stay in the city and support our families because we are lucky to have those kinds of jobs. We need to make sure that 723-733 Myrtle Avenue is creating good jobs not poverty jobs for Brooklyn residents. This is why I am calling on the Subcommittee to ensure that JMS Realty commits to creating high quality family sustaining jobs at 723-733 Myrtle Ave. Thank you.

1  
2                   CHAIRPERSON RICHARDS: Thank you for your  
3 testimony and I'll go to Council Member Levin.

4                   COUNCIL MEMBER LEVIN: I just want to  
5 thank you sir for, for your testimony for advocating  
6 for good quality jobs to provide a, a solid career  
7 and economic ladder for, for building service workers  
8 in the city and I very much appreciate your  
9 testimony, for being here today and for calling  
10 attention to this issue and we'll be for sure  
11 following up as this process continues.

12                  JUSTIN SINCLAIR: Thank you.

13                  CHAIRPERSON RICHARDS: Thank you, thank  
14 you for your testimony. Alright, are there any other  
15 members of the public who wish to testify on this  
16 item? Okay, seeing none I will close the public  
17 hearing on Land Use Item Number 787 and 788 and move  
18 onto our last hearing for the day which will be on  
19 Land Use Item Number 785 and 786, the special Harlem  
20 River Waterfront district expansion text amendment  
21 application. this application submitted by the  
22 Department of City Planning would expand the special  
23 Harlem Waterfront district with several blocks  
24 bounded by the Harlem River, East 135<sup>th</sup> Street and  
25 Bruckner Boulevard. The text amendment would also

1  
2 update regulations, address change in resilient  
3 building construction, encourage affordable housing  
4 development and ensure adequate circulation and  
5 waterfront public access. I will now open the public  
6 hearing for Land Use Item Number 785 and 786 and  
7 we'll go to our first panel; Carol Samol, Department  
8 of City Planning; Oscar Oliver-Didier...

9 OSCAR OLIVER-DIDIER: Didier.

10 CHAIRPERSON RICHARDS: Didi... [cross-talk]

11 OSCAR OLIVER-DIDIER: Yeah, yeah.

12 CHAIRPERSON RICHARDS: Alright.

13 OSCAR OLIVER-DIDIER: Correct.

14 CHAIRPERSON RICHARDS: Hopefully I didn't  
15 butcher your last name as bad either. With that being  
16 said you may introduce yourselves and you may begin.

17 OSCAR OLIVER-DIDIER: Thank you so much.

18 Good afternoon, I'm Oscar Oliver-Didier, Urban  
19 Designer for the Department of City Planning's Bronx  
20 Office and I'm here today to talk about the Special  
21 Harlem River, River Waterfront District amendment and  
22 expansion area application. This is a long-term  
23 planning effort that seeks to update and, and expand  
24 the special district created in 2009. Just a quick  
25 overview this application lies in Community district

one of Lower Concourse area in the Bronx and City Planning is looking to both update the '09 Special Harlem River Waterfront district which is the area shown here in orange between 149<sup>th</sup> Street and Park Ave. and to expand the Special district waterfront access plan to the South between Park Ave and Lincoln Ave. The general goals of these amendments, zoning map and zoning text amendments are to update the, the special district itself to create flexible building forms, to encourage affordable housing, address easement and deliver restrictions, meet flood resiliency needs and the expansion itself of the special district is to... and encompass two waterfront blocks to the South and address any conditions to ensure lively waterfront open space in that area as well. A quick overview of the area, you sort of see to the left the Manhattan side, the Harlem River in the middle and then the special district boundary itself in the Lower Concourse area of the Bronx. When you... when we took a... when we take a look at the area itself on the ground we sort of see the... some of the challenges in terms of infrastructure and connectivity such as the elevated Major Deegan Expressway and the Oak Point Rail Link on the water

1 side or the shoreline's edge. In terms of resiliency  
2 of course we've learned a lot, a lot post-Sandy and  
3 it's important to note the majority of the existing  
4 and proposed Harlem River Waterfront is in the one  
5 percent annual flood zone but there's also  
6 opportunities and as we know the Mayor allocated 194  
7 million dollars to this area in 2015 as part of an  
8 infrastructure investment strategy that looks to  
9 create catalysts for affordable housing, improve  
10 access and job growth. Jumping back to the 2009  
11 special district itself and just keep, keep giving a  
12 quick overview, nine parcels were created, a  
13 waterfront access plan was put in place, requirements  
14 for active uses and rec parking, bulk regulations,  
15 tower locations and heights, a Mack Park and then  
16 finally a voluntarily inclusionary housing area that  
17 was mapped in this area as well. Since 2009 however  
18 we have not seen development occur within this  
19 special district boundary and even though our overall  
20 goals are not changing we're looking to update the  
21 district itself to provide building bulk variety and  
22 design flexibility to encourage the development of  
23 affordable housing, to provide flexibility on parcel  
24 one which is the parcel here to the North just South

of 145<sup>th</sup> Street Bridge to accommodate easement and unbuildable areas there, require ground floor active uses and rec parking only on key locations and allow greater options for resiliency design. It's important to also note that we are not changing the zone districts as part of this process and just a general overview of the bulk in 2009 this is the kind of building form you would end, end up with 60 to 85 foot bases with towers above and a required variation of street wall and height and then as part of our updates what we're trying to do is to number one lower height along the shoreline, maximize views of the waterfront and that's why you sort of get the sort of U shaped buildings, provide the flexibility to support the development of affordable housing by providing more options and hybrid scenarios and you can sort of see in this image how it can accommodate for block and plank construction types which are more typical of affordable housing construction. And just generally speaking how we're achieving these different goals fronting the shore public walkway, the base now would range from zero to 85 feet in terms of height a required opening that ranges from zero to 45 feet and then a maximum transition height

of 125 feet all shown here in red and then 50 feet from the shore public walkway or from the shoreline a base height that ranges from 60 to 105 feet and then a maximum transition height of 155 above that you would obviously get your towers so we would end up with a, a development that sort of steps down towards the water and both variety would also be achieved for the sake of visual interest and important... more importantly the flexibility to provide and support affordable housing construction would also hopefully be achieved. In terms of resiliency design measures, the design in this area ranges from two feet to 11 feet so it's very likely that developments would raise their buildings for flood protections so we would very likely get blank walls along some of these edges with the... with planting as the only attenuation requirement to sort of minimize that so what we're doing is we're providing room and requiring design elements for blank walls and this would include other, other things other than planting such as seating, lighting, bike racks and urban furniture. So, in the end through these measures we would achieve an active resilient and safe public realm and then moving onto the South sub district or expansion

area which is shown here in red we would address unique conditions to ensure lively accessible waterfront open space. The challenges in terms of infrastructure are very similar to the... district, the Major Deegan Expressway on one side, the Oak Point Rail Link on the water's edge and then the expansion area just to understand a little bit more this general... the, the general vicinity, the expansion area is a large waterfront block composed of multiple independently owned lots, so a waterfront access plan would allow us to customize access and address unique conditions there. So, the waterfront access plan would sort of break up the block to provide proper access, would map up link connections towards an existing inlet and would require active uses on corners to make sure that it feels inviting and safe not only for the residents in the area but for the communities at large. Wrapping up with the Community Board and Borough... Bronx... the Borough President public hearing, the Community Board voted to approve the application and no modifications or conditions were stated and the Bronx Borough President also approved the applications without any mods or conditions. We did put in place City Plan... City

Planning Commission modifications recently and here's a quick overview of them. First of all, some of the active corners we would be eliminating some of the locations for the required ground floor nonresidential uses in certain areas. The Major Deegan Expressway we would require a setback on parcels two, three, and four along that edge and then finally in terms of grandfathering we would extend the vesting period for filed applications in the expansion area or the South sub district. So, finally the proposed changes to the special district area and its expansion zone to the South will create a welcoming lively area and encourage greater connectivity to the waterfront and the surrounding community. Thank you and I'm happy to answer any questions.

CHAIRPERSON RICHARDS: Thank you and thank you for your testimony. A few questions, so let's just get to... was this area hit by hurricane Sandy?

CAROL SAMOL: Not this, this direct waterfront, a little further South was affected.

CHAIRPERSON RICHARDS: So, a little further South?

1                   CAROL SAMOL: Yeah.

2                   CHAIRPERSON RICHARDS: Has there been any  
3 thought being that we... you know we're going to be  
4 developing so close to the waterfront of any  
5 resilient measures outside of the plantings and  
6 things you've spoken of?

7                   CAROL SAMOL: Yes, those are already  
8 adopted and what we're trying to do here... [cross-  
9 talk]

10                  CHAIRPERSON RICHARDS: Can you just  
11 speak... [cross-talk]

12                  CAROL SAMOL: ...provide... [cross-talk]

13                  CHAIRPERSON RICHARDS: ...to those a little  
14 bit so speak to that a little bit?

15                  CAROL SAMOL: Well requiring them to  
16 raise livable floor area outside of the flood zone...

17                  CHAIRPERSON RICHARDS: Alright... [cross-  
18 talk]

19                  CAROL SAMOL: ...here we're trying to  
20 provide measures that allow for cost efficient  
21 mitigations for flood zones that can also design the  
22 shore public walkway so that it is also resilient so  
23 that it can help, you know take some of the, the...  
24 [cross-talk]

1  
2                   CHAIRPERSON RICHARDS: Speak to that a  
3 little bit more, so they can design walkways so are  
4 you assuming the plantings along the edges and...  
5 [cross-talk]

6                   CAROL SAMOL: Correct or they could step,  
7 step up, they could raise it, previously we had had a  
8 requirement in the special district that the entire  
9 shore of public walkway should be raised two feet,  
10 that was before Sandy, before we really understand  
11 the nuances of the flood zones and... [cross-talk]

12                  CHAIRPERSON RICHARDS: This is in a flood  
13 plain, is this... [cross-talk]

14                  CAROL SAMOL: Right... [cross-talk]

15                  CHAIRPERSON RICHARDS: ...FEMA's... [cross-  
16 talk]

17                  CAROL SAMOL: Yes... [cross-talk]

18                  CHAIRPERSON RICHARDS: Okay... [cross-talk]

19                  CAROL SAMOL: Yes, and, and it... [cross-  
20 talk]

21                  CHAIRPERSON RICHARDS: Do you know which...  
22 [cross-talk]

23                  CAROL SAMOL: ...expanded a little bit in,  
24 in this area after FEMA came in and remapped the  
25 flood zone. So, we're being more nuanced in the

1  
2 approach rather than just a flat blanket, you know  
3 to... you know raise the shore public walkway two feet  
4 we would allow them to do that, we were allowing them  
5 to do internal to their buildings... [cross-talk]

6 CHAIRPERSON RICHARDS: And why only two  
7 feet, I'm sorry to cut you... [cross-talk]

8 CAROL SAMOL: That was quite... I mean  
9 this, this was out... is outdated but it was to provide  
10 some measure for the flood zone, but it was also to  
11 allow visual access over the, the rail line that runs  
12 along the waterfront there so when you're standing on  
13 the shore public walkway you could actually see the  
14 water more easily and, and so forth.

15 CHAIRPERSON RICHARDS: Right and I'm sure  
16 you've seen the reports that we're going to see more  
17 of these 500-year storms turn into... [cross-talk]

18 CAROL SAMOL: Yeah... [cross-talk]

19 CHAIRPERSON RICHARDS: And I'm not  
20 against, you know personally I can say... I can't speak  
21 for the committee but certainly not against  
22 retreating from the shore line but want to make sure  
23 that we're also being responsible... [cross-talk]

24 CAROL SAMOL: That's right... [cross-talk]

25

1  
2                   CHAIRPERSON RICHARDS: ...as we develop  
3 along it so... definitely wanted to hear a little bit  
4 more about more than just walkways to a great degree,  
5 I mean is there like a park feature or something  
6 along the edges... [cross-talk]

7                   OSCAR OLIVER-DIDIER: Definitely... [cross-  
8 talk]

9                   CHAIRPERSON RICHARDS: ...that you can  
10 possibly entertain?

11                  OSCAR OLIVER-DIDIER: Right, I mean in,  
12 in the end a Mack park would, would always help  
13 you're creating more green infrastructure that  
14 absorbs flood water that always helps, in the  
15 expansion area we're requiring a supplemental public  
16 access area around the inlet which is actually if you  
17 look at this map where most of the flood area would  
18 occur so that again... [cross-talk]

19                  CAROL SAMOL: In the South... [cross-talk]

20                  OSCAR OLIVER-DIDIER: ...to create that  
21 sort of green infrastructure... [cross-talk]

22                  CHAIRPERSON RICHARDS: Right... [cross-  
23 talk]

24                  OSCAR OLIVER-DIDIER: ...that helps in  
25 absorbing this and just to sort of speak a little bit

1 more about the shore public walkway requirements and  
2 how we're sort of revising it what we're doing is  
3 that before you had to build to the CSX Rail Link or  
4 the Oak Point Rail Link height and now we are giving  
5 a bit more flexibility and in the end, you could  
6 raise it two, two feet above base flood elevation or  
7 the height of the Oak Point Rail Link whichever is  
8 taller. So, you have that flexibility, it's not a  
9 requirement, it's sort of... you have that flexibility  
10 to implement flood resiliency measures if, if that's  
11 a measure that wants to be... [cross-talk]

13 CHAIRPERSON RICHARDS: And this is the  
14 city owned site, correct or... I mean... [cross-talk]

15 CAROL SAMOL: No... [cross-talk]

16 CHAIRPERSON RICHARDS: ...not all... [cross-  
17 talk]

18 CAROL SAMOL: None of this is... [cross-  
19 talk]

20 CHAIRPERSON RICHARDS: ...so, so majority  
21 private and I think one... [cross-talk]

22 CAROL SAMOL: Yes, the majority of it...  
23 [cross-talk]

24 CHAIRPERSON RICHARDS: ...lot I think...  
25 [cross-talk]

1                   CAROL SAMOL: ...is... [cross-talk]

2                   CHAIRPERSON RICHARDS: Okay... [cross-talk]

3                   CAROL SAMOL: ...there are... there are a  
4                   couple of city owned sites one North of the Metro  
5                   North Bridge that's a city owned parcel.

6                   CHAIRPERSON RICHARDS: And I would hope  
7                   that we're going to push on whomever the developer  
8                   would be to go as far as possible?

9                   OSCAR OLIVER-DIDIER: Right... [cross-talk]

10                  CAROL SAMOL: Yes, that would be in, in  
11                  their interest, absolutely and, and these regulations  
12                  that we're changing now will help them do that.

13                  CHAIRPERSON RICHARDS: And just go  
14                  through the heights again and how did you arrive at  
15                  these heights?

16                  OSCAR OLIVER-DIDIER: Right, so in terms  
17                  of... going the wrong way... in terms of heights we sort  
18                  of spoke very briefly about the end result of the old  
19                  rules which again would sort of lead to buildings we  
20                  feel comfortable with but it didn't give all... options  
21                  in terms of flexibility to achieve other goals such  
22                  as block and plank construction and hybrid scenarios  
23                  where you could have both a tower above a base and  
24                  also some other portions of the building built on

1  
2       their block and plank so what we're doing is that  
3       again since we, we, we're raising the heights to  
4       accommodate that kind of construction type we want to  
5       make sure that towards the shore public walkway  
6       however it still maintains a human scale. So, again  
7       we feel more comfortable with having heights 50 feet  
8       beyond the shore public walkway but really, we want  
9       to maintain a lower height and scale fronting the  
10      water where it really counts.

11           CAROL SAMOL: And, and the tower heights  
12      have not changed at all... [cross-talk]

13           OSCAR OLIVER-DIDIER: That's right...  
14      [cross-talk]

15           CHAIRPERSON RICHARDS: Okay and are we  
16      going to blocking anybody's views who historically  
17      may have had views of... okay...

18           CAROL SAMOL: No.

19           CHAIRPERSON RICHARDS: No?

20           CAROL SAMOL: No.

21           CHAIRPERSON RICHARDS: Okay... [cross-talk]

22           CAROL SAMOL: No.

23           CHAIRPERSON RICHARDS: So, there's  
24      nothing there?

1  
2           CAROL SAMOL: Yeah, yeah, I mean it's,  
3 it's warehouses, there's some self-storage... [cross-  
4 talk]

5           CHAIRPERSON RICHARDS: Okay...

6           CAROL SAMOL: There's a new residential  
7 building going up, but it's not occupied.

8           CHAIRPERSON RICHARDS: Right and how many  
9 units are you anticipating, or do you have an idea?

10          CAROL SAMOL: On the waterfront... [cross-  
11 talk]

12          OSCAR OLIVER-DIDIER: I think it's  
13 around...

14          CAROL SAMOL: 2,000?

15          OSCAR OLIVER-DIDIER: Yeah.

16          CAROL SAMOL: About 2,000 permitted on,  
17 on those... [cross-talk]

18          CHAIRPERSON RICHARDS: So, about 2,000  
19 units?

20          CAROL SAMOL: In the core... in the core of  
21 the... [cross-talk]

22          OSCAR OLIVER-DIDIER: In the core...  
23 [cross-talk]

24          CAROL SAMOL: ...sub district there.

25

1  
2                   CHAIRPERSON RICHARDS: Okay and obviously  
3 mandatory inclusionary housing would kick in and has  
4 there been any further conversations with HPD on what  
5 the affordability would look like moving forward?

6                   CAROL SAMOL: No, that, that will come up  
7 as each property owner comes up. This is a... just a  
8 reminder of voluntary inclusionary housing area in  
9 the core sub district... [cross-talk]

10                  CHAIRPERSON RICHARDS: So, this is  
11 voluntary, okay.

12                  CAROL SAMOL: Voluntary... [cross-talk]

13                  CHAIRPERSON RICHARDS: When are we going  
14 to... well I know there are discussions going on...

15                  CAROL SAMOL: Yeah.

16                  CHAIRPERSON RICHARDS: But are we... when  
17 are we going to... [cross-talk]

18                  CAROL SAMOL: I think those are, are  
19 happening now, those discussions have... [cross-talk]

20                  CHAIRPERSON RICHARDS: Okay... [cross-talk]

21                  CAROL SAMOL: ...happened... are starting  
22 now.

23                  CHAIRPERSON RICHARDS: Okay, because  
24 yeah, we would love to see that align closer to MIH  
25 or a little further. Alright and can you go through

1  
2 transportation a little bit so obviously this area is  
3 secluded, what does the transportation look like, I  
4 see the Grand Concourse...

5 CAROL SAMOL: Yeah, go, go to the area  
6 map there Oscar, it's helpful. That's one of the  
7 benefits of this area is the, the rich transit access  
8 along the Grand Concourse with the 25 and the six  
9 trains not far away and then express busses along the  
10 Grand Concourse itself and then you can easily walk  
11 across 145<sup>th</sup> Street and the 3<sup>rd</sup> Avenue Bridge to get  
12 into Manhattan to get to the three and the... and other  
13 trains across the way.

14 CHAIRPERSON RICHARDS: And so I know the  
15 Community Board supported this application, but you  
16 did have four against and four abstaining, what were  
17 some of the concerns from the members who abstained  
18 or voted against?

19 CAROL SAMOL: I think there was general...  
20 Oscar you should... you should testify.

21 OSCAR OLIVER-DIDIER: I think that most  
22 of the concerns were more about citywide policies  
23 regarding affordability and, and, and jobs but not  
24 necessarily specific to, to the actual application.  
25 In the end they, they were heavily involved in this

1  
2 process, we did a couple of workshops with them, we  
3 briefed them multiple times, they were also involved  
4 in the 2009 special district, so they were familiar  
5 with what we were talking about, but we kept them  
6 very much involved in the process itself.

7 CHAIRPERSON RICHARDS: Alright, so we  
8 know the conversation eventually will come so I'm  
9 hoping that HPD and others are paying very close  
10 attention and, you know I mean you sat here today,  
11 the questions around affordability and inclusiveness  
12 have been something that have continuously come up  
13 and not just today but in this committee so I'm  
14 hoping that as private developers come online that,  
15 that there's a true commitment to reaching a variety  
16 and... of depths of affordability.

17 OSCAR OLIVER-DIDIER: Yeah.

18 CHAIRPERSON RICHARDS: Alright, I just  
19 wanted to give that message early. Alright, thank you  
20 so much for your... [cross-talk]

21 CAROL SAMOL: Thank you... [cross-talk]

22 CHAIRPERSON RICHARDS: ...testimony...

23 [cross-talk]

24 OSCAR OLIVER-DIDIER: Thank you... [cross-  
25 talk]

1  
2                   CHAIRPERSON RICHARDS: ...any of my  
3 colleagues have questions, seeing none I will now  
4 move on to the next panel. James Power, I can't make  
5 out your handwriting, it looks like mine; Lissa So  
6 Pantheon, Pantheon, Pantheon Properties I think I'm  
7 reading and Kenneth Cohen and you'll just state your  
8 names for the record and who you're representing and  
9 then you may begin your testimony and we're going to  
10 put a seven-minute clock on... because we've extended  
11 our time here way beyond.

12                   JAMES POWER: Good afternoon Chair  
13 Richards, I'm Jim Power from Kramer Levin Naftalis  
14 and Frankel on behalf of Pantheon Properties which is  
15 the owner of the parcel two development site under  
16 the special district regulations. Pantheon is  
17 planning on developing parcel two with an affordable  
18 housing project. We would write... we would like to  
19 raise two issues with the proposed text amendment,  
20 first the requirement that a loop road be provided  
21 around the Northern and Western perimeter of the  
22 property and second, the requirement that the  
23 building be set back a full 74 feet from its front  
24 lot line with landscaping and other amenities  
25 provided in that 74-foot open area as will be

discussed further by Marvel Architects. These requirements severely constrain our client's site and they make it very difficult to develop the site for affordable housing. This property has already been subject to multiple condemnation actions in recent years and is already subject to a requirement that the Western portion be landscaped and be made publicly accessible under the waterfront zoning regulations. We believe that the loop road and 74-foot open area requirements are unfair in light of the other burdens that have been placed on this property and that the 74-foot setback requirement which is intended to preserve land for future state Department of Transportation use would require... would rise to the level of an inverse condemnation and justify additional compensation to our client. That open area requirement is attributable to a hypothetical expansion of the Deegan Expressway in the future but there are significant questions about whether the state DOT is even interested in an easement for that purpose. We ask that you consider removing these two requirements from the zoning text or modifying them so as to provide flexibility to

1  
2 achieve a larger building footprint and more  
3 affordable housing.

4 CHAIRPERSON RICHARDS: And you... this is  
5 parcel two if you can show... [cross-talk]

6 JAMES POWER: Parcel two, yes...

7 CHAIRPERSON RICHARDS: Okay.

8 JAMES POWER: Yes.

9 CHAIRPERSON RICHARDS: And I think there  
10 had been some conversations going on, is it safe to  
11 say?

12 JAMES POWER: Yes... [cross-talk]

13 CHAIRPERSON RICHARDS: Around this... okay,  
14 got it.

15 LISSA SO: Good afternoon, I'm Lissa So  
16 with Marvel Architects. We were hired by Pantheon  
17 Properties in August to design an all affordable  
18 housing development on parcel two in 399 Exterior  
19 Street. Parcel two is located immediately South of  
20 the Mack Parkland in the special Harlem River  
21 Waterfront district, the lot area is 56,085 square  
22 feet and allows for an FAR of 4 with inclusionary  
23 housing. The optimal footprint for the development is  
24 approximately 41,000 square feet allowing for a... 40  
25 foot for the shore public walkway to the West and a

14-foot state DOT easement to the East. Since we are designing the building for affordable housing we need to keep the building height to 14 stories allowing the use of a block and plank structure. This optimal footprint allows for a massing of 14 stories allowing 323,000 gross square feet and 283 affordable housing units. As Jim stated there are two issues with the proposed text amendment that affect our project, the first is the requirement that the building be set back a full 74-feet from its front lot line with landscaping and other amenities provided in that 74-foot open area, the dashed yellow line represents this set back. The second is the requirement that a fire apparatus access road be provided around the Northern and Western perimeter of the property. There was a requirement for a North, South bi-directional road which will allow for a fire access across all of the parcels once the waterfront is fully developed. Since Pantheon is developing the property in advance of its adjacent sites and, and this road is not created yet they are also required to provide an interim fire apparatus access road at the North side of their site. These two requirements restrict the footprint from 41,000 to approximately 16,000 square

feet designing within the budget and limitations of block and plank construction at 14 stories we are only able to build an FAR of 2.69 and approximately 203,000 square feet and that reduces it to 182 units, it's reduction of 101 affordable housing units. To summarize the proposed text amendment would affect our project by creating a less efficient floor plate, 21,754 to 12,785, reduce the FAR for a block and plank constructed development from 4 to 2.69, reduce the gross area from 323,000 to 203,000 and reduce the amount of affordable housing units by 101 from 283 to 182. As Jim stated in his remarks we ask that you consider removing these two requirements from the text or modify them to allow us to maximize the amount of affordable housing on parcel two and within the special Harlem River Waterfront district. Thank you.

CHAIRPERSON RICHARDS: Thank you.

KEN COHEN: Yes, my name is Ken Cohen and I'm the President... sorry... My name is Ken Cohen, I'm the President of Pantheon Properties and I'll try not to be redundant just let you know that we at the beginning of this year decided to move ahead with affordable housing project. After analyzing the site

1 we've engaged our architects, lawyers, consultants  
2 all with specialty in affordable housing, names you  
3 would probably know, we spent about 200,000 dollars  
4 to date in that effort, we've met with HPD and at HTC  
5 in August shared our financial modeling developed by  
6 Best Development Ron Truman, well known in New York  
7 City, affordable housing developer and consultant and  
8 we received positive feedback on our preliminary work  
9 specifically we are looking at the M-Squared Program,  
10 the exact AMI as we will target is still under  
11 consideration. We are looking as ranging from 40  
12 percent to 110 percent of AMI and you've heard the  
13 issue which is... this, this is based on the 2009  
14 regulations, we were able to do it and this new text  
15 amendment reduces our development by 100 affordable  
16 housing units. We'll, we'll... he'll think... hear  
17 things... we heard things like just build it taller but  
18 as you've heard block and plank the, the economics of  
19 block and plank do not pencil out for affordable  
20 housing and approximately according to a letter we  
21 can... like to put to the record from Best Development  
22 a 25 to 30 percent increase in construction costs  
23 when you cross that threshold. While the intention of  
24 the amendment I hear is to encourage affordable

2 housing the impact on our property parcel two is a  
3 reduction by 200... by 100 units on a 283-unit  
4 development and I will also like to say I like your  
5 questions about the waterfront resiliency, I'm a  
6 member of the waterfront alliance and we are hoping  
7 to follow the wedge guidelines for our development.

8 CHAIRPERSON RICHARDS: Well thank you, I  
9 think we've heard you loud and clear and we'll  
10 continue negotiating this and, and we'll get back in  
11 touch with you after this but it's well noted, I  
12 think you're just looking for a floor plate and I  
13 think this if I'm hearing you correctly reduces the  
14 possibilities of more units for you and a smaller  
15 project in one sense so we'll continue to have  
16 conversations, I look forward to working with you  
17 through this process.

18 LISSA SO: Thank you.

19 KEN SPILLBERG: Thank you.

20 CHAIRPERSON RICHARS: Alright, thank you.  
21 Alright, are there any other members of the public  
22 who wish to testify on this issue? Alright, seeing  
23 none we are going to layover all items that we didn't  
24 already vote on and I want to thank everyone who came  
25 out today. I think today we might have passed around

1  
2       800 units I think of affordable housing, I think I'm  
3       right. We'll do the calculation and make sure its  
4       correct before people actually believe it on TV but I  
5       want to thank everyone for coming out today, this  
6       meeting is now adjourned.

7               [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

October 31, 2017