

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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February 23, 2021
Start: 10:00 a.m.
Recess: 2:03 p.m.

HELD AT: Remote Hearing (Virtual Room 1)

B E F O R E: Francisco Moya
CHAIRPERSON

COUNCIL MEMBERS:
Diana Ayala
Joseph Borelli
Barry Grodenchik
Steven Levin
Antonio Reynoso
Carlina Rivera

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

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Marcus Burnett
Rockaway Brewing Company

Jessica Ortiz, Representative
32 BJ

Tiffany Loncke, Volunteer Coordinator
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737 Fourth Ave
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Vivian Liao, Principal
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Jay Marcus, Director of Housing Development
Fifth Avenue Committee

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Marcela Mitaynes, New York State Assembly Member

Jeremy Kaplan, New York City Resident

Elyse Shuck, New York City Resident

John Fontillas, Chair of Land Use
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Bill Wilkins, Director of Economic Development
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Yosef Kessler, New York City Resident

Ben Listman, New York City Resident

Dimitris Koutoumbas, New York City Resident

Joshua Weiss, New York City Resident

Shabazz Stuart, Founder and CEO
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Dr. B.K. Kumar, New York City Resident

Maria Roca, New York City Resident

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Joshua Pierre, New York City Resident

Aaron Shiffman, Executive Director
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Rodrigo Camarena, New York City Resident

Peter Matheos, New York City Resident

Eduardo Rojas, New York City Resident

2 SERGEANT-AT-ARMS: Computer recording
3 started.

4 SERGEANT-AT-ARMS: Cloud recording started.

5 SERGEANT-AT-ARMS: Thank you. Sergeant
6 Jones, please read your opening statement.

7 SERGEANT-AT-ARMS: Yeah. Good morning,
8 everyone, and welcome to today's remote New York City
9 Council hearing on the Committee on Zoning and
10 Franchises. At this time, would all panelists please
11 turn on their videos and to minimize disruption,
12 please place electronic devices to vibrate or silent.
13 If any of you wish to submit testimony, you may do so
14 at landusetestimony@Council.nyc.gov. And again, that
15 is landusetestimony@Council.nyc.gov. And thank you
16 for your cooperation and, Chair, we are ready to
17 begin.

18 CHAIRPERSON MOYA: Great. Thank you.

19 [gavel]

20 CHAIRPERSON MOYA: I am Council member
21 Francisco Moya, Chair of the Subcommittee on Zoning
22 and Franchises. I am joined remotely today by
23 Council members Barry Grodenchik, Ayala, Borelli,
24 Reynoso, Rivera, Brannan, Yeger. To start, I would
25 like to first note that the pre-considered LUs 1718

2 and 719 on today's agenda for the Cortelyou Road
3 rezoning are being laid over. Today we will vote on
4 items hear by the subcommittee at our meetings of
5 January 26th and February 9th including LUs 714 and
6 715 for the 42-11 Ninth Street special permit in
7 Queens. Pre-considered LUs 722 723 for the 16th
8 Avenue rezoning in Brooklyn, pre-considered LUs 727
9 and 728 for the 9114 Fifth Avenue rezoning in
10 Brooklyn, and pre-considered LUs 729 for the 214-32
11 Hillside Avenue rezoning in Queens. We will also
12 hold public hearings on the 245-01 Jamaica Avenue
13 rezoning, the 91-32 63rd Drive rezoning, and the R--
14 oh, my God. Arverne East reason to need and the
15 proposal which all related and located in Queens, as
16 well as the 737 Fourth Avenue rezoning which is
17 related to property located in Brooklyn. We will
18 also begin with a vote to approve, with
19 modifications, LU number 714 and 715 fourth the 4211
20 Ninth Street special permit application relating to
21 property in Council member Van Bramer's district in
22 Queens. The application was proposed which seeks a
23 zoning text amendment and special permit pursuant to
24 the amended text to include the project area into the
25 new industrial business incentive area and to allow

modification of various bulk and use regulations including floor area increases for certain industrial and incentive uses up to maximum FAR of 6.5. The requested actions would facilitate the development of a new 21 story building with approximately 64,000 square feet of acquired industrial use, 254,000 square feet of commercial use, and 3000 square feet of ground-floor retail. Our modification will be to include annual third-party reporting requirements related to compliance for owners within the proposed incentive business incentive area, too. Council member Van Bramer is in support of the proposal, as modified. We will also vote to disapprove pre-considered LUs number 722 and 723 for the 16th Avenue rezoning related to property in Borough Park neighborhood in Council member Yeger's district in Brooklyn. The application, as proposed, seeks a zoning map amendment to change an R5 and an R5 C22 district to a C4 C48 district and the related zoning text amendment to establish a mandatory inclusionary housing area utilizing options one and two in order to facilitate the development of a five-story commercial office building. We have carefully considered the actions have ultimately concluded that

1 a disapproval is appropriate here. The zoning area
2 is in a low density neighborhood dominated by one to
3 three-story buildings. A C 44A zoning district is
4 the commercial equivalent of a R7A and permits
5 buildings of up to 95 feet which is out of context
6 with the well-established character of the
7 surrounding area. This reason to need would also up
8 zone and potentially induce displacement on
9 nonapplication controlled sites, including a
10 residential building next to the proposed development
11 site as a religious and community resource for the
12 neighborhood, both of the community Board and borough
13 president noted the inappropriate height and bulk
14 allowed by the proposed C 44A district as well as the
15 detrimental traffic and parking impacts of a new
16 commercial development. The applicant failed to
17 adequately address these concerns throughout the
18 public review process and so, for all these reasons,
19 we will recommend the disapproval. We will also vote
20 to approve, with modifications, pre-considered LU
21 numbers 7027 and 728 for the 9114 Fifth Avenue
22 rezoning related in Council member Brannan's district
23 in Bay Ridge, Brooklyn. The application was
24 originally presented in seeks a zoning map amendment
25

to change an existing C82 district to a proposed R7A C24 zoning district and a zoning text amendment to establish a mandatory inclusionary housing area utilizing options one and two for the project site, as well as for a larger rezoning area. These actions are intended to facilitate the development of a nine story 45,000 square-foot mixed use residential building with ground floor commercial use and 41 units of housing on the project site which affronts on a white Street. We have heard concerns from the community Board and the borough president regarding the appropriateness of an R7A district mapped on three lots with two-story residential buildings on the corner of Fourth Avenue and 92nd Street. R7A districts allow for a maximum FAR of 4.6 with MIH, as well as commercial use up to a maximum FAR of 2.0 within the contextual building envelope with the maximum height of 95 feet or nine stories. The proposed rezoning would bring these nonconforming buildings into conformance, but would allow for higher density and height that is appropriate on this part of 92nd Street. A narrow street which currently consists of two-story residential and three-story residential and mixed-use buildings on the north side

of 92nd Street and a seven story commercial building on the south side. For this reason, we are modifying the application to apply more moderate R6A zoning on those lots instead. The west side of Fourth Avenue across the street from these two-story buildings is currently mapped with an R6A C23 zoning district. R6A zoning district permit the maximum FAR of 3.04 residential uses with the maximum base height of 65 feet and an overall maximum building height of 75 feet above the required setback. The more modest R6A designation supports the goals of the Bay Ridge special district. The goals of the special district are to maintain the existing scale and character of the residential and commercial community and encourage development which is in character with the neighborhood by modifying the zoning map to step down to an R6A C24 towards fourth Avenue. We would bring the nonconforming lots into conformance and allow appropriate height with density that matches the surrounding context. We are also modifying the proposed MIH zoning text amendment by allowing the workforce option, in addition to options one and two. My colleague, Council member Brannan, is here to speak more about these modifications. We will also

1 vote to approve pre-considered to you 72 94 of the
2 214 - 32 Hillside Avenue rezoning related to property
3 in Council member Grodenchik's district in Queens.
4 The application seeks a zoning map amendment to map a
5 C23 commercial overlay district into an existing R2
6 district to facilitate the development of a new two
7 story commercial building with five accessory parking
8 spaces and one loading birth. Council member
9 Grodenchik is in support of the proposal. Here I am
10 going to pause for a moment to allow either Council
11 member Grodenchik, Brannan, Yeger if they would like
12 to make any comments on their projects. If it could,
13 we will just go in order of just raise your head on
14 who was going to speak.

