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COMMITTEE ON ZONING AND FRANCHISES

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON ZONING AND FRANCHISES

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April 2, 2019
Start: 9:30 a.m.
Recess: 11:00 a.m.

HELD AT: Committee Room - City Hall

B E F O R E: Francisco P. Moya
Chairperson

COUNCIL MEMBERS:
Costa G. Constantinides
Barry S. Grodenchik
Rory I. Lancman
Stephen T. Levin
Antonio Reynoso
Donovan J. Richards
Carlina Rivera
Ritchie J. Torres

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COMMITTEE ON ZONING AND FRANCHISES

A P P E A R A N C E S

Dawanna Williams
Dabar Development

Thomas Campbell
Thorobird Companies

Genevieve Michel
HPD

Felipe Cortes
HPD

Jessica Ortiz
32BJ

Adam Rothkrug

Frank St. Jacques
Akerman LLP

Guido Subotovsky
Azimuth Development LLC

Alice Friedman
HPD

2 CHAIRPERSON MOYA: [GAVEL] Good morning and
3 welcome to the meeting of the Subcommittee on Zoning
4 and Franchises. I am Council Member Francisco Moya,
5 the Chairperson of the Subcommittee and today we are
6 joined by Council Members Reynoso, Rivera,
7 Grodenchik, and Richards. Oh, and we are also joined
8 by Council Members Lander and Ampry-Samuel. And we
9 also have Council Member Levin who just walked in.

10 Today we will be holding hearings on a number of
11 applications and we will conduct a number of votes on
12 several previously heard applications. If you are
13 here to testify on an application for which the
14 record is not already closed, please fill out a white
15 speaker slip with the Sergeant and Arms and indicate
16 the name and/or the LU number of the application you
17 wish to testify on, on that slip.

18 We will now hold our votes. Today will vote to
19 approve LU's 362 through 365. The 809 Atlantic
20 Avenue Rezoning in Brooklyn, the proposed Zoning Map
21 Amendment would rezone an existing R7A C2-4 District
22 to an R9 C2-5 in R6A District. The proposed Zoning
23 Text Amendment would establish a mandatory
24 inclusionary housing area, a requested 74-711 Special
25 Permit would modify various bulk regulations and a

1 requested 74-533 Special Permit would wave the
2 residential parking requirements.
3

4 Together with these actions would facilitate the
5 development of two new mixed-use buildings of four-
6 stories and 29 stories in height with residential and
7 commercial use. The project also allows for the
8 restoration of a landmark church of St. Luke and St.
9 Matthew. Majority Leader Cumbo is in support of this
10 application.

11 We will also vote to approve LU's 370, 371, and
12 372 the 103 North 13th Street Text Amendment and
13 Related Special Permit Application in Brooklyn. The
14 applicant seeks approval for a zoning text amendment
15 to include the subject block within an industrial
16 business incentive area and a related special permit
17 to allow an increase in the maximum permitted floor
18 area for specific industrial and commercial uses.
19 Modify height and setback regulations and reduce the
20 applicable parking and loading requirements.

21 These actions would facilitate the development of
22 a seven-story building with retail office and light
23 industrial use. Council Member Levin is in support
24 of this application.
25

2 We will also vote to approve pre-considered LU
3 381 for the 245 East 53rd Street Rezoning in
4 Manhattan. The applicant seeks approval of a Zoning
5 Map amendment to establish a new C2-5 Commercial
6 Overlay district with an existing R8-B district which
7 would permit commercial ground floor use in a new
8 six-story building on the north side of the street,
9 as well as bring into conformance 25 lots which
10 currently have existing commercial use out of a total
11 27 Lots in the Rezoning area. Council Member Powers
12 is in support of this application.

13 We will also vote to file pre-considered LU's 367
14 and 368 for the 41 Summit Street Rezoning in
15 Brooklyn. The applicant has withdrawn its
16 application for a proposed Zoning Map and Zoning text
17 amendment.

18 We will also vote today to approve with
19 modifications LU's 360 and 361, the Former Parkway
20 Hospital Site Rezoning in Queens. The proposed
21 Zoning Map Amendment would rezone an R1-2A District
22 to an R7A District and an R7X District. And the
23 proposed zoning text amendment would designate the
24 project area as a mandatory inclusionary housing area
25

1
2 utilizing options one and two and the workforce
3 option.

4 Together these actions would facilitate the
5 development of a new 14-story market rate residential
6 building in the enlargement and change of use of the
7 former Parkway Hospital to an 8-story mixed-use
8 building containing 68 affordable dwelling units, 67
9 affordable independent residents for senior units
10 airs and community facility space.

11 In total the proposal would consist of 351
12 dwelling units and approximately 180 accessory
13 parking spaces. Our modification will be to remove
14 MIH option 2 and the workforce option leaving MIH
15 option 1. Council Member Kosolowitz is in support of
16 this application as modified.

17 Are there any questions from Subcommittee Members
18 on this item?

19 Seeing none, I now call a vote to approve LU's
20 362, 367, 364, and 365. The 809 Atlantic Avenue
21 Rezoning Applications, LU's 370, 371, 372. The 103
22 North 13th Street Text Amendment and related special
23 permit application and LU's 381, the 245 East 53rd
24 Street Rezoning to approve with modifications I have
25 described. LU's 360 and 361, the Former Parkway

2 Hospital Site Rezoning Applications and to file LU's
3 367 and 368. The 41 Summit Street Rezoning
4 Applications.

5 Council please call the role.

6 CLERK: Chair Moya?

7 COUNCIL MEMBER MOYA: I and all.

8 CLERK: Council Member Levin?

9 COUNCIL MEMBER LEVIN: I and all.

10 CLERK: Council Member Reynoso?

11 COUNCIL MEMBER REYNOSO: I vote I and all.

12 CLERK: Council Member Rivera?

13 COUNCIL MEMBER RIVERA: I.

14 CLERK: Council Member Grodenchik?

15 COUNCIL MEMBER GRODENCHIK: With congratulations
16 to my colleague Karen Kosolowitz on the Parkway site,
17 I and all.

18 CLERK: A vote of five in the affirmative, zero
19 in oppositions, zero abstentions, the land use items
20 are approved and referred to the full Land Use
21 Committee and we are going to leave the vote open.

22 On a continuing vote on the Land Use items,
23 Council Member Richards?

24 COUNCIL MEMBER RICHARDS: I vote I.

2 CLERK: A vote of six in the affirmative, zero in
3 oppositions, zero abstentions, the Land Use items are
4 approved and referred to the full Land Use Committee.

5 CHAIRPERSON MOYA: Okay, our first public hearing
6 for today is on pre-considered LU's for the 1921
7 Atlantic Avenue Rezoning in Council Member Ampry-
8 Samuel's district in Brooklyn.

9 The application by HPD seeks designation and
10 project approval of an urban development action area
11 project and disposition approval. A rezoning of an
12 M11 R7-D district to an R8A C2-4 District. A related
13 zoning text amendment to map the site a mandatory
14 inclusionary housing area utilizing option 1 and an
15 amendment to Saratoga Square urban renewal plan to
16 permit residential and commercial uses.

17 I know open the public hearing on this
18 application. Dawanna Williams, Thomas Campbell,
19 Emilio Perez, Genevieve Michel and Felipe Cortes.

20 Council, can you please swear in the panel?

21 CLERK: As part of your response, please state
22 your full name for the record. Do you swear or
23 affirm that the testimony you are about to give will
24 be the truth, the whole truth and nothing but the
25 truth and you will answer all questions truthfully?

2 PANEL: Yes.

3 CLERK: Please state your name.

4 THOMAS CAMPBELL: Thomas Campbell.

5 FELIPE CORTES: Felipe Cortes.

6 DAWANNA WILLIAMS: Dawanna Williams.

7 GENEVIEVE MICHEL: Genevieve Michel.

8 CHAIRPERSON MOYA: Thank you. You may begin.

9 GENEVIEVE MICHEL: The following pre-considered
10 items are related to Proposed Ulurp Actions for a
11 project known as 1921 Atlantic Avenue in Brooklyn
12 Council District 41. The project area includes 12
13 city owned underutilized vacant lots located at Block
14 1557, Lots 3, 4, 23, 26, 28, 31 through 37 or the
15 disposition area and three privately owned sites
16 located at Block 1557, Lots 1, 2, and 38, the private
17 sites.

18 The Ulurp actions before the City Council involve
19 Urban Development Action Area Project designation and
20 project approval of the disposition area on private
21 sites. Disposition of the city owned properties that
22 make up the disposition area as well as the Zoning
23 Map amendment, a Zoning Text Amendment and an
24 amendment for the Saratoga Square Urban renewal plan.

2 More specifically, the item related to C1901 61
3 ZMK seeks to eliminate the MX10 special district,
4 change the underlying manufacturing district to a
5 residential district and establish a commercial
6 overlay and N 190162 ZRK seeks zoning text amendment
7 to map the development site as an MIH area.

8 Additionally, the item related to C 190163 HUK is
9 related to the first amendment to the Saratoga Square
10 Urban Renewal Plan which was originally approved in
11 1992.

12 The City owned sites are a designated urban
13 renewal area sites 175, 176, and 177, which were
14 designated and improved for disposition for
15 industrial uses. The amendment is necessary in order
16 to permit residential and commercial uses on the
17 disposition area.

18 Number C 1901 60 HAK is related to the proposed
19 project. They will be developed under HPD's
20 extremely low and low affordability income program or
21 the ELLA program. The ELLA program seeks to create
22 rental housing for low income families with a range
23 of incomes from 30 percent to 60 percent of the area
24 median income. Projects may include a portion of the
25 units with rents affordable to households earning up

1
2 to 100 percent of AMI. Projects also include units
3 rented for formerly homeless families and
4 individuals.

5 The development site located at 1921 Atlantic
6 Avenue will be developed by a sponsor, selected
7 through a competitive process geared towards
8 certified M/WBE organizations. The proposal includes
9 the construction of a 14-story mixed-use building
10 with 236 units inclusive of a suppers unit. Under
11 MIH option 1, 20 percent of the residential floor
12 area must be permanently affordable housing units,
13 affordable to households within an income at a waited
14 averages of 60 percent of AMI.

15 Additionally, as per HPD's requirement, an
16 additional 15 percent of the units will be
17 permanently affordable. Therefore, based on the
18 number of rental units for the project, 36 units will
19 be permanently affordable in addition to the MIH
20 units. The building will comprise of 52 studios, 79
21 one-bedroom, 59 two-bedrooms and 45 three-bedroom
22 apartments. 10-percent of the unit count will be set
23 aside for homeless households.

24 Targeted incomes will range from up to 30 percent
25 AMI to 80 percent of AIM. Rents will range from \$251

1
2 for a studio for a homeless household to \$2,096 for a
3 three-bedroom apartment for a family of four making
4 around \$10,000 and \$86,000 annually. The project
5 also includes about 15,000 square feet of commercial
6 floor area for a grocery store, 7,953 square feet of
7 community facility space and 44 below grade parking
8 spaces. At this time, no commercial facility has
9 been identified. The anticipated use for the
10 community facility space will be occupied by Oko Farm
11 Brooklyn Neighborhood Services and ACMH.

12 Additional amenities for this project include an
13 art gallery, outdoor recreation spaces available to
14 tenants on the roof of the second floor. And at the
15 roof top of the building, two fitness centers and
16 approximately 108 spaces for residential bike storage
17 in the cellar. Other residential amenities in the
18 proposed development include a laundry room on each
19 residential floor. Recreation rooms accessible to
20 tenants on the first and second floor, as a computer
21 room and a separate skype room. In order to
22 facilitate development of 1921 Atlantic Avenue and
23 the creation of affordable housing units, HPD is
24 before the Council seeking approval of each of the
25 pre-considered numbers outlined above.

2 DAWANNA WILLIAMS: Thank you. Good morning
3 Council Members Zoning Subcommittee and Staff. I am
4 Dawanna Williams, Founder and Managing Principal of
5 Dabar Development Partners here with my joint venture
6 partner Thomas Campbell at Thorobird Companies. We
7 are presenting as designees of HPD's M/WBE building
8 opportunity RFP. As has been mentioned, we are
9 presenting the project 1921 Atlantic Avenue.

10 As you are aware, to facilitate this project, HPD
11 is seeking a number of Land Use actions, they include
12 UDAP designation and project approval for the
13 disposition of the city owned property, a zoning map
14 amendment for the residential component, a zoning
15 text amendment as an MIH area, and amendment to the
16 Saratoga Square Urban Renewal Plan to permit
17 residential and commercial uses.

18 As you will see from the map here on the screen,
19 the yellow area outlined in red includes the twelve
20 sites that are owned currently by HPD and the city.
21 As you will see from the purple and blue area, are
22 the private sites which have been acquired by my
23 partner Thomas and I as an assemblage for a full
24 square contiguous development site.

2 To add a little bit more site location and
3 context, you will see that the property fronts on
4 Atlantic Avenue just across the street from the Long
5 Island Railroad, it sits between two one block
6 streets Prescott Place and Bancroft place. The wider
7 thoroughfares, which you may be more familiar with
8 are Ralph Avenue and Howard Avenue. The site sits
9 just two blocks from the public transportation where
10 there is a C-Train. The site is also served by two
11 public bus stations, the B47 and the B25.

12 The site additionally is currently blighted, and
13 the project would seek to cure the blight that is
14 currently existing along this thoroughfare.

15 To give you a quick summary again, the project is
16 14-stories mixed use. There are 236 affordable
17 rental housing units. They are 100 percent
18 affordable and they will count towards the Mayor's
19 New York Housing Plan to build and preserve 300,000
20 affordable units. There are also 15,000 square feet
21 on the ground floor which we are reserving for a
22 grocery store, fresh, because the neighborhood is
23 currently located in a food desert. There are four
24 community facility spaces, which my partner will
25 discuss in more detail. 44 below grade parking

1 spaces and a mandatory inclusionary housing component
2 under option one.
3

4 I will turn the floor over to my partner Thomas
5 Campbell to provide further details about the
6 project.

7 THOMAS CAMPBELL: Thank you Dawanna and good
8 morning. Thank you for having us this morning. I am
9 very excited to be here.

10 We work collaboratively with as Genevieve and
11 Dawanna have mentioned with HPD, as well as Council
12 Member Alicka Ampry-Samuel's team and with Local
13 Community Board Three, Brooklyn to really create a
14 responsive residential and community program that we
15 are proud of and given the work we put into it, we
16 are very proud and confident in our plan.

17 In terms of the residential program, given the
18 flood of residential homes, affordable homes at the
19 60 percent of area median income tier. We really
20 wanted to be responsive and provide opportunities for
21 homes at the very low-income tiers and inequitably up
22 to the moderate-income tier, what we call the
23 forgotten moderate tier, as well and we cap those
24 responsive to community need at 80 percent of the
25 area median income tiers.

1
2 Specifically, we have 10 percent of the homes for
3 the formerly homeless, 10 percent at 30 percent of
4 the area median income, 10 percent at 40, at 50 and
5 then 30 percent of the units at the 70 percent AMI
6 tier as well as 30 percent at the 80 percent of the
7 area median income tiers.

8 And as you can see from program, rents will range
9 from \$251 per month for the formerly homeless all the
10 way to a cap of just under \$2100 per month for a
11 three-bedroom apartment at the highest income tier at
12 80 percent of the area median income.

13 Next slide please. In terms of our community
14 program again, this is a really bottom up approach.
15 We initially contemplated a medical office at the
16 space but given community input, it was clear that
17 that need was for a fresh food initiative. We have
18 done the research and identified this as a food
19 desert where there is a lack of fresh food options
20 for this community where the local mom and pop shops
21 have been sort of priced out of the neighborhood.
22 They used to provide those amenities. So, we really
23 made the idea of a fresh food offering, the essential
24 theme of this project.

1 So, essentially, we have a 15,000 square foot
2 fresh grocer complimented by a ground floor aquaponic
3 farm to provide a farm to table offering for the
4 community and on the roof top we have actually
5 hydroponic farm as well. Again, to support and farm
6 to table offering to get the community access to
7 fresh foods and fresh food education.
8

9 In terms of other input from the community, we
10 understood that this community is defined as a
11 community of local entrepreneurs and we wanted to
12 support local entrepreneurship, so we brought on
13 board Oko Farms, as Genevieve mentioned, who's
14 Brooklyn born and bred neighborhood, aquaculture farm
15 provider, who is going to provide services and run
16 our aquaponic and hydroponic farm operations as well.

17 In terms of supporting our local community
18 organizations, as Genevieve also and Dawanna also
19 eluded to, we are having neighborhood housing
20 services to locate their headquarters into our
21 building, which we are really excited about that, to
22 be a community service center, as well as ACMH, a
23 local provider of support of services for the
24 formerly homeless that will be on our eastern border
25 of the building and then to the west side, we're

2 going to have local Oko Farms and the Aquaponic farm
3 to be located there.

4 Next slide, oh, sorry, my favorite part of it was
5 actually the art gallery, my wife is an artist. And
6 we have provided space for the local artists given
7 that there is a lack of affordable art space in the
8 community. Apologies, thank you Felipe.

9 So, in terms of our street scape, our ground
10 floor program abuts the busy Atlantic Avenue which is
11 one of the busiest thoroughfares in all of Brooklyn.
12 So, it's necessary to have the entrances for the
13 project to be on the side streets of Bancroft and
14 Prescott. So, you'll see here that the front of the
15 building which abuts Atlantic Avenue. It does not
16 have an entrance there where the grocer is but the
17 entrances for all the programming is all on the side
18 streets of Prescott and Bancroft. Next slide,
19 please.

20 Here you have Atlantic Avenue and the east
21 Bancroft place this is the western border of the
22 project. You'll see that its been plagued by a
23 massive community dumping, just a blighted condition
24 that my partner Dawanna spoke of. Now, we are going
25 to have our entrance to the fresh grocer there as

2 well as the entrance to ACMH the supportive housing
3 provider, entrance to the art gallery as well as the
4 entrance to neighborhood housing services. This is
5 going to drastically improve the street scape on
6 Bancroft place. Next slide please.

7 Then we have a look at the western border where
8 Atlantic Avenue and Prescott place where the
9 residential entrance will be as well as the entrance
10 to Oko Farms. Again, it's going to be a notable
11 upgrade to the street scape. Right now, the street
12 is home to abandoned automobiles and so, it's going
13 to be a great improvement to the street scape.

14 And I'll pass it back to Dawanna Williams to talk
15 a bit about sustainability. Thank you.

16 DAWANNA WILLIAMS: Thank you. Finally, the
17 building will be built in accordance with enterprise
18 green communities which is the framework for
19 sustainability and resiliency by HPD. The building
20 will include water monitoring to detect leaks and
21 water sense fixture. There will also be a rainwater
22 treatment element on the roof to collect additional
23 water that may be used in other parts of the
24 building. There will be energy star certified
25 appliances for high efficiency and then finally, and

1 we believe most importantly for the building, we will
2 have HVAC heating and cooling that is run by VRF
3 system on top of the building as opposed to the
4 grills that you normally see that are normally on the
5 façade of buildings. This will allow for a more
6 compact and efficiently closed building and also for
7 less noise.
8

9 Finally, as Thomas has indicated, we worked very
10 closely with the community and the community board
11 and other stakeholders in the community. We are
12 planning on a robust local hiring plan with an
13 initiative from local people within the community.
14 Thank you very much and we welcome any questions.

15 CHAIRPERSON MOYA: Okay, we're just going to
16 pause briefly. We are joined by Council Members
17 Constantinides, Lancman and Torres. We are going to
18 continue the vote.

19 CLERK: Continuing vote on Land Use items.
20 Council Member Constantinides?

21 COUNCIL MEMBER CONSTANTINIDES: I.

22 CLERK: Council Member Lancman?

23 COUNCIL MEMBER LANCMAN: I.

24 CLERK: Council Member Torres?

25 COUNCIL MEMBER TORRES: I vote I.

1
2 CLERK: By a vote of nine in the affirmative,
3 zero in opposition, zero abstentions, the Land Use
4 items are approved and referred to the full Land Use
5 Committee.

6 CHAIRPERSON MOYA: Thank you. Just a couple of
7 questions before I turn it over to Council Member
8 Ampry-Samuels and I apologize if you said this, but
9 you are pursuing the fresh program benefits for the
10 supermarkets?

11 DAWANNA WILLIAMS: Not technically. So, we are
12 not pursuing - there is a zoning component and then
13 there is the financial component. We are not
14 pursuing the zoning component, but we will be
15 pursuing the financial component for the grocery
16 store tenant so that tenant can pursue tax savings
17 for labor that they hire.

18 CHAIRPERSON MOYA: Okay. And will the community
19 facility tenants be offered affordable long-term
20 leases?

21 DAWANNA WILLIAMS: Yes, all except for one. All
22 except for the Brooklyn neighborhood services maybe
23 offered a more market lease, but all of the others
24 are either free or very affordable.

25 CHAIRPERSON MOYA: Okay.

2 THOMAS CAMPBELL: ACMH is going to have a 30-year
3 lease with us.

4 CHAIRPERSON MOYA: I'm sorry, could you say that
5 again?

6 THOMAS CAMPBELL: ACMH a supportive serving
7 provider, has a 30-year lease with us.

8 DAWANNA WILLIAMS: For free.

9 THOMAS CAMPBELL: For free, thank you.

10 CHAIRPERSON MOYA: And I just want to sort of now
11 just turn to talking about good jobs and one of the
12 things is for us to know is are you planning to pay
13 the building service workers at your project
14 prevailing wage standards once it's operational? And
15 if not, what will the building service workers earn
16 and are you planning to provide full family health
17 care and what would the employees share of that cost
18 be?

19 DAWANNA WILLIAMS: We are working on a plan for
20 the amount of the wages. The wages will be
21 determined based on budgetary research, but we are
22 working on a plan now. The community will be
23 involved in our local hiring.

24 CHAIRPERSON MOYA: But again, is the project
25 going to be prevailing wage standards?

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DAWANNA WILLIAMS: No.

CHAIRPERSON MOYA: It's not?

DAWANNA WILLIAMS: No, it is not.

CHAIRPERSON MOYA: Okay. And then can you tell me if any of these employees will be provided full health benefits? Are you planning to provide retirement benefits, things like that for your employees that are coming?

THOMAS CAMPBELL: Absolutely.

DAWANNA WILLIAMS: We're working on a plan, but we don't know just yet.

CHAIRPERSON MOYA: Your saying absolutely, and then your saying to me your still not there yet.

THOMAS CAMPBELL: Your asking if we're going to provide employees with benefits, health care and the like and we would provide health care and benefits, the question is with the prevailing wage at this time, we are not doing prevailing wage, but absolutely we are offering them to health care benefits and the like. That's our intention.

CHAIRPERSON MOYA: What opportunities for training and career advancement do you plan to provide workers at this project if any?

1 THOMAS CAMPBELL: I'm sorry, opportunities for,
2
3 once again please.

4 CHAIRPERSON MOYA: Yeah, what opportunities for
5 training or career advancement do you plan to provide
6 to workers at this project if any?

7 THOMAS CAMPBELL: So, with regard to the
8 construction phase, we do plan to utilize programs,
9 this is on the construction side. There is an
10 apprentice program, building skills, where we're
11 going to provide opportunities for local people in
12 the community to participate in the construction on
13 our project.

14 CHAIRPERSON MOYA: What's your apprenticeships?

15 DAWANNA WILLIAMS: Just one other thing, in the -
16 I'm not sure if you were able to see it from the
17 graph, but the Brooklyn Neighborhood Housing
18 Services, we will be building a workshop within that
19 facility that will include electrical and plumbing
20 trades to be trained in that facility. If you look
21 at the green diagram in the back, there is about a
22 900 square foot space which would be trained for
23 trades by Brooklyn Neighborhood Services.

24 CHAIRPERSON MOYA: So, just for the construction
25 trades?

1 DAWANNA WILLIAMS: That is correct.

2 CHAIRPERSON MOYA: Okay, and do you have a plan
3 to ensure that the workers on this project will have
4 job protection, access to strong health care and
5 safety protections as well?
6

7 DAWANNA WILLIAMS: Yes, we do.

8 CHAIRPERSON MOYA: Okay. So, it is also
9 important to us that the members of the surrounding
10 community have access to the jobs that create the
11 affordable housing projects. Do you have a plan to
12 hire locally and if you do, could you share that with
13 us?

14 DAWANNA WILLIAMS: Yes, we are already in
15 communication with a very strong local firm for local
16 hiring. I apologize, the name of his firm escapes me
17 right now, but we've been in close contact with them.

18 CHAIRPERSON MOYA: And would you share that plan
19 with us?

20 DAWANNA WILLIAMS: Yes, we will, happy to.

21 CHAIRPERSON MOYA: Okay. I am going to now turn
22 it over to Council Member Ampry-Samuels.

23 COUNCIL MEMBER AMPRY-SAMUELS: Thank you. So,
24 staying on the same track of thought, I think Thomas
25 might be looking up who the local organization is.

1
2 THOMAS CAMPBELL: I was trying to look up the
3 local organization and the name of the principal. I
4 have the guys name, but I don't have the name of the
5 organization.

6 Andrew Sabdula[SP?] is the representative of the
7 local hiring organization that we're working with
8 that's going to help us to source local work for our
9 project.

10 COUNCIL MEMBER AMPRY-SAMUELS: Is that somebody
11 that just introduced themselves and said that I help
12 with local hiring and -

13 THOMAS CAMPBELL: Well, we met him during our
14 meeting with the Community Board Three actually, and
15 so, we've been in contact with him.

16 DAWANNA WILLIAMS: He is on the Community Board
17 as well.

18 COUNCIL MEMBER AMPRY-SAMUELS: Okay.

19 THOMAS CAMPBELL: Yeah.

20 COUNCIL MEMBER AMPRY-SAMUELS: Okay, and excuse
21 me if it wasn't clear, you showed a slide about a
22 training facility in HS and it sounded as though that
23 was your response to the question about local hiring,
24 so can you explain how a facility that is being built
25 would help train people to build it. That's what it

2 sounded like to me and so, that didn't make much
3 sense to me and so I just need a little bit of
4 clarity around, unless you didn't mean to say that.

5 DAWANNA WILLIAMS: Yeah, I didn't mean that, I
6 apologize if that is what it sounded like. I thought
7 the question was what were we going to do to assist
8 people with jobs moving forward with moving up and
9 being trained in the future.

10 COUNCIL MEMBER AMPRY-SAMUELS: Okay.

11 DAWANNA WILLIAMS: So, that was the answer
12 regarding people moving up and being trained in the
13 future.

14 COUNCIL MEMBER AMPRY-SAMUELS: Moving up within
15 the building?

16 DAWANNA WILLIAMS: Well, that was the part I
17 didn't understand but the question seemed to be, what
18 are you doing to help people to grow in the
19 construction trades or to grow in building. Do you
20 want to clarify the question?

21 CHAIRPERSON MOYA: I think my question was clear.

22 DAWANNA WILLIAMS: Okay, I'm sorry, I didn't
23 understand.

24 CHAIRPERSON MOYA: I thought it was very clear.
25 I will say it again. What opportunities for training

2 and career advancement do you have to provide workers
3 at this project if any? You then said, we have this
4 facility and it is specifically going into
5 apprenticeships through the trades. My follow up
6 question to that was, what apprenticeships have you
7 agreed to and with what trade unions has there been
8 that discussion with?

9 THOMAS CAMPBELL: Can I talk a little bit about
10 it. So, I'm going to try and clear it up here. I
11 responded initially to your question talking about
12 trades to actually build the building.

13 CHAIRPERSON MOYA: I was talking about services
14 workers. You brought up the trades, I followed up.
15 Who are you now engaged with for those
16 apprenticeships? They are two different things. So,
17 you said to me, you have a training facility and
18 that's why I ended it there, saying that it's just
19 for the trades.

20 THOMAS CAMPBELL: So, for the trades, for
21 building on the building in response to Alicka's
22 question, because I can see how that's confusing.
23 Thank you for that. Building skills keeps track of
24 all new construction projects, particularly in
25 affordable housing and unfortunately, we have a

1 relationship with them. And they reach out to us and
2 they say, how many jobs do you have that are
3 available for apprenticeship programs? We have an
4 estimation for the amount of jobs that we're creating
5 through construction and a portion of those jobs will
6 go through a program of apprenticeships starting as
7 soon as possible to get them going through an
8 apprenticeship, so that they are ready to work on our
9 project when they are done. And so, I can get you
10 more information about the building skills program
11 and exactly how far in advance of the start of
12 construction if that happens but that's how it
13 happens and so, we have a relationship there and
14 that's what we do in terms of the trades and in terms
15 of training, post construction, I think that's what
16 Dawanna was talking a little bit about with
17 Neighborhood Housing services.

18 I hope that helped out a bit more. If you have a
19 follow up question, feel free, my apologies if I
20 didn't clear up your question.

21 CHAIRPERSON MOYA: No problem. I know that you
22 have more questions, so I'm just going to turn that
23 over and I'll come back afterwards.
24
25

2 COUNCIL MEMBER AMPRY-SAMUELS: Okay, I apologize,
3 this is going back to the prevailing wage reference.
4 So, how many people will the project employ? Like,
5 how many people will actually work in the building
6 that are building service workers and what will those
7 jobs be?

8 THOMAS CAMPBELL: Our modo we have one super.

9 COUNCIL MEMBER AMPRY-SAMUELS: One super.

10 THOMAS CAMPBELL: Uh, huh, we have four porters.

11 COUNCIL MEMBER AMPRY-SAMUELS: One super, four
12 porters.

13 THOMAS CAMPBELL: Uh, huh and we have three full
14 time security for the project which is going to be
15 great for the project. It will actually provide 24-
16 hour security in the project.

17 COUNCIL MEMBER AMPRY-SAMUELS: Okay, and I will
18 be like, with not the super but the porters and the
19 security workers, will those be in shifts? So,
20 instead of like, so three will turn into like, nine?

21 THOMAS CAMPBELL: Oh, well, three to account for
22 24, so eight hours, eight hours, and eight hours, so
23 it will just be three in total.

24 COUNCIL MEMBER AMPRY-SAMUELS: Okay, so, are you
25 able to calculate how much it will cost if it was to

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be prevailing wage for nine plus, I don't know eight, I went to lower school, I'm not an accountant but I don't know fifteen people or so?

THOMAS CAMPBELL: So, we're able to calculate and the answer is \$2.5 million of additional cost to the project.

COUNCIL MEMBER AMPRY-SAMUELS: So, looking at the full cost of the project and looking at everything that we see happening just across the city and the need for prevailing wage and everything else, is there a way to be able to even put it into a tier, because I've seen what others where they will - the first year, the numbers would look like this and then the second year they can get them up to prevailing wage. Was that something that was discussed at all?

DAWANNA WILLIAMS: Yeah, I mean I think that in order for the project to stay under HPD term sheet, we would either need what we've done on other projects, is either **[inaudible 52:22]** from the Council or some other change to the project, but I think on a project where doing LO, which is a low-come building and also have discounted community facility space, it would be very difficult for us to

1
2 absorb the cost and actually have a project that we
3 could move forward on and close.

4 I think the \$2.5 million would be a pretty big
5 gap but again, happy to have further conversations
6 about where we could either identify a cost savings
7 or look for other sources of funding which I think
8 again, we've done on other projects.

9 COUNCIL MEMBER AMPRY-SAMUELS: Okay, alright.
10 And I have to go back to the fresh market program,
11 because this was something that was discussed in
12 great detail with the community conversation. The
13 fact that there is such a lack of fresh fruits and
14 vegetables in that neighborhood, in that area. And
15 just on a personal level, like I know this past week,
16 I went out with my mom looking for just a salad and
17 we went to three different grocery stores and there
18 was not one grocery store that had fresh lettuce.

19 And I also know that we had a project not to far
20 from this project and they were committed to a
21 grocery store and I'm talking about Prospect Plaza.
22 And this project has been open for over a year and
23 there is still vacancy for a grocery store, and
24 everyone was committed. The city was committed, the
25 developers were committed, everyone was committed to

2 this and we have not seen that happen. So, what are
3 you doing to have a real commitment to a fresh
4 market? Because we know it's difficult, but it looks
5 good on paper.

6 THOMAS CAMPBELL: I appreciate that perspective.
7 All I can say is for here it is the essential element
8 theme for this whole project. That's why we have
9 aquaponic and hydroponic elements to compliment it.
10 It's the most important part of the project.

11 What are we doing? We spend a lot of time
12 scouting for perspective grocers. We do have
13 candidates now to put into the space. We know that
14 the community actually wants, so we're working to do
15 better. We have candidates again, through active
16 tenants that we have today but we're working to do
17 better.

18 We are working not only for the reason of
19 providing this amenity to the community, which is the
20 most important reason but financially we are working
21 to prelease the space because it helps the project
22 economics as well. Because if we don't prelease the
23 space, it's going to cost us tremendously in a
24 massively structure or a letter credit structure
25 which is going to challenge the project financially

1 as well. So, we're working very, very hard and
2 tirelessly to find the right tenant for the community
3 and we can always stop working and give the community
4 what we have in our tool kit today, but we know the
5 community deserves better, so we are still working.

6
7 DAWANNA WILLIAMS: And just to add to what Tom
8 has just mentioned. We do have two letters of intent
9 from actual grocery stores. The issues is we're
10 seeking - you said you wanted fresh salad for
11 example, the issue is we are seeking a grocery store
12 that provides organic and fresh produce in a way that
13 we haven't seen from the two that we do have the
14 strong letters from currently.

15 We would like to provide something that is more
16 appealing to the community, but we do have two in
17 hand.

18 GENEVIEVE MICHEL: And I think you know, Prospect
19 Plaza certainly predates my time at HPD, but happy to
20 follow up with our teams to figure out what has
21 happened there and if there is anything, we can do to
22 urge it along.

23 COUNCIL MEMBER AMPRY-SAMUELS: Okay, and just a
24 couple of more questions Chair. Will you partner
25

2 with the local non-profit organization as an
3 administrating agent for the affordable housing?

4 DAWANNA WILLIAMS: As a marketing agent?

5 COUNCIL MEMBER AMPRY-SAMUELS: Yeah,
6 administrative agent and couple with that to and I
7 guess just to explain a little bit to, we see a lot
8 of these affordable housing developments come up and
9 a lot of the people it was supposedly meant for, we
10 don't see them moving in and that's another piece of
11 it. So, can you just talk to us a little bit about
12 who you will be partnering with and working with?

13 DAWANNA WILLIAMS: We haven't chosen anyone yet,
14 but we have talked with the community and they have
15 told us the same sentiment you just mentioned. So,
16 we have agreed to work with them on choosing the
17 right agent that is agreeable to both the development
18 team and the community. So, we don't know who it is
19 just yet, but we will be doing it in consultation
20 with the community because we understand that
21 concern.

22 COUNCIL MEMBER AMPRY-SAMUELS: Okay, and my last
23 question. I know we talked about local hiring and we
24 also talked about the building service workers. Can
25 you describe you plans for ensuring that M/WBE and

1 locally based contractors and subcontractors
2
3 participate in the development? Can you just talk a
4 little bit about that and your commitment?

5 DAWANNA WILLIAMS: Sure, obviously my firm is an
6 M/WBE firm. Thomas's firm is also an M/WBE firm. We
7 have a strong interest in ensuring that the project
8 meets targeted thresholds for M/WBE.

9 In the past two projects that I've done with HPD,
10 we hired a general contractor that was an M/WBE which
11 helped to ensure that we exceeded 30 percent on both
12 of those projects. We plan to do the same thing
13 here. Our general contractor is not an M/WBE, but we
14 do plan to hire a consultant that will help them with
15 the trades.

16 COUNCIL MEMBER AMPRY-SAMUELS: Okay, and this is
17 really my last question, because I do have to leave.
18 And you answered a lot of it in the previous
19 statements.

20 The development site is directly on Atlantic
21 Avenue in the LIRR tracks. Is the building being
22 designed to help reduce noise and emissions into the
23 apartments? And can you also speak to the traffic
24 between the two streets between Ralph Avenue and
25 Howard Avenue because they both go northbound. And I

1
2 know there is some conversation about the flow of
3 traffic to eastbound with Atlantic Avenue.

4 DAWANNA WILLIAMS: Yes, we are working on a plan
5 now in consultation with both DOT and DEP as you
6 mentioned, both Bancroft and Prescott, one block
7 streets that both run one way northbound. DOT has
8 asked us to consider and we talked with them about it
9 as well. Changing one of them to flow in the other
10 direction so that traffic flows clockwise around the
11 development. We are still finalizing it and the
12 second is as we mentioned, the heating and cooling
13 will be different. Normally you will see a building
14 and there are grills on the façade of the building,
15 those are called PTAC units. We are paying for a
16 more expensive system where there will be no grills
17 on the building, so it will be tight and shut. The
18 heating and cooling will exhaust through the roof
19 which will cause it to be much less noise and that's
20 when we will deal with the noise and the traffic will
21 hopefully better because of the clockwise direction.
22 We are also receiving other consultation from DOT,
23 but we haven't received their final plan yet, but the
24 clockwise direction is the main plan they have.

1
2 COUNCIL MEMBER AMPRY-SAMUELS: Thank you so much
3 Chair for the opportunity and I look forward to
4 working with you. I have already stated that this
5 has been something we have been discussing for the
6 past year and I am very happy about everything that
7 you have incorporated from the community conversation
8 and again, I look forward to working with you.

9 THOMAS CAMPBELL: Glad to work with you. Thanks
10 so much.

11 CHAIRPERSON MOYA: So, I'm just going to come
12 back with a couple of follow up questions.

13 What is the developer fee that you will earn on
14 this project?

15 THOMAS CAMPBELL: The total developer fee in the
16 latest model is about \$14 million. The current
17 portion of the fee will be about half of that, about
18 \$7 million. That fee will be paid after the project
19 is built, after there is TCO, after it is leased up
20 and after we convert. Which it will be about five
21 years from now. After that, the deferred portion of
22 the fee that is not paid, will be paid out of cash
23 flow over 15 years. So, there is not a lump sum of a
24 fee that comes to us. The first part will come in 5
25 years and the rest will come hopefully in 5 years if

2 we are on schedule with our construction and the rest
3 will come over 15 years. And those are fees to our
4 respective companies. Not to us individually.

5 CHAIRPERSON MOYA: Got it and then have you
6 budgeted to earn a profit from the operating income
7 of this project?

8 THOMAS CAMPBELL: A profit from the operating
9 income?

10 CHAIRPERSON MOYA: Of the project.

11 THOMAS CAMPBELL: I'm not sure how to answer that.

12 DAWANNA WILLIAMS: Yeah, obviously to make the
13 project work it has to show a profit, although that
14 is not always the case, but the performance shows
15 that the project profit is about \$159,000 per year,
16 starting with the first stabilized year.

17 As Thomas mentioned, that is approximately 5
18 years from now.

19 CHAIRPERSON MOYA: So, you are saying in 5 years,
20 your profit is going to be how much?

21 DAWANNA WILLIAMS: Approximately \$159,000.

22 THOMAS CAMPBELL: That's the total cash flow not
23 profit. That's the total cash flow from the project,
24 right, so it's not a profit as to total cash flow
25 from this entire project will be \$159,000 per year.

2 And when you ask about profit, I guess on the
3 other side of the incomes are operating expenses. I
4 don't think we know whether or not we are making a
5 profit on those.

6 CHAIRPERSON MOYA: Every person knows what their
7 profit is going to be when they come in and do a
8 development because that's what you do.

9 DAWANNA WILLIAMS: I gave you the cash flow.
10 That's the number \$159,000. As Thomas has mentioned,
11 there are other expenses coming from it, but I gave
12 you the answer that you were looking for.

13 CHAIRPERSON MOYA: I'm responding to what he just
14 said, so that's why I'm like, every one has a budget,
15 they have a model, they know what their profit
16 margins will be and that was just my question.

17 DAWANNA WILLIAMS: And I gave you the answer.

18 CHAIRPERSON MOYA: Okay, I got it. I'm just
19 looking at the total cost given that you've said it's
20 going to cost \$2.5 million to do prevailing wages.

21 DAWANNA WILLIAMS: That's only for the
22 construction part of it.

23 CHAIRPERSON MOYA: I'm going through the numbers
24 with you, so that I can see where you guys are going
25 to be and that's why I am asking these questions.

2 DAWANNA WILLIAMS: Sure, absolutely.

3 CHAIRPERSON MOYA: I don't think that there is a
4 need for you to be defensive about it. I'm asking
5 you a very simple question, that's all.

6 DAWANNA WILLIAMS: Absolutely, sure, and as you
7 can see there is very little cash flow to pay for
8 prevailing wage.

9 CHAIRPERSON MOYA: Right got it. Okay, thank you
10 very much for your testimony today.

11 DAWANNA WILLIAMS: Thank you.

12 THOMAS CAMPBELL: Thank you so much.

13 CHAIRPERSON MOYA: Next, I'd like to call up
14 Jessica Ortiz.

15 JESSICA ORTIZ: Good morning Chair Moya and
16 Members of the Subcommittee. My name is Jessica
17 Ortiz. I work as a porter and have been a member of
18 32BJ for six and a half years. I am here on behalf
19 of my union to share our concerns about the proposed
20 rezoning and the lack of good jobs that pay the
21 prevailing wage for building service workers in new
22 affordable housing developments.

23 My union represents more than 80,000 property
24 service workers in New York City. We clean and
25 maintain buildings like the ones proposed. As you

1 know, we ask the developers to make credible
2 commitments to pay building service workers the
3 prevailing wage once their building is operational.
4

5 Unfortunately, the developer for this project
6 development partners and Thorobird companies, has not
7 made this commitment. We fully support the
8 development of affordable housing, but it is time to
9 stop building affordable housing on the back of
10 works.

11 Our taxpayer dollars should be building housing
12 that comes with jobs that pay the industry standards
13 and allow working families in the city to breath.
14 This means creating jobs that provide livable wages,
15 a defined benefit pension, full family health with no
16 employee premiums and more.

17 At this hearing alone, between this project and
18 others, the Council is considering hundreds of units
19 of affordable housing. All without a commitment to
20 the high role standards that allow families to make
21 it in New York City. The workers at the projects
22 before you today, will likely come from the
23 surrounding communities. They deserve better than
24 publicly finance projects that can pay as low as
25 minimum wage and 32BJ's 35,000 members in the

1 residential sector in New York City and our 3,000
2 members in affordable housing deserve better than to
3 have their wages and benefits standards they have
4 fought for undermined.
5

6 It is because of the development like these that
7 Council Member Espinal has introduced a bill Intro
8 1321, that will close the loophole in the city's
9 existing prevailing wage law and require affordable
10 developments that receive city subsidies to pay
11 workers the prevailing wage standard.

12 Chair Moya, we greatly appreciate the work that
13 you have done already to lift up this important
14 issue. We are looking forward to working with the
15 City Council to ensure that the affordable housing
16 creates family sustaining jobs citywide.

17 In the interim, and as a step toward this goal,
18 we are urging you to ensure that the city and the
19 developers commit to prevailing wage standards at
20 affordable projects that come before this committee
21 before they are approved. Thank you.

22 CHAIRPERSON MOYA: Thank you for your testimony.

23 Are there any other members of the public who
24 wish to testify? Seeing none, I know close the
25

2 public hearing on this application and it will laid
3 over.

4 Our next public hearing is on LU's 369 from
5 McDonald Avenue Rezoning for property in Council
6 Member Landers district in Brooklyn. The applicant
7 seeks approval of a zoning map amendment to map a new
8 C2-4 commercial overlay district within an existing
9 R5 district to facilitate the continued operation of
10 a commercial banquet facility located within the
11 connected cellar level spaces of two adjacent school
12 buildings.

13 I know open the public hearing on this
14 application. Adam Rothkrug, Mordcchai Schwartz [SP?]

15 ADAM ROTHKRUG: I understand they were delayed
16 and are parking their car on their way up.

17 CHAIRPERSON MOYA: And Yehuda Klein?

18 ADAM ROTHKRUG: Yes. They were for answering any
19 questions anyway, so I'll go ahead with the
20 presentation it that's okay.

21 CHAIRPERSON MOYA: I'm going to have the Council
22 swear you in.

23 CLERK: Do you swear or affirm that the testimony
24 you are about to give will be the truth, the whole
25 truth and nothing but the truth and that you answer

1 all questions truthfully? And please state your name
2 as you respond.

3
4 ADAM ROTHKRUG: Yes. Chair Moya, Councilman
5 Lander, Councilmen my name is Adam Rothkrug. I am
6 here on behalf of Congregation Chasdei Belz Beth
7 Malka in connection with the proposed application to
8 add a C2-4 commercial overlay to an existing R5
9 zoning district.

10 The commercial zoning is designed to permit the
11 continued operation of the exiting commercial banquet
12 facility located in the combined cellars of the
13 buildings at 600 McDonald Avenue and 317 Dahill Road
14 in the borough park section of Brooklyn, Community
15 Board District number 12. They're shown on the first
16 slide above the McDonald Avenue being a long building
17 and the Dahill Road building behind that.

18 In addition, the subject property, the rezoning
19 includes 5 existing buildings along Avenue C, shown
20 on the right there. But similar to the subject, this
21 rezoning will not result in the creation of any new
22 additional floor are as the underlying R5 residential
23 zoning will not be affected and the existing
24 buildings are overbuilt. So that the change will not
25 allow the enlargement of any buildings on the site.

1 The existing banquet hall approximately 20,000
2 square feet of gross floor area in the cellar, the
3 two buildings during the day serves as a cafeteria
4 for the two schools. It accommodates approximately
5 400 people.
6

7 At night, it's used for affordable banquet
8 facilities in this area, approximately 150 to 160
9 events per year. The facility has a place of
10 assembly permit from the Department of Buildings,
11 indicating its compliance with all applicable
12 building and fire safety regulations. Both of these
13 buildings were approved by the Board of Standards and
14 Appeals. At the time that they were approved and
15 built, the facilities really thought that the
16 catering activities were a part of their mission in
17 the community and didn't realize that opening it up
18 from what would be considered as purely accessory
19 activities to activities and events open to the
20 public would create a potential zoning issue. And
21 when one of the buildings went back to the Board of
22 Standards and Appeals for an enlargement, this issue
23 came to light and it was urged that we file this
24 rezoning application to legalize or at least bring
25 the commercial catering into compliance with zoning.

1 The area that's proposed to be rezoned is a
2 mixed-use area with the mixed zoning districts all
3 around. After discussions with City Planning, the CT
4 overlay was selected as an appropriate buffer between
5 the subway on McDonald Avenue and as you see
6 manufacturing districts to the west and as well
7 commercial districts and uses in the surround area.
8 Shown on this in the purple, in the orange, in the
9 blue, all indicating non-residential uses.

10 So, there is no housing proposed as part of this
11 application. This will not result in any changes.
12 The catering facility has actually been operating for
13 about ten years without incident. There were no
14 speakers in opposition at the Community Board. So,
15 we received the support of the Community Board and
16 the Borough President and I want to thank Councilman
17 Lander for working with his office in this interim
18 period while the facility has still been operating
19 while we try to dot the I's and cross the t's. Thank
20 you very much.

21 CHAIRPERSON MOYA: Thank you. I'm just going to
22 turn it over to Council Member Lander.

23 COUNCIL MEMBER LANDER: Thank you Mr. Chair and
24 thank you for this application and moving it forward
25

1 and you know look, I feel lucky to represent the
2 strong and vibrant and growing orthodox and Hasidic
3 community including the Belzer community in Borough
4 Park.
5

6 It's no secret that creates a set of real estate
7 tensions as there is a need for both school space and
8 event space and that puts you into a dynamic
9 relationship which sometimes is not easy with
10 residential neighbors such as the ones next door
11 here. You know, and I've been able to able in the
12 past to support some projects in the Belz community
13 and sometimes I've had to say, that one is not a good
14 mix with the proposed site obviously for the reasons
15 that you are articulated.

16 This site is an appropriate one in particular the
17 kind of entry and exit and impacts are on the side
18 with the manufacturing and commercial uses and the
19 subway tracks and not the residential side on Dahill.
20 So, I appreciate all of that. I guess the one thing
21 that I do just want to have you commit to on the
22 record, is the thing that's been part of the dialog
23 with city planning, and that's about offsite parking.
24 Obviously, events like this in some cases, people are
25 walking from nearby and that's wonderful. In some

1 cases, just depending on where the bride and groom
2 and their families live, or whatever the event is,
3 there are a lot of people coming in cars and that can
4 be a significant impact on the neighborhood
5 especially given that often there are school buses,
6 sometimes related to the school, sometimes not
7 related to the school parked on McDonald.
8

9 So, can you just articulate what the applicant
10 has committed to do in terms of offsite parking to
11 make sure we do not have out of control traffic and
12 parking incidents on the night of events.

13 ADAM ROTHKRUG: Sure, so just for the record,
14 there is no parking technically required under the
15 zoning resolution. With that said, the Board of
16 Standards and Appeals has been very interested in
17 parking as was the borough presidents office.

18 The facility has leased, and I'll point to here
19 if you can see it, a parking area about a block away,
20 just around the corner. We have a lease for
21 approximately 50 cars that is utilized during the
22 larger events and is available to us for any events.

23 We did actually as part of the Board of Standard
24 and Appeals process do a on street parking analysis,
25 which found that on event evenings versus non-event

2 evenings that there is not a significant difference.
3 It's near 100 capacity in the area. We do have the
4 advantage obviously of having McDonald Avenue
5 adjacent to us, which is available for parking, but
6 we are committed to continuing an agreement to
7 maintain off street parking for our events.

8 COUNCIL MEMBER LANDER: How long is the duration
9 of the parking agreement?

10 ADAM ROTHKRUG: So, it's actually a year to year
11 lease. That parking is not used. It's a large
12 building there. It is not used during the evening,
13 so it hasn't been a problem at all. We don't foresee
14 any difficulty continuing to use it on a continuing
15 basis and we are as well always have our eye out for
16 additional facilities as well as we've located an
17 area on the southern portion of our site, that we
18 think that we can kind of move around that might
19 accommodate up to 15 or 20 cars. Obviously, the
20 success of the facility does depend on people being
21 to access it and get there.

22 So, we are as interested in making it convenient
23 for patrons as well as visitors and again, one of the
24 advantages unfortunately I guess, of being open for a
25 long time is that you are aware if there are problem

2 or not problems and I think during the course of
3 these proceedings with the exception with the one
4 neighbor that appeared early on and we located our
5 garbage facility and we've taken other steps to
6 address those complaints. We have been well received
7 in the community.

8 COUNCIL MEMBER LANDER: And I'll underline that.
9 You know, there is another facility that has opened
10 fairly recently and is an event facility not too far
11 away, where the neighbors complain on a very regular
12 basis and in this facility, which has been open now
13 several years and as you say does over 100 events a
14 year, we do not get significant complaints. So, that
15 speaks well to the kind of management and operations
16 that they have in place here and that matters a lot.

17 And I know that with a continually growing
18 community they will be back for a future additional
19 applications and being in situations that work out
20 these challenges with their neighbors in ways that
21 are productive means a lot when that happens. So, as
22 much as I wish in some ways there were a longer term
23 agreement on the parking, I know with this community
24 that keeping those good relationships is in their own
25 self interest for their own relationships with their

1 neighbors but also with this Council because we will
2 I'm sure be reviewing future applications with the
3 commitments that are made and that set of
4 understandings. Mr. Chair, I am supportive of this
5 application and will encourage my colleagues to do
6 that same.
7

8 CHAIRPERSON MOYA: Thank you. Thank you, Council
9 Member. Thank you for your testimony today. Are
10 there any other members of the public who wish to
11 testify. Seeing none, I now close the public hearing
12 on this application, and it will be laid over. Thank
13 you.

14 ADAM ROTHKRUG: Thank you very much.

15 CHAIRPERSON MOYA: Our next public hearing for
16 today is on LU's 382 through 385 for the Bruckner
17 Boulevard Rezoning in Council Member Diaz's district
18 in the Bronx. The applicant seeks approval of a
19 zoning map amendment to rezone in R5 district to an
20 R7A district and in R7A C2-4 district and a related
21 zoning text amendment application which seeks to map
22 the site in mandatory inclusionary housing area
23 utilizing option one as well as article 12 tax
24 exemption for the home ownership building and for the
25 rental building.

1
2 As proposed, these actions would facilitate the
3 development of two buildings including 65 affordable
4 home ownership units, 265 rental units, retail space
5 and 158 parking spaces.

6 I now open the public hearing on this application
7 but before we begin, I want to read Council Member
8 Diaz's remarks.

9 2069 Bruckner Boulevard is currently a large plot
10 of land located between two major avenues in my
11 district. The area is largely populated by
12 homeowners. Some apartment buildings nearby and a
13 longstanding Mitchell Lama building just over a block
14 away.

15 This project plans to facilitate two new
16 buildings which will fit the landscape of the
17 surrounding area. The first building will stand as a
18 9-story 265 affordable rental unit apartment building
19 with 50 percent of those apartments marked for
20 families earning under 70 percent AMI. My district is
21 a working-class district comprised of families
22 earning low to moderate income, therefore, I am
23 comfortable calling this an affordable project
24 because the AMI bands are truly inclusive of the
25

1
2 incomes in the area and these apartments will be for
3 the people of this community.

4 I hope to see this project sets the precedent for
5 the other development projects planning to make their
6 way into district 18, Council district 18. We must
7 continue to fight for projects that are truly
8 affordable, preserve public benefit and keep the
9 people of our community in the community.

10 The second building is unchartered waters but
11 truly is exciting for the future of housing in New
12 York City. This building will be a 7-story 65
13 affordable home ownership apartment building. With
14 rising housing costs throughout the city and the
15 nation, it is imperative we offer the tools and
16 resources to our constituents, so that they may
17 become homeowners in this unforgiving market.

18 I commend HPD for taking this on and it will be
19 the first affordable homeownership in the Bronx
20 through HPD open door program right here in Council
21 District 18. The home ownership units at 2069
22 Bruckner Boulevard will be subsidized for middle
23 income families to finally achieve the American dream
24 of owning a home but this time at an affordable
25

2 price, 5 percent down payment and a fixed interest
3 rate.

4 I want to thank Azimuth for being cooperative
5 throughout this process and addressing the
6 communities concerns as well as my own. I want to
7 thank them for committing to a competitive wage and
8 health care for their building workers.

9 I want to thank Chairman Moya and the entire Land
10 Use team here at the City Council for their tireless
11 work on this project such as these. I look forward
12 to hearing more from the public and more importantly
13 my constituents on this project as this project moves
14 along.

15 Thank you, Council Member Diaz District 18 in the
16 Bronx.

17 We have Frank St, Jacques, is that it? Guido
18 Subotovsky, thank you, sorry. Genevieve Michel,
19 Alice Friedman.

20 Council can you please swear in the panel.

21 CLERK: Do you swear or affirm that the testimony
22 you are about to give will be the truth, the whole
23 truth and nothing but the truth and that you will
24 answer all questions truthfully and please state your
25 name as you respond.

1 FRANK ST. JACQUES: Frank St. Jacques, yes.

2 GUIDO SUBOTOVSKY: Guido Subotovsky, yes.

3 GENEVIEVE MICHEL: Genevieve Michel, yes.

4 ALICE FRIEDMAN: Alice Friedman, yes.

5 CHAIRPERSON MOYA: Thank you.

6 GENEVIEVE MICHEL: So, since there are
7 technically two items here, I have separate testimony
8 on each, but I will read them quickly.

9
10 In conjunction with the private application for a
11 project known as Bruckner Apartments located at Block
12 3797 Part of Lot 33, Land Use Number 384 seeks
13 Article 11 tax benefits for the proposed exemption
14 area in the sound view section of the Bronx in
15 Council District 18. This portion of the project
16 will be a rental building that will be developed
17 under HPD's mix and match program.

18 HPD's mix and match program provides funds for
19 new construction of mixed income multi-family rental
20 projects in which 50 percent of the units are
21 affordable to low income households and 50 percent of
22 units would have rents affordable to moderate and/or
23 middle-income households. The developers proposing
24 to construct a multiple dwelling that will provide
25 265 units of rental housing and one commercial

1 facility space. The unit mixture will include 56
2 studios, 111 one-bedroom, 79 two-bedrooms and 18
3 three-bedroom apartments as well as one two-bedroom
4 unit for the super. In an effort to assist with
5 continued affordability of the rental units, HPD is
6 before the Council seeking full article 11 tax
7 benefits that will coincide with the regulatory
8 agreement for a term of 40 years. The estimated
9 cumulative value of the tax exemption is 53 million
10 205 thousand 312 dollars with a net present value of
11 13 million 652 thousand 390 dollars.
12

13 Land Use Number 385 is also related to the
14 private application submitted by Azimuth Development
15 seeking Article 11 tax benefits for the proposed
16 exemption area located at Block 3797, part of Lot 33,
17 in the sound view section of the Bronx in Council
18 District 18.

19 This portion of the project which is known as
20 2069 Bruckner Boulevard will facilitate new
21 construction of a multiple dwelling that will be
22 developed under HPD's open door homeownership
23 program. Upon construction completion, the developer
24 will sell the ownership units to households who agree
25 to owner occupy their units for the length of

1 regulatory period. If the purchaser sells or
2 refinances during the regulatory period, the
3 purchaser may recapture up to 2 percent of
4 appreciation on the original purchase price per year
5 of owner occupancy.
6

7 Additionally, upon resale, the purchaser will be
8 required to sell to a household making no more than
9 the project income cap. Currently, the sponsor is
10 proposing to develop a building on part of the site
11 that will provide 65 units of cooperative housing.
12 The current unit mixture types include 16 one-
13 bedroom, 33 two-bedroom and 15 three-bedroom
14 apartments. Anticipated maintenance will average
15 \$606. No commercial or community facility space is
16 contemplated for this portion of the project.

17 In an effort to assist with affordability, of the
18 homeownership units, HPD is before the Council
19 seeking full Article 11 tax benefits that will
20 coincide with the regulatory agreement for a term of
21 40 years. The estimate cumulative value of the tax
22 exemption is 7 million 454 thousand 893 dollars with
23 a net present value of 1 million 968 thousand 692
24 dollars.
25

2 I just realize I didn't hand these in, so I will
3 do that now.

4 FRANK ST. JACQUES: Thanks Genevieve. Good
5 morning Chair Moya. Again, my name is Frank St.
6 Jacques from Akerman LLP appearing on behalf of
7 Azimuth Development Group LLC. I am joined by Guido
8 Subotovsky of Azimuth.

9 I will run through the Land Use actions in the
10 application and then we are all available to answer
11 any questions.

12 So, as you can see on the slide, outlined in red,
13 the proposed rezoning area and development site are
14 located in the sound view neighborhood of the Bronx
15 in Community District 9 at 269 Bruckner Boulevard
16 which is bounded by Bruckner Boulevard to the south,
17 Olmstead Avenue to the east, Chatterton Avenue to the
18 north and aligned approximately 300 feet from
19 Olmstead Avenue to the west.

20 The Bruckner Expressway as you can see on the
21 graph there, is located immediately to the south.
22 The development site shown on the area Land Use Map;
23 it's located within an R5 zoning district that is
24 mapped generally north of Bruckner Boulevard. There
25 are existing commercial overlays mapped to the west

1 Pugsley Avenue along Bruckner Boulevard and Castle
2 Hill Avenue to the east.
3

4 The development site again, is within an R5
5 zoning district. It is also within the transit zone
6 and in an area where fresh discretionary tax
7 incentives are available. The site is approximately
8 61,000 square foot rectangular corner and through
9 lot. It had approximately 289 feet of frontage on
10 Bruckner Boulevard and Chatterton Avenue and 211 feet
11 of frontage on Olmstead Avenue.

12 Bruckner Boulevard and Olmstead Avenue are both
13 wide streets pursuant to zoning and Chatterton Avenue
14 is a narrow street. The site is currently improved
15 with a one-story building with a large service
16 parking lot. It was previously used as a supermarket
17 and most recently as a house of worship. The site is
18 near public transit and it's approximately a half a
19 mile south of the Park Chester Station serving the
20 six-subway line and it's also in close proximity to
21 several bus lines including express routes to midtown
22 Manhattan.

23 So, the applicant is seeking two actions today in
24 addition to the Article 11. A zoning map amendment
25 to change the current R5 zoning district to R7A with

1
2 a C2-4 overlay map from Bruckner Boulevard to the
3 center line of the site and to adapt the 100 feet
4 from Olmstead Avenue. And the applicant is also
5 seeking a zoning text amendment to establish a
6 mandatory inclusionary housing area and MIH area with
7 MIH option one.

8 The zoning change map illustrates the proposed
9 zoning change. The existing zoning is shown on the
10 left-hand side of the screen and the proposed zoning
11 is shown on the right-hand side of the screen. The
12 proposed zoning change from R5 to R7A and R7A C2-4.

13 The proposed zoning change is also shown on the
14 tax map and you can see that the commercial overlay
15 which is represented with hatching extends sort of in
16 an L shape along the wide streets in the site.

17 The proposed actions would facilitate the
18 development of two new buildings at the development
19 site. A 7-story residential building on Chatterton
20 and a 9-story mixed use building on the south and
21 east portions of the site along Bruckner and
22 Olmstead.

23 Overall, the proposed development would contain
24 approximately 281 thousand square feet of total floor
25 area. That's including approximately 263 thousand

1 square feet of residential floor area and
2 approximately 18,000 square feet of ground floor,
3 commercial floor area along Bruckner Boulevard and
4 Olmstead Avenue within the Commercial overlay.
5

6 In total the proposed development would provide
7 330 housing units. Approximately 83 would be
8 permanently income restricted units under MIH option
9 one, that's about 25 percent. With an addition
10 approximately 50 permanently income restricted units
11 per HPD policy, that's an additional 15 percent
12 that's resulting in approximately 133 permanently
13 income restricted units at the site.

14 So, as I noted, these actions would facilitate
15 the development of two buildings. The first building
16 is a 7-story residential building on Chatterton
17 Avenue on the north side of the site that has 65
18 units, approximately 64,000 square feet of
19 residential floor area. The building is 70-feet tall
20 but steps down to 50-feet or 5-stories at the western
21 edge of the site. The building will have a primarily
22 brick facade and incorporate articulation and other
23 materials to create visual interest and break up the
24 massing.
25

1 This building as noted, will be financed through
2
3 HPD's open door home ownership program marketed to
4 households earning between 80 and 90 percent of AMI.

5 The second building is a 9-story mixed use
6 residential and commercial building wrapping the
7 Bruckner Avenue and Olmstead Avenue frontages of the
8 site. It has 265 units, approximately 198,000 square
9 feet of residential floor area and again
10 approximately 18,000 square feet of commercial floor
11 area on the ground floor. The ground floor will be a
12 qualifying ground floor and will be glazed for
13 transparency both to activate the street scape and
14 enhance the pedestrian experience along Bruckner and
15 Olmstead. This building is 95-feet tall above a 75-
16 foot base and there is 10-foot setbacks on each
17 frontage. It also steps down to the western edge of
18 the site to 55-feet or 5-stories. This building uses
19 different colors of brick and metal paneling along
20 with articulation and has been mentioned, it will be
21 financed through HPD's mix and rental program.

22 So, I'll just quickly run through the next few
23 slides. The site plan here illustrated the various
24 heights of the buildings, the setbacks and the step
25 downs and side yard on the western edge of the site

1 at the proposed zoning district boundary that's
2 pursuant to the transition rule and the zoning
3 resolution that the building is required to step down
4 adjacent to the existing R5 district. The applicant
5 has proposed decking over the at grade parking which
6 is shown here at the center of the site plan and the
7 next few pages are floor plans showing the cellar
8 first and second floors, which will show how the
9 proposed parking is treated at the site.
10

11 So, here is the cellar plan. Parking will be
12 provided in a cellar level parking garage which
13 serves both buildings. There is 99 self-parking
14 spaces in the cellar. On the next slide, the first-
15 floor plan, there will be 60 additional spaces at
16 grade. These are also self-park and they will be
17 fully enclosed. As you can see here on the second-
18 floor plan, the parking enclosure will create a
19 landscaped open space above the parking on the first
20 floor.

21 So, the next few slides are schematic massing's
22 of the proposed development from different views.
23 Here is the building shown from the south and you can
24 see how the massing of the building is concentrated
25 along the Bruckner frontage and along Olmstead, the

1 wide streets. Then the site from the southeast, the
2 northeast and the northwest. Genevieve from HPD just
3 mentioned the unit distribution breakdown here it is
4 again here for both buildings. The proposed
5 homeownership building has 65 units and the rental
6 building would have 265 units. So, there will be 330
7 units in total. And we are happy to answer any
8 questions.
9

10 CHAIRPERSON MOYA: Thank you. Just a couple of
11 questions. Can you speak to your relationship with
12 the local non-for-profits on how you are helping with
13 local residents work and live in the project?

14 FRANK ST. JACQUES: Yes, I'll actually hand the
15 microphone to Guido to fill that question.

16 CHAIRPERSON MOYA: Thank you.

17 GUIDO SUBOTOVSKY: Good morning Council Member.
18 I'm sorry, you said with respect to local hiring for
19 construction.

20 CHAIRPERSON MOYA: No just local residents that
21 will work and live on this project. So, whether it's
22 construction, whether it's service workers, you know?

23 GUIDO SUBOTOVSKY: Sure, so we received a great
24 deal of assistance from Community Board 9. This is
25 not our only project in construction. Actually, in

1
2 this district, we are currently under construction a
3 few blocks away at 1755 Watson Avenue, which was also
4 a Ulurp, so we have already been working with
5 Community Board 9 in introducing us to groups to
6 assist us with you know, hiring for again
7 construction, permanent jobs and also when the time
8 comes to give awareness obviously for the housing.
9 So, we were introduced to, the name of the group
10 escapes me, I believe it is called United Hispanic
11 Construction Workers and Building Skills NYC, which
12 is a little bit of a newer group but those are two of
13 the groups that Community Board 9 was able to
14 introduce us to, to assist us with providing
15 opportunities to those within the neighborhood.

16 CHAIRPERSON MOYA: So, you are already working
17 with those two non-for-profits.

18 GUIDO SUBOTOVSKY: We just began that process.
19 ON the other project and would be as we get closer to
20 construction of this.

21 CHAIRPERSON MOYA: Got it. And are you planning
22 to pay building service workers at your project
23 prevailing wage standards once it's operational?

24 GUIDO SUBOTOVSKY: It's a non-prevailing wage
25 project.

1
2 CHAIRPERSON MOYA: Okay, so what will building
3 service workers earn in this project if it is a non-
4 prevailing wage?

5 GUIDO SUBOTOVSKY: So, the buildings are going to
6 be staffed with one Super per building and somewhere
7 between three and four Porters per building. A Super
8 would earn a salary of approximately \$55,000 per year
9 plus they would receive a two-bedroom apartment of
10 course, free of charge. The market rent for such an
11 apartment is in the neighborhood of -

12 CHAIRPERSON MOYA: You said a two-bedroom?

13 GUIDO SUBOTOVSKY: Yeah, I believe it was a two-
14 bedroom apartment.

15 CHAIRPERSON MOYA: And maybe I saw it wrong, but
16 it said Super and it was designated with a one-
17 bedroom apartment. Did I see that wrong in the
18 breakdown of apartments? It includes Supers units
19 and it says one-bedroom.

20 GENEVIEVE MICHEL: I believe it's a two-bedroom in
21 a rental.

22 GUIDO SUBOTOVSKY: Oh, I'm sorry, one of the
23 buildings is a one, one of the buildings is a two.

24 CHAIRPERSON MOYA: Right, okay, I just wanted to
25 make sure.

1 GUIDO SUBOTOVSKY: Yeah, no, we're good,
2
3 apologies. And then in addition we provide health
4 care benefits for both Supers and their families
5 which is just something we do as a matter of course
6 in all of our projects. The total pay package when
7 you consider the salary, the apartment and the health
8 care, come into a little bit over \$90,000 for a
9 Super.

10 CHAIRPERSON MOYA: What is the employee share
11 that cost. So, in terms of them paying into health
12 insurance?

13 GUIDO SUBOTOVSKY: No, we cover the cost of the
14 health care. One of the new things that we've done
15 throughout our buildings, we are just now in the
16 process of instituting opportunities for things like
17 401K and programs of that nature for our Supers and
18 service workers.

19 CHAIRPERSON MOYA: Okay, well, that was my next
20 questions if you were planning on providing
21 retirement benefits.

22 GUIDO SUBOTOVSKY: Read you mind.

23 CHAIRPERSON MOYA: Yeah, and then what are your
24 plans to address the Community Boards request for
25 this project? We've talked a little bit about the

1
2 prevailing wage, we talked about the two non-for-
3 profits that are here, but what about the set aside
4 for retail community space for community programming
5 that would go specifically for senior and veterans
6 preference? Also, the contribution annually to the
7 closest neighboring schools, parking allotment and
8 over here, they have also the commitment to create
9 high quality building service jobs that pay union
10 standard salaries and benefits?

11 GUIDO SUBOTOVSKY: So, you know again, we've had
12 several conversations with Community Board 9
13 throughout the life of this project, having presented
14 to them informally several times prior to Ulurp.
15 Some of the requests that came up in the Community
16 Board Recognition came a little late in the game and
17 we are not initially part of our discussions with
18 them. However, just to address them individually,
19 the idea of providing community space for programming
20 and space for local groups is something that we did
21 not have a problem with. We also did it for them or
22 are doing it at 1755 Watson down the block. The
23 contributions to the Parks, Virginia Park and Hugh
24 Grant Circle, you know again, is not something that
25 was discussed. It's not something that's present in

1
2 our project underwriting however, it is something
3 that we are emendable to discussing just as a matter
4 of being a stakeholder in the community and
5 contributions of this nature or something that we do
6 again, just as a matter of course.

7 Also, the questions about the parking available
8 for the retail, you know, we have plenty of parking
9 on site of course as well.

10 CHAIRPERSON MOYA: So, are you saying that you've
11 closed conversations that this project is going to be
12 a non-union project. That you are not paying
13 prevailing wage on this for service workers on this
14 project or is there conversations going on. Can you
15 kind of walk me through where you guys are at?

16 GUIDO SUBOTOVSKY: Conversations are ongoing as
17 the project has a little bit of a ways to go. By the
18 time we get to construction and closing, but at this
19 time, it is not a prevailing wage project.

20 CHAIRPERSON MOYA: Okay, thank you very much.
21 Thank you for your testimony today. Thank you for
22 being here.

23 GUIDO SUBOTOVSKY: Thank you.

24 CHAIRPERSON MOYA: Are there any other members of
25 the public who wish to testify? Seeing none, I now

1
2 close this hearing on this application, and it will
3 be laid over.

4 Please note that we will laying over Resolutions
5 748, and authorizing resolution pursuant to section
6 363 of the City Charter also known as the Staten
7 Island Bus Franchising Resolution. We are also
8 laying over LU's 373, 374 and 375 for the Blondell
9 Commons rezoning in the Bronx and we are also laying
10 over LU's 379 and 380 for the 1640 Flatbush Avenue
11 Rezoning.

12 This concludes today's meeting and I would like
13 to thank the members of the public, my colleagues,
14 the Council and Land Use Staff for always doing a
15 great job to make this body run. This meeting is now
16 adjourned. [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 April 1, 2018