16 COUNCIL MEMBER GRODENCHIK: I guess I will
17 start, Chair. I just want to say thank you to the
18 land use staff and to everybody who has shepherded
19 this small, but significant rezoning in my district
20 to this day. I want to thank the Chair for his
21 courtesy and I am fully supportive, as is the
22 community of this proposal. So, thank you, Mr.
23 Chairman.

24

25

2 CHAIRPERSON MOYA: Thank you, Barry.

3 Anyone else? Council member Brannan? Yep. There
4 you go.

5 COUNCIL MEMBER BRANNAN: Thank you. I
6 couldn't find the raise hand thing. Thank you, Chair
7 Moya for the opportunity to speak today and quickly
8 express my support of this proposed rezoning. And,
9 of course, thank the members of the zoning
10 subcommittee for a chance to explain my reasoning.
11 As Chair Moya explained in his introduction, this
12 application will change the zoning map by mapping R6A
13 and R7A zoning districts on properties that are now
14 mapped only for commercial use. The rezoning will
15 facilitate the construction of a 41 unit mixed-use
16 residential building and will bring three nearby two-
17 story owner occupied residential buildings into
18 compliance by changing their zoning from commercial
19 to residential. This rezoning will map and MIH over
20 the entire rezoning area. When the subcommittee
21 heard this application, it was asked to approve MIH
22 options one and two. Today, the subcommittees being
23 asked to add the workforce option, as well. I
24 understand that adding the workforce option may raise
25 some concerns. I respect those concerns. I wanted

1 to explain why and quickly explain the history of the
2 project. In 2018, DOB approved the applicant plans
3 to build and as of right hotel in the CA2 district.
4 The community expressed strong opposition to the
5 project as a hotel in this location would be an
6 appropriate, especially in a neighborhood in dire
7 need of more schools and more affordable housing. I
8 also objected to the construction of a hotel on this
9 site and so, in partnership with the community board,
10 I began a two-year long process of negotiating and
11 pushing the developer to propose an alternative plan
12 that would meet the needs of the neighborhood and
13 provide for a better use. As a result of those
14 efforts, the developer filed this application to
15 rezone the property to allow for residential
16 development and to map and MIH on the entire rezoning
17 area. Under the proposed rezoning, MIH will apply to
18 both the new development proposed by the applicant
19 and also to any future development on the sites of
20 the nearby three owner occupied residences.
21 Unfortunately, the developer is recently determined
22 the need for the workforce option in order to proceed
23 with construction. In fact, they've informed me
24 that, if they do not-- if we do not include the
25

workforce modification, they will withdraw the application and build a hotel which is illegal under existing zoning in which the community has been working so hard to stop for the past two plus years. Consequently, I am not asking you to choose between MIH income bands. I am asking you to choose between a new residential development that we desperately need with MIH over and as of right development of a hotel. Lastly, significantly, this will be the first ever MIH mapping in this community District. Just last week, DCP published an analysis confirming what we already see on the ground. Some neighborhoods have borne a disproportionate burden of increased development and some neighborhoods have not. This is not a perfect project. I understand that the workforce MIH option is not ideal, but the project has wide community support and will provide new residential units in neighborhoods serving retail on the ground floor which will much far, far better meet the needs in this area rather than a hotel. Community has worked very hard to bring this project and this developer to a place of compromise for the public benefit in Bay Ridge deserves this chance to build more affordable housing and that is why I urge

2 the members of the subcommittee to listen to the
3 community and support this project today. Thank you,
4 Chair Moya.

5 CHAIRPERSON MOYA: Thank you. Is Council
6 member Yeger going to speak, as well?

7 COUNCIL MEMBER YEGER: All right. Thank
8 you very much, Mr. Chair. I had the same un-muting
9 problem as Justin. It's a Brooklyn thing. You guys
10 don't want us to speak. Chair, first, I just want to
11 express my gratitude to the Chair for really delving
12 deeply into this project from the very beginning and
13 learning about it and understanding it. He knows our
14 neighborhoods and I'm grateful to the way he has
15 taken the time to learn Borough Park and understand
16 it. This project, I wish I had the success that
17 Councilman Brannan did in shepherding it through. We
18 could not get to that conclusion and not only has a
19 hearing at the community board where the community
20 board rejected it is, but something that is really
21 unheard of in these matters, we convince to the
22 community board to hear it again and give it a second
23 bite at the apple to give the applicant the chance to
24 come back to the community and make kind of revisions
25 that would have been amenable to the neighborhood.

2 As the Chair stated, this is primarily a residential
3 area. It is a primarily low-rise area. It is also
4 the rezoning would encompass the police precinct
5 which is right next door to the proposed development
6 area. It is an incredibly busy block. One of the
7 concerns of the community, in addition to backup
8 Marshall aspect of the proposal was rezoning the
9 police precinct and what that could possibly entail.
10 First of all, the parking on that block, as we know
11 of, police precincts are quite busy and parking in
12 front of police precincts and on those blocks is
13 simply nonexistent and simply moving from along those
14 blocks is very difficult. This is one block north of
15 60th Street which means that any backup on this block
16 is really going to cause a reverberating effect on
17 60th Street, itself. And the confluence of events
18 just simply made this unamenable. We've done
19 everything we can to try to get this project to be
20 something that the community could accept and do it,
21 but it simply cannot. But what I mostly want to
22 state on the record is, on Friday, it was represented
23 to this Council by the applicant that they would be
24 withdrawal signing going back to the drawing board
25 and coming up with something new. And, for whatever

2 reason, that opinion of theirs changed yesterday with
3 the Council was informed that they would not be
4 withdrawing. So, with that, this committee, which I
5 am not a member, was forced to do something which it
6 doesn't like to do and that is disapprove an
7 application because we like to grow the city and,
8 unfortunately, this place at this time we are not
9 able to do that and I am grateful to the subcommittee
10 for hearing this matter and for the conclusion that
11 it reached. Thank you, Mr. Chair.

12 CHAIRPERSON MOYA: Thank you, Council
13 member. We are also, I believe, joined by Council
14 member men chalk up. I now call for a vote to
15 approve LU 729 two approved with modifications I have
16 described. LU 714, 715, 727, and 728 and to
17 disapprove LU 722 and 723. Counsel, please call the
18 roll.

19 COMMITTEE COUNSEL: Chair Moya?

20 CHAIRPERSON MOYA: I vote aye.

21 COMMITTEE COUNSEL: Council member
22 Reynoso?

23 COUNCIL MEMBER REYNOSO: I'm going to
24 pass. I'm going to pass. Give me a second.

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2 COMMITTEE COUNSEL: Council member
3 Grodenchik?

4 COUNCIL MEMBER GRODENCHIK: Aye.

5 COMMITTEE COUNSEL: Council member
6 Ayala? I'm sorry. Council member Ayala, what-- did
7 you vote?

8 COUNCIL MEMBER AYALA: Yeah. I did. I
9 said aye.

10 COMMITTEE COUNSEL: I'm sorry. I'm
11 sorry. Council member Rivera?

12 COUNCIL MEMBER RIVERA: Aye.

13 COMMITTEE COUNSEL: Council member
14 Borelli?

15 COUNCIL MEMBER BORELLI: I vote aye.
16 Thank you.

17 COMMITTEE COUNSEL: Council member
18 Levin?

19 COUNCIL MEMBER LEVIN: I vote aye on all.

20 COMMITTEE COUNSEL: Council member
21 Reynoso?

22 COUNCIL MEMBER REYNOSO: I am going to
23 vote aye on all and explain my vote at a further
24 hearing. Thank you.

25

2 COMMITTEE COUNSEL: By a vote of seven
3 in the affirmative, zero in the negative, and no
4 abstentions, the items are approved and recommended
5 to the full land use committee.

6 CHAIRPERSON MOYA: Thank you, Arthur. We
7 now turn to our hearings, but before we begin, I want
8 to recognize the subcommittee counsel to review the
9 remote meeting procedures.

10 COMMITTEE COUNSEL: Thank you, Chair
11 Moya. I am Arthur Huh, counsel to this subcommittee.
12 Members of the public who wish to testify were asked
13 to register for today's hearings. If you wish to
14 testify and have not already registered, we ask that
15 you please do so now by visiting the New York City
16 Council website at www.council.nyc.gov to sign up.
17 Members of the public may also view a live stream
18 broadcast of this meeting at the Council's website.
19 As a technical note for the benefit of the viewing
20 public, if you need an accessible version of this
21 presentation or any presentation during this meeting,
22 please send an email request to the land use
23 testimony@Council.NYC.Gov. When called to testify,
24 individuals appearing before the subcommittee will
25 remain muted until recognized by the Chair to speak.

2 The applicant teams will be recognized as a group and
3 called first. Members of the public will be called
4 and recognized as panels in groups of up to four
5 names at a time. When the Chair recognizes you, your
6 microphone will be on muted. Please take a moment to
7 check your devices and confirm that your microphone
8 is on. There is a slight delay in the process of un-
9 muting. Public testimony will be limited to two
10 minutes per witness. If you have additional
11 testimony you would like the subcommittee to
12 consider, or if you have written testimony you would
13 like to submit instead of the. Before the
14 subcommittee, you may email it to
15 landusetestimony@Council.NYC.gov. Please indicate
16 the LU number and or project name in the subject line
17 of your email. During the hearing, Council members
18 with questions should use the zoom raise hand
19 function. The raise hand button should appear at the
20 bottom of your participant panel. Council members
21 with questions will be announced in the order of
22 raised hands and the Chair will recognize you to
23 speak. Witnesses are requested to remain in the
24 meeting until excused by the Chair as members may
25 have questions. Finally, there will be pauses over

2 the course of this meeting due to various technical
3 reasons and we ask that you please be patient as we
4 work through any issues. Chair Moya, we will now
5 continue with today's agenda items.

6 CHAIRPERSON MOYA: Thank you, Arthur. I
7 know open the public hearing on the prey considered
8 LU item for the 245 - 01 Jamaica Avenue rezoning
9 proposal under ULURP number C 200252 ZMQ relating to
10 property in Council member Grodenchik's district in
11 Queens. The proposal seeks a zoning map amendment to
12 change an R4 C13 district to an R4 C23 district. If
13 approved, this application would enable the applicant
14 to file a special permit application to the Board of
15 Standards and appeals to legalize of physical culture
16 establishment within the existing commercial building
17 at the site. But before we move forward, I just
18 wanted to check to see if Council member Grodenchik
19 wanted to make any remarks on this project?

20 COUNCIL MEMBER GRODENCHIK: Yes. Thank
21 you, Chair. We have worked very closely with the
22 applicant year with the community, with local civic
23 organizations. It is a small rezoning, but it hasn't
24 been easy because of concerns that a hotel could be
25 built this site. It is right on top of the Cross

2 Island Parkway at Jamaica/Jericho Turnpike. So, we
3 did have those concerns. You are going to hear from
4 the applicant now about what they are doing to
5 ameliorate those concerns and that is now has the
6 strong support of the local community and community
7 Board 13. So, let's proceed with the hearing. Thank
8 you, Mr. Chairman.

9 CHAIRPERSON MOYA: Thank you, Council
10 member. Counsel, please call the first panel for
11 this item.

12 COMMITTEE COUNSEL: The applicant panel
13 includes Richard Lobel and Fyanne Betan, land use
14 counsel appearing on behalf of the applicant. Also
15 available for questionings and answers will be
16 Antonio Marina and Jessepi Marina. Panelists, if you
17 have not already done so, please accept the unmute
18 request in order to begin speaking.

19 CHAIRPERSON MOYA: Council, can we please
20 administer the affirmation?

21 COMMITTEE COUNSEL: Panelists, please
22 raise your right hands. Do you affirm to tell the
23 truth, the whole truth, and nothing but the truth in
24 your testimony before this subcommittee and answer to
25 all Council member questions?

2 RICHARD LOBEL: I do.

3 UNIDENTIFIED: I do.

4 COMMITTEE COUNSEL: Thank you.

5 CHAIRPERSON MOYA: Thank you. But before
6 we begin, I just want to remind everyone we're in
7 receipt of your slideshow presentation for this
8 proposal. When you are ready to present the
9 slideshow, please say so and it will be displayed on
10 the screen by our staff. Slides will be advanced
11 when you say next. Please note that there might be a
12 slight delay in both the initial loading in the
13 advancing of slides. For member of the viewing
14 public who require an accessible version of this
15 presentation, please send an email request to
16 landusetestimony@council.nyc.gov. And, now if the
17 panelists would please restate your names and
18 affirmation for the record and you may begin.

19 RICHARD LOBEL: Thank you, Chair Moya,
20 Council members. Richard Lobel of Sheldon Lobel PC
21 for the applicant.

22 FAYANNE BETAN: Fayanne Betan from
23 Sheldon Lobel PC for the applicant.

24 CHAIRPERSON MOYA: Thank you. You may
25 begin.

2 RICHARD LOBEL: Thank you, Chair Moya.

3 Council members, good morning. We are here to review
4 the 240 50 would Jamaica Avenue rezoning. If you can
5 load the presentation, please, I can scroll through
6 quickly. So, the property you see before you, 24501
7 to 24525 Jamaica Avenue is a one-story commercial
8 building. Next slide, please? This property is
9 currently located within an R4 C13 commercial
10 district. The rezoning, as stated by Chair Moya,
11 simply seeks to rezone this to a C23. You will note
12 from the zoning map of the area that the surrounding
13 blocks along Jamaica Avenue to the east ours owed 13,
14 so this is an active commercial thoroughfare, as well
15 as along Brad is Avenue to the west and northwest of
16 the site. Next slide. You can see the property,
17 located within the dotted area, as well as the red
18 highlighted area. This is an 80 foot deep property
19 running roughly 200 feet along Jamaica Avenue.

20 Across the street is Nassau County. The existing
21 shopping center has been located at the site since
22 the building was constructed sometime in 1930s and
23 has been operating with regards to commercial uses
24 consistent during that time, however, the property
25 was formally zoned C2 and the zoning changed to C1 in

2013 in the Bellerose Floral Park Glenoaks rezoning.

So, there was a special permit from be as a granted

in 1994 to allow for a PCE or gym use of the site

which later became nonconforming when the site was

rezoned to C1. Subsequently, the applicant went to

BSA 2016 to legalize the PCE by way of variance, but

there are other PCEs at the site, specifically a

karate studio which is loved by the local community

and heavily utilized which cannot be legalized under

the existing C1 zoning, thus the need for the C2

rezoning. Next slide. As was stated, you can see

the land use in the area from the colored map. You

have that area highlighted in red and an existing

ground-floor commercial. There is commercial all

along the west along Braddock Avenue and you can see

the two-story commercial residential buildings

located along Jamaica Avenue. This is undoubtedly

the commercial thoroughfare in the surrounding area.

Next slide. This is merely a depiction of what the

zoning map would be after the rezoning. We're merely

changing from a C13 to a C23. After conversion to a

C23, the applicant would then be able to go through a

special permit process at BSA to allow for a PCE use.

I'm sure Council members have heard this before.

2 Most of them have. We have brought rezonings before
3 to the Council which are similar and allowing for a
4 C1 commercial overlay to be raised zoned to is C2.

5 In addition to some slightly expanded uses available
6 in the C2 home improvement stores, plumbing supply
7 and such, most importantly, the PCE use or physical
8 culture establishment is permitted application in a
9 C2 and not within a C1, so we end up in a position
10 where applicants you want to use property use for PC
11 you said are often times forced to bring this
12 rezoning prior to even applying at BSA. Next slide.

13 So, I don't wish to belabor this. If you can please
14 page through the several pages of photos, you can see
15 pictures of the existing ground-floor commercial uses
16 at the site, as well as the adjacent is commercial
17 uses on the block to the right and in the lower left
18 and so, the plans in this rezoning depict exactly
19 what exists at this site which is existing ground
20 floor commercial uses which would not be able to
21 legalize the PCEs subject to the available rezoning.

22 And as you page through the last few slides which are
23 plans of the application, I would just point to what
24 Council member Grodenchik mentioned which is that the
25 applicants worked hard with the community in order to

2 develop a method going forward where the C2 would not
3 cause for hotels in the area. So, C2 districts,
4 within a certain square footage, or linear feet, from
5 a highway or Expressway are able to apply for hotel
6 use at DOB. This was seen as something that was not
7 desired by the community Board, nor by the applicant.
8 So, that the applicant successfully, after many
9 discussions with CB 13, consented to the recordation
10 of a restrictive declaration which has, I understand,
11 and sent for recordation which would prevent the
12 property from being used as a hotel or as a homeless
13 shelter. And this is something where there was a
14 unity and interest on behalf of the applicant. The
15 applicant just wishes to be able to have a productive
16 commercial development going forward, as does the
17 community, and so we were happy to come to this
18 agreement and we are happy to answer any questions
19 from the committee.

20 CHAIRPERSON MOYA: Thank you. Just
21 quickly, before I turn it over to Council member
22 Grodenchik, I just have a couple of questions. So,
23 what is the current occupancy within the project area
24 and do you have any future tenants in mind for the
25 space today?

2 RICHARD LOBEL: So, sadly, largely on
3 account of Covid, the applicant's tenant, Embody by
4 Fitness, which is the largest tenant in the site, has
5 left the property. So, there's a 5800 square foot--
6 roughly 5800 square feet-- of gym use which is legal
7 pursuant to BSA variance and could become, again,
8 legalized through the special permit process, which
9 is now vacant. The applicant has talked to various
10 food stores, one of which fell through, so, you know,
11 the C2 use here in the C2 overlay really helps the
12 applicant and broadening the range of commercial uses
13 that can occupy the property. Nobody wants to see
14 the site go dark and so, you know, the best I can say
15 is that we have been in touch with certain tenants.
16 We are hopeful that we can get a gem back in the
17 space. Importantly, the karate studio is still
18 operational. It is roughly 2600 ft.² and would be
19 able to be legalized pursuant to the PCE special
20 permit. The remainder of the site is located and
21 operated with the general use group 6 commercial uses
22 such as food stores. There is a Dunkin' Donuts.

23 CHAIRPERSON MOYA: Thank you. And how do
24 you plan to address the concerns raised by the

community Board that a hotel should not be built on this site?

RICHARD LOBEL: So, thank you for the question. The application it has negotiated a restrictive declaration which has been submitted for recordation with the county clerk and the restrictive declaration is very straightforward. The primary goal of the restrictive declaration being to limit transient hotels or homeless shelters. So, the first paragraph of the restrictive declaration so restricts the premises stating that they should not be used or occupied by the use group 5 transient hotel or homeless shelter. There is also a provision which was suggested by the applicant at 500 linear feet and was requested by the community Board to be expanded to 1000 feet which grants property owners within 1000 linear feet of the site withstanding to enforce the restrictive declaration. The applicant year has operated in good faith through the entirety of the application, has been in before the community board, literally, for years with applications regarding the PCE. So, we are happy to enter into this restrictive declaration. We are happy to grant the local community the ability to enforce the declaration.

2 Frankly, we feel that this is one of those documents
3 which is going to be put in a drawer and not used
4 because the applicant year intends to honor this
5 declaration and so limit the site.

6 CHAIRPERSON MOYA: And how do you respond
7 to the borough president's recommendation that
8 prevailing wages, union labor, and/or MWBE businesses
9 be used for construction of this project?

10 RICHARD LOBEL: You know, Chair, you
11 know, this is something that frequently arises with
12 regards to the Queens Borough Pres., as well as the
13 Council. Here, frankly, the application is, I think
14 what you would refer to as a no work application.
15 Any you work to be done at the site would be
16 internal. Maybe demolition and partitions and stuff.
17 So, there is really no construction intended. In
18 fact, the rezoning only permits the bulk of 1 FAR
19 four commercial use in the existing building is at a
20 .97, so there can be no material enlargement of the
21 site and so there's really no construction jobs to
22 speak of here. To the extent that there was any
23 change in the applicant was going to go in for any
24 construction, we would consult with the Queens
25 Borough Pres.'s office. But, at this time, it is not

2 only unlikely, you know, to submit any type of
3 application to the DOB. We just don't have any
4 additional square feet.

5 CHAIRPERSON MOYA: Great. Thank you. That
6 is it for me. I want to turn it over to Council
7 member Grodenchik for a few questions.

8 COUNCIL MEMBER GRODENCHIK: Thank you, Mr.
9 Chair. I think you've covered it for me. I want to
10 thank the applicant and the owner of the property for
11 their willingness to work with the community. The
12 hotel thing was, you know, a bit sticky for us, you
13 know, Mr. Chairman, but we thought that the
14 restrictive declaration should was the best thing
15 that we could get and I didn't want to-- I was
16 really concerned about putting yet another business
17 out of business. A physical, cultural establishment
18 that still exists there. Unlike much of the city,
19 this community has been hammered by Covid and we
20 continue to see empty storefronts popping up without
21 being filled. So, I think that this is a reasonable
22 accommodation on all parts and I do support it. So,
23 thank you.

24 CHAIRPERSON MOYA: Thank you, Council
25 member Grodenchik. Thank you, again, for your

2 testimony. Council, do we have any Council members
3 that have questions for this panel?

4 COMMITTEE COUNSEL: No, Chair. I see
5 no members with questions for the panel.

6 CHAIRPERSON MOYA: Okay. If there are any
7 members of the public who wish to testify on 245 - 01
8 Jamaica Avenue rezoning proposal, please press the
9 raise hand button now and the meeting will stand at
10 ease while we check for members of the public.

11 COMMITTEE COUNSEL: Chair Moya, I see
12 no members of the public who wish to testify on this
13 item.

14 CHAIRPERSON MOYA: There being no members
15 of the public who wish to testify on the 45 - 01
16 Jamaica Avenue rezoning proposal under ULURP number
17 C200252 ZMQ, the public hearing is now closed and
18 this item is laid over. Thank you very much for your
19 testimony. I now want to open the public hearing on
20 the pre-considered LU item for the 91 - 32 63rd Drive
21 rezoning proposal under ULURP number C200178 ZMQ and
22 N0-- and N200179 ZRQ relating to property in Council
23 member Koslowitz's district in Queens. The proposal
24 seeks a zoning map amendment to change an existing R4
25 C22 district to and R7A C23 district and a related

2 zoning text amendment to establish a mandatory
3 inclusionary housing area utilizing options one and
4 two. The proposed action would facilitate the
5 development of a new nine story mixed-use building
6 with approximately 74 dwelling units, up to 24 which
7 would be affordable as well as ground floor
8 commercial use and an attended parking garage with 17
9 spaces accessory to the residential use and 29 spaces
10 accessory to the commercial use. I'm not sure if we
11 have Council member Koslowitz? No?

12 COMMITTEE COUNSEL: Chair, I do not see
13 Council member Koslowitz.

14 CHAIRPERSON MOYA: Okay. And with that,
15 counsel, can you please call the first panel for this
16 item?

17 COMMITTEE COUNSEL: The applicant panel
18 include Frank St. Jacques, land-use counsel for the
19 applicant. Also on hand for additional questioning
20 and answer support are Luran George and Warren
21 Saberman. Panelists, if you not already done so,
22 please accept the unmute request in order to begin
23 speaking.

24 CHAIRPERSON MOYA: Counsel, can you please
25 administer the affirmation?

2 COMMITTEE COUNSEL: Panelists, please
3 raise your right hands. Do you swear or affirm to
4 tell the truth, the whole truth, and nothing but the
5 truth in your testimony before the subcommittee and
6 answer to Council member questions?

7 FRANK ST. JACQUES: I do.

8 COMMITTEE COUNSEL: Thank you.

9 CHAIRPERSON MOYA: Thank you, Arthur. When
10 you are ready, please-- When you're ready to display
11 your slideshow presentation, please say so and it
12 will be shown on screen by our staff. Slides will be
13 advanced when you say next. Please note that there
14 may be a slight delay in both the initial loading and
15 the advancing of slides. Once again, for the benefit
16 of the viewing public, if you need an accessible
17 version of this presentation, please send an email
18 request to landusetestimony@council.nyc.gov. And
19 now, if the panelist will please restate your names
20 and affirmation for the record, you may begin.

21 FRANK ST. JACQUES: Thank you, Chair
22 Moya. Good morning. My name is Frank St. Jacques
23 with Akerman LLP for the applicant. And you can go
24 ahead and display the slideshow. Thank you. Next
25 slide, please. The proposed area to be rezoned was

1 zoned in 1961 with an R4 zoning district and a C22
2 commercial overlay that has remained in place over
3 the last 60 years, shown here on the zoning map in
4 detail. The adjacent zoning district to the east is
5 a mid-density R71 noncontractual zoning district.
6
7 Next slide, please? As you can see in this area of
8 you, the surrounding area is characterized primarily
9 by multi-family residential use with commercial uses
10 along 63rd Drive and then along Queens Boulevard
11 which is to the north of the site. The area has
12 access to several bus lines and that MR 63rd Drive
13 Rego Park subway station is for blocks to the north
14 at Queens Boulevard. You can also see the Long
15 Island Railroad directly south of the site. Next
16 slide, please. Other details to note on this land
17 use map are that 63rd Drive is a wide street and, as
18 we saw in the last slide, the elevated tracks through
19 the Long Island Railroad mainline are located
20 directly south of those site which created open
21 space. Next slide, please. The site is shown here
22 on the zoning map outlined in red, as well as the
23 rezoning area. The site is about 13,731 square feet
24 and it has 140 feet of frontage on 63rd Drive and 100
25 feet of frontage on Austin Street. Next slide,

1 please. Then, in these images, you can see some of
2 the multi-family residential context surrounding the
3 development site and the development site itself
4 surrounded by the green construction fencing which is
5 [inaudible 00:41:24] and vacant. Next slide, please.
6 The proposed R7A C23 district, shown here on the
7 zoning change map on the right hand side of the
8 screen would promote the construction of new housing
9 unit in community District 6 which has a low vacancy
10 rate in the majority of housing stock was built
11 before 1970. The proposed rezoning would facilitate
12 new residential development with the provision of
13 permanently and income restricted housing on
14 underutilized land on a wide street near mass
15 transit. The proposed R7A allows comparable bolt to
16 the adjacent R 71 zoning district, but with the
17 predictability of the contextual envelope. Next
18 slide, please. Project details are shown here. This
19 is a nine story mixed-use building. Since the
20 project was filed, there has been a reduction in the
21 residential floor area and then number of dwelling
22 units down to 70 units and about 63,000 square feet.
23 The project was that initially filed with the
24 intention to provide affordable independent
25

1 residences for seniors as part of the project using
2 HPD's privately funded affordable residences for
3 seniors' term sheet, but we understand that is now
4 being rescinded, so we have reduced the project--
5 the project according to reduction in residential
6 floor area arriving with the 70 units. 21 of the
7 units will be permanently income restricted under MIH
8 option two. That is 30 percent at a weighted average
9 of 80 percent of the area median income. And the
10 applicant has committed to providing two of the three
11 MIH income bands at 63 percent AMI. The applicant's
12 goal with MIH option to and the further commitment to
13 providing to income bands at 60 percent AMI was to
14 maximize the amount of permanently income restricted
15 housing. Next and last slide, please? And, finally,
16 here are some renderings showing the proposed
17 development as well as the site plan. The ground
18 floor would contain commercial space that would be
19 divided for local retail and service type uses to
20 serve the surrounding residential neighborhood and
21 the intent is to find tenants that are consistent
22 with the uses found along 63rd Drive which are more
23 locally oriented than those found along the nearby
24 Queens Boulevard. So, these would include eating and
25

2 drinking, pharmacies, salons, retail shops, cleaners,
3 coffee shops. Things like that. That concludes my
4 presentation and I am happy to answer any questions.

5 CHAIRPERSON MOYA: I just have two
6 questions. One, can you commit to the two thirds of
7 that MIH units to be reserved for households earning
8 up to 60 percent AMI?

9 FRANK ST. JACQUES: Yes. We have
10 provided a letter to community Board six and we are
11 happy to, you know, provide a similar letter to you.

12 CHAIRPERSON MOYA: Great. And then, how do
13 you respond to the borough president's conditional
14 approval that there should be a goal of 30 percent
15 for local hiring in the use of MWBE businesses in the
16 construction and development of this project with
17 quarterly reporting's?

18 FRANK ST. JACQUES: Right. So, this
19 applicant currently regularly works with local and
20 MWBE labor and anticipates doing so for this
21 development, as well.

22 CHAIRPERSON MOYA: Great. Thank you very
23 much. I now want to invite my colleagues to ask any
24 questions for the applicant panel. Counsel, do we
25 have any Council members that have any questions?

2 COMMITTEE COUNSEL: Chair, Council
3 member Ayala has a question.

4 COUNCIL MEMBER AYALA: Do we know what the
5 average annual income is in that community?

6 LAUREN GEORGE: Yes. Frank, are you able
7 to unmute? He is blocked.

8 CHAIRPERSON MOYA: We've got to unmute
9 Frank again. Yeah. Hold on.

10 LAUREN GEORGE: So there are two--

11 FRANK ST. JACQUES: I apologize. I
12 muted myself and was unable to unmute. So, according
13 to the Furman center data, the meeting household
14 income in 2018 was 82,820 dollars. So, we believe
15 that the proposed affordability levels are in line
16 with that, you know, higher median income for the
17 area.

18 COUNCIL MEMBER AYALA: That was my only
19 question. Thank you.

20 FRANK ST. JACQUES: Thank you.

21 CHAIRPERSON MOYA: Thank you, Council
22 member Ayala. Counsel, do we have any other Council
23 members with questions?

24 COMMITTEE COUNSEL: No, Chair. I see
25 no other members with questions for the panel.

2 CHAIRPERSON MOYA: Okay. There being no
3 further questions, the applicant panel is excused.
4 Thank you, again, for your testimony today. Counsel,
5 are there any members of the public who wish to
6 testify on the 91 - 32 63rd Drive rezoning
7 application?

8 COMMITTEE COUNSEL: Yes, Chair. We
9 have one public witness who has signed up to speak
10 and is present. For members of the public here to
11 testify, please note, again, that witnesses will be
12 called in panels. Once all panelists in your group
13 have completed their testimony, you will be removed
14 from the meeting and you may continue to view the
15 live stream broadcast of this hearing at the Council
16 website. And we will now hear from the first panel
17 which will include Michelle Gomez. Michell Gomez
18 will be the first speaker.

19 CHAIRPERSON MOYA: Okay.

20 MICHELLE GOMEZ: Okay. Good afternoon.
21 My question was--

22 CHAIRPERSON MOYA: Hold on one second,
23 Michelle, before you start. I'm sorry. Just one
24 second. I just want to remind members of the public
25 that you will be given to minutes to speak. Please

2 do not begin till the sergeant-at-arms has started
3 the clock. So, Michelle, whenever you're ready.

4 MICHELLE GOMEZ: Yes. My question was
5 answered. It was in regards to the income of the
6 area and the affordable housing offering. So he
7 answered it to one of the Council members. Thank you
8 very much.

9 CHAIRPERSON MOYA: Okay, Michelle. Thank
10 you. Thank you for your testimony today.

11 COMMITTEE COUNSEL: Chair, that is the
12 sole speaker for this panel.

13 CHAIRPERSON MOYA: Okay. Thank you. If
14 there's any other members of the public who wish to
15 testify on the 91 - 32 63rd Drive rezoning proposal,
16 please press the raise hand button now. The meeting
17 will now stand at ease while we check for members of
18 the public.

19 COMMITTEE COUNSEL: Chair, I see no
20 other members of the public who wish to testify on
21 this item.

22 CHAIRPERSON MOYA: Thank you. There being
23 no members of the public who wish to testify on the
24 91 - 32 63rd Drive rezoning proposal under the ULURP
25 number is C200178 ZMQ and N200179 ZRQ, the public

2 hearing is now closed and the item is laid over. I
3 now opened the public hearing on the pre-considered
4 LU items for the Arverne East proposal submitted by
5 HPD under ULURP numbers C210070 ZMQ, N210071 ZRQ and
6 N210069 HNQ relating to [inaudible 00:49:39].

7 Relating to property in the Arverne neighborhood
8 Council District 31 in Queens. The proposal seeks
9 tests that a related land-use actions, including the
10 zoning map amendment to rezone a portion of the
11 Arverne urban renewal area from the C 44 district to
12 the special MX 21 mixed-use district as an M14 R6
13 district. A zoning text amendment to create the new
14 MX 21 district and the designation of an urban
15 development action area and approval of an urban
16 development action project. The proposed actions
17 would facilitate the development of a mixed use
18 development with approximately 1650 dwelling units,
19 including an 80/20 mix of 1320 affordable and 330
20 market rate units, 250,000 square feet of commercial
21 space, 22 square feet of commercial facility space,
22 10,000 square feet of manufacturing space, and 3.3
23 acres of privately owned recreational and open space,
24 15 acres of open space and approximately 1765 parking

2 spaces. Counsel, can you please call the first panel
3 for this item?

4 COMMITTEE COUNSEL: The lead applicant
5 panel for this item includes Kevin Paris and
6 Elizabeth Rohlfing, appearing on behalf of the New
7 York City Housing-- Department of Housing
8 Preservation and Development and Sarah Levinson,
9 appearing on behalf of the project sponsor, L&M
10 Development Partners Inc. Also appearing and
11 available for support on questions and answers are
12 Paris Straughter and Matthew Guiliana of New York
13 City HPD, Eric Peterson, Mitchell Loring, Nick
14 Molinari of New York City Parks, Douglas Adams, City
15 Hall, and Ira Liptiger, Eric Bluestone, Lester
16 Atraca, Thomas Freeland, Spencer Orcas, Jerome
17 Dunbar, Yasmin Corneilus, Josh Rinesmith, David
18 Utilison, David Cort, Alison Rettuck, and Walter
19 Meyer, all representing various development partners
20 and consultants on the project. Panelists, if you've
21 not already done so, please accept the unmute request
22 in order to begin speaking.

23 CHAIRPERSON MOYA: Okay. Counsel, if you
24 can please administer the affirmation.

2 COMMITTEE COUNSEL: Panelists, please
3 raise your right hands. Do you swear or affirm to
4 tell the truth, the whole truth, and nothing but the
5 truth in your testimony before the subcommittee and
6 in the answer to all Council member questions?

7 ERIC PETERSON: I do.

8 UNIDENTIFIED: I do.

9 UNIDENTIFIED: I do.

10 UNIDENTIFIED: I do.

11 COMMITTEE COUNSEL: Thank you.

12 CHAIRPERSON MOYA: Thank you, Arthur. We
13 are in receipt of your slideshow proposal. When you
14 are ready for it to be presented, please say so and
15 it will be displayed on screen by our staff. Slides
16 will be advanced when you say next. Please note that
17 there may be a slight delay in both the initial
18 loading and the advancing of slides. Once again,
19 anyone requiring an accessible version of this
20 presentation may send an email request to
21 landusetestimony@council.nyc.gov. And now, if the
22 panelists would please restate your names and
23 affirmation for the record, you may begin.

24 ELIZABETH ROHLFING: Thank you. My name
25 is Elizabeth Rohlring. I'm the chief of staff for

1 the Department of Housing Preservation and
2 Development. I'm going to briefly testify and then
3 turn things over to the development team for the
4 presentation. This land use item pertains to an
5 urban development action and area designation. Urban
6 development action area project approval of city
7 owned lots and a zoning map and text amendment for a
8 certain area within the project to allow for
9 microbrewery use, all located in Queens Council
10 District 31 and known as Arverne East. Arverne East
11 is a master-planned 81 acre mixed use, mixed income
12 development with the 1650 residential units,
13 including 1320 affordable units and approximately 35
14 acre nature preserve and public park, a new dunes
15 system for coastal protection, and new streets and
16 infrastructure on a 116 acre vacant oceanfront site
17 in Ajmer, Queens. The project received its
18 development approvals as part of the second amendment
19 to the Arverne urban renewal plan in 2003 which
20 included in EIS that mandated construction of a 35
21 acre nature preserve as an obligation for development
22 of the Arverne East area. HPD set this area out for
23 RFP following this approval and selected a developer
24 in 2006. The project was unable to proceed due to
25

2 the housing market crash in 2008 and again after
3 hurricane Sandy in 2013. To facilitate development
4 of this project, HPD proposed an infusion of city
5 capital to offset developer obligations associated
6 with the creation of the nature preserve and
7 infrastructure. The action, cited above, will
8 establish a single UDAP area across the Arverne East
9 development site and nature preserve and will allow
10 for the creation of the preserve. Today, HPD is
11 before the zoning subcommittees seeking approval of
12 the Arverne Be used project. If we could have the
13 presentation loaded, I will turn things over to Sarah
14 Levinson from the development team. Thank you.

15 SARAH LEVINSON: Hi. Good morning,
16 everyone. Can everyone hear me okay? Okay. Great.
17 Kevin, are you starting us off or do you want me to?

18 KEVIN PARIS: No problem, Sarah. I'll kick
19 us off. I'm going in. Thank you, city Council
20 members. As stated earlier, my name is Kevin Paris.
21 I am the director for HPD's Queens Planning Team and
22 today we will be discussing our plans for the Arverne
23 East project. As stated by my colleague, Arverne
24 East is a master-planned project that will transform
25 an approximate 116 acre vacant oceanfront site

2 multifaceted resilient development, one that will
3 bring the Arverne and Ajmer communities new mixed
4 income residential opportunities, diverse
5 neighborhood retail, parking, infrastructure
6 improvements, best open space, and other community
7 amenities. Next slide, please. Just briefly
8 restating some of the background, I just going that
9 some of the context for what folks will be hearing
10 from the rest of the development team this morning.
11 The Arverne East project is a continuation of the
12 city's investment into the Rockaway's. This project
13 was part of a set of actions approved in 2003 to
14 facilitate development across what you see in the
15 screen, the Western central and eastern portions of
16 the Arverne urban renewal area. These actions, that
17 were approved, help to facilitate the development of
18 the western portion of the you are a which today is
19 known as Arverne By The Sea, as well as setting the
20 stage to build out the central and eastern portions.
21 Again, as was previously mentioned, a couple of
22 significant situations happened that hampered our
23 ability to advance the development of the rest of the
24 project, namely the market crash and super storm
25 Sandy which had a severe impact on this community.

1 Next slide, please. The Arverne Be used project we
2 are presenting today will continue the goals
3 envisioned for the Eastern Rockaway use as an
4 innovative, resilient community, as well as a
5 regional destination. In order to further these
6 goals, HPD will need to seek approval for a set of
7 actions which include the designation of an urban
8 development action area and UDAP approval for the
9 development site and the nature preserve, as well as
10 seeking a zoning map and text amendment to establish
11 a mixed use district over a portion of the
12 development site for a proposed microbrewery use. As
13 mentioned again, I am joined here with our
14 development partners and I will now turn it over to
15 them to discuss the further revision for the Arverne
16 East and how these actions would facilitate that
17 project. Next slide, please.

19 SARAH LEVINSON: Thank you, Kevin.

20 Good morning, Chair Moya and Council members. I am
21 Sarah Levinson, the senior director at L&M
22 Development Partners in the development team lead for
23 the Arverne East project. The development team
24 comprises L&M Development Partners with Lucerne
25 Organization and Triangle Equities, three full-

1 service real estate firms that have been working
2 together for over 15 years and have been investing in
3 the Rockaway Peninsula for about a decade providing
4 high quality, sustainable, and resilient affordable
5 housing. Next slide, please? I'm going to start
6 this morning on the nature preserve which is located
7 on the western portion of the site between Beach 44th
8 Street and Beach 56th place. It is approximately 35
9 acres. We have been working closely with the Parks
10 Department over the past several years to create a
11 design that is intended to restore and promote native
12 ecology. In addition, we are really focused on
13 creating a community asset here in making sure that
14 access is provided throughout the preserve from a
15 network of pathways that go from East to West and
16 North to South, really ensuring that neighborhood
17 residents are able to access the preserve in various
18 locations, but also those that are traveling to the
19 site via train could access the preserve and the
20 boardwalk, as well. In addition, we are working with
21 the Parks Department on strategies to leverage the
22 preserve to support additional community programming
23 and engagement. We are hoping to start restoration
24 later this year. Next slide, please? The vision for
25

the development site is guided by four principles: health and wellness, community and cultural integration, economic diversity and development, and climate resiliency and energy efficiency. Next slide, please. Starting with the residential component of development site, the project will include 1650 units of housing comprising a mix of typologies at varying density. 80 percent will be affordable to a wide range of incomes from low, moderate, and middle income households. There will be homeownership opportunities provided. The balance of the site, or 20 percent, will be a for sale market rate product. Next slide, please. Next slide, please. You can advance-- thank you so much. Up to 500,000 square feet of commercial space is permitted and approximately 280 to 300,000 square feet is currently anticipated, comprising retail and manufacturing community facility uses, inclusive of a community center, the programming of which will be guided by future community engagement. The project not only strives to address local retail needs, but leverage project opportunities to support existing and new local businesses. In addition, the development will provide job training support in

1 areas of green infrastructure, agricultural, building
2 maintenance, and culinary industries. The project
3 will include a variety of retail typologies,
4 including big-box retail at the entry of the retail
5 corridor, ground-floor neighborhood retail
6 opportunities and services to support existing and
7 future residents, and approximately 150 key boutique
8 hotels that would provide year-round programming
9 jobs, catering and event services, meeting rooms, and
10 a great alternative to JFK accommodations. Seasonal
11 concessions, which are smaller spaces that engage
12 with the beach laws the and the boardwalk that are
13 bike friendly, accessible to all, coupled with free
14 outdoor programming in the Rockaway Brewing Company
15 brewery and House which will draw patrons and
16 visitors year-round to the projects retail promenade.
17 They are a well-established, local craft brewery
18 founded in Rockaway. With the brewery as the anchor
19 tenant, the team can further secure financing and
20 attract local and seasonal retail tenants, bringing
21 new opportunities for long term and sustained
22 economic development. Next slide, please. In
23 addition to the nature preserve, there are ample
24 opportunities for a variety of open and recreation
25

spaces, including an approximately 2 acre not-for-profit run urban farm and an additional 10 and a half acres of outdoor destination recreation space. We will be engaging the community in a series of meetings to better identify desired uses here. Next slide, please. This is a conceptual rendering looking north at the retail corridor. It represents how the retail in the open space strategies really come together and that the residential is pulled North, but steps down in density as you approach the boardwalk. Next slide, please. Resiliency is an important component of the projects designed and we are really attacking this on three levels. From a site design standpoint, from a topographic standpoint, and all the way down to the individual building level. Starting with site design, as I mentioned, the development was pulled back from the coast with the densest development is concentrated along Edge Mayor Avenue. Rainwater harvesting will be used for irrigation. All stormwater will be managed on site, and we will be specifying permeable materials on all paved surfaces where possible. And, most importantly, there will be a system of rain gardens and bio swells that will be planted with

1 indigenous and native plantings that will really work
2 to enhance retention and infiltration throughout the
3 site. Next slide, please. Moving to topography, the
4 development site, depending on location, will be
5 raised between three and 8 feet depending on the
6 area. Just to give some context, the current design
7 flood elevation here is at +12. The Sandy storm
8 inundation was that +14 and our proposed project
9 elevation is up to +16, so that means that all
10 ground-floor nonresidential spaces, apartments,
11 meaning lobbies, mechanical equipment, are all safely
12 above this +16 level. Next slide, please? The
13 resilient and energy-efficient strategies that we are
14 applying really work together to create a self-
15 sustaining community. Looking at some of the energy
16 efficient strategies we are looking to employ our
17 buildings that are constructed with passive house
18 design strategies, geothermal methodologies for
19 heating, cooling, and domestic hot water, extensive
20 PV arrays on all building typologies and over surface
21 parking lots. These methodologies really contribute
22 to reduced energy consumption in contribute to the
23 overall goal of the project being fossil fuel free.
24 Next slide, please. In conclusion, the actions
25

1 before the Council today will enable community
2 development that provides high quality and rental
3 homeownership opportunities for all, retailing
4 community facility space that is driven by local
5 needs and supporting local jobs and businesses, local
6 job creation and, over 60 acres of outdoor recreation
7 space, and community that showcases resilient and
8 sustainable design features, and a development that
9 is defined and driven by continued community
10 engagement. Next slide, please. Thank you for your
11 time this morning. I am joined by members of the
12 development team, land-use, and environmental
13 counsel, BHP, the environmental consultants
14 [inaudible 01:04:37] engineer and local office
15 landscape, the project landscape designer. In
16 addition to our colleagues from NYC Parks and HPV, we
17 are happy to answer any questions from the committee
18 at this time. Thank you.

20 CHAIRPERSON MOYA: Thank you. A couple of
21 questions here. So, we know, with Covid 19, it has
22 exposed some significant gaps in quality healthcare
23 based on income and racial demographics. Can the
24 administration commit to sitting in H&H facility on
25 the Rockaway Peninsula?

2 KEVIN PARRIS: Thank you. Thank you,
3 Chair. I will attempt to field that question so,
4 what I can speak to is that the city is currently
5 looking at ways in which we can address those severe
6 needs in the peninsula, not just with this project,
7 but all projects that are coming online in the area,
8 so, that is a continuing conversation that is
9 currently happening to see how we can address that.
10 I can't speak to any commitments right now on this
11 part of this meeting.

12 CHAIRPERSON MOYA: Okay. And, what will
13 HPD require in terms of MWBE contracting and local
14 hiring through their financing of this project?

15 KEVIN PARRIS: So, currently, as with
16 all HPD projects, there is a commitment that I
17 believe the bar is set at a minimum of 20 percent of
18 the development-- well, not just the development
19 team, but part of the overall development of the site
20 will be contracted out to MWBE contractors and we are
21 working with the development team will have an
22 understanding and tracking how that benchmark is
23 going to be met.

2 CHAIRPERSON MOYA: Okay. So, walk us
3 through who is responsible for each phase of the
4 widening of Edgemere Avenue.

5 KEVIN PARRIS: Thank you. So, I can
6 speak to the first phase. So, this project, as part
7 of all of the extensive actions that you have heard
8 about today, part of the infrastructure work that is
9 going to be taking place is the widening of Edgemere
10 Avenue from Beach 32nd Street To beach 38th Street.
11 The development team has been working in lockstep
12 with DOT on that reconstruction plan and, as part of
13 our continued deliberation and conversation with the
14 community, there has also been an additional
15 commitment made that the development team will be
16 doing the design work for the widening of Edgemere
17 Avenue continuing West from beach 38th Street to the
18 beach 62nd Street.

19 CHAIRPERSON MOYA: Right. But, the
20 question is who is responsible for each phase?

21 KEVIN PARRIS: So, the development team
22 will be responsible for the widening of the street
23 and I can turn it over to my development partners
24 that can talk through those conversations that they

2 have been working with further. Can we have Sarah on
3 muted, please?

4 CHAIRPERSON MOYA: Yep.

5 SARAH LEVINSON: Sorry about that. Thank
6 you. So, as it relates to the existing widening
7 between 32nd and 38th Street, the development team
8 has been taking the lead on the design and
9 coordination with DOT and HPD to have plans reviewed
10 and approved. We will-- Actually, we just submitted
11 our 100 percent set to DOT and DEP last week, so have
12 that approval, the development team will be
13 constructing that section of Edgemere Avenue under, I
14 guess, in connection with DOT. As it relates to the
15 widening further west of 38th Street, we have secured
16 a proposal for the design for that widening and will
17 commence that process, I think, later this year.

18 CHAIRPERSON MOYA: So, just so I am clear,
19 HPV is responsible or DOT is responsible for the
20 widening of--

21 SARAH LEVINSON: So, I think it is the
22 combination of all--

23 CHAIRPERSON MOYA: So, I'm asking you
24 specifically who is responsible for each phase of the
25 widening.

2 SARAH LEVINSON: Sure. So, we are
3 responsible for the design and the construction of
4 the widening between 32nd and 38th Street.
5 Obviously, under review and approval with DOT and
6 DEP. HPD is providing some of the financing for
7 that. As it relates to the widening from 38th to
8 62nd Street, the development team is responsible for
9 taking the lead on the design. As it relates to
10 construction, I don't believe it has been determined
11 who will be constructing that portion of the road.

12 KEVIN PARRIS: That's correct.

13 CHAIRPERSON MOYA: Okay.

14 SARAH LEVINSON: But we are prepared to
15 start design.

16 CHAIRPERSON MOYA: Can you walk me through
17 who is responsible for the private street network
18 construction and the maintenance of it?

19 SARAH LEVINSON: Sure. The development
20 team is responsible for the design and construction
21 of the private street network. We will be working,
22 again, closely with our DOT colleagues to ensure that
23 the roads are built to DOT spec. that said, the
24 borough commissioner's office had made the request
25 that cosmetic changes be made, whether it's different

2 street signage and things of that nature for the
3 private streets. So that will be what, I think, is
4 the differing-- the main difference between the city
5 streets versus the private streets is something very
6 cosmetic. And while they are considered private
7 streets, they will be maintained by a project wide
8 Homeowner's Association.

9 CHAIRPERSON MOYA: Okay. And the previous
10 iterations of this project included the construction
11 of a new school. Is there still space allocated for
12 a new school within the project area and does the SCA
13 have any other real estate under its control to build
14 a new school off site and how many students could be
15 accommodated there?

16 KEVIN PARRIS: So, when we discussed
17 the project area, I believe the project area that the
18 school is going-- so it's not part of the project
19 area for this development, the Arverne East
20 development. It is part of the project area
21 associated with the Arverne urban renewal, the second
22 amendment that happened in 2003 and there's still
23 space that's within the SCA DOE jurisdiction for the
24 development of a school at such time that one is
25 identified to be needed.

2 CHAIRPERSON MOYA: Okay. And who manages
3 the current beach concession contracts for this area?

4 SARAH LEVINSON: I believe that is under
5 the jurisdiction of the Parks Department. Eric, do
6 you want to speak to that?

7 KEVIN PARRIS: Eric could be unmuted.

8 ERIC PETERSON: Yes. The concessions
9 along the beach I managed by Parks. The current
10 concessionaire from beach nine two beach 50 has two
11 more seasons left in their contract and the current
12 concessionaire from beach 50 West to beach 149 is
13 starting a new-- we had a new term, a new
14 concessionaire coming on this spring. So, everything
15 on him adjacent to the boardwalk and on the sand
16 itself is managed by Park's concessions.

17 CHAIRPERSON MOYA: Okay. Then, with that,
18 how does the administration plan to expand the
19 concessions along the beachfront of an adjacent to
20 the project site?

21 ERIC PETERSON: So, typically, we will
22 work with the concessionaire. We are just starting
23 now to put together the RFP for the next term of the
24 eastern half of the beach concession and we
25 anticipate that we would be strongly encouraging the

2 incoming concessionaire to develop better concession
3 opportunities in the beach 30s area as part of the
4 new term of their concession. And that, in turn,
5 will actually overlap or align pretty nicely with the
6 construction with the Arverne East development. That
7 concession will be starting up as construction is
8 underway.

9 CHAIRPERSON MOYA: Okay. What is the
10 rationale for the low density residential use along
11 the waterfront in the flood zone?

12 SARAH LEVINSON: So, I think we were
13 looking, as I had mentioned, at a variety of
14 typologies and I think really it is a marketability
15 issue and it seems that, you know, homeownership
16 opportunity, being in close proximity of the beach in
17 this location is definitely very attractive. That
18 said, as I had mentioned, all of those houses would
19 be raised up and out of the floodplain +16 which is 4
20 feet above what is currently required by code and
21 what we are also trying to do is, in addition to
22 that, talk parking underneath some of these
23 typologies to further raise the townhouses up to a
24 higher elevation.

2 CHAIRPERSON MOYA: Okay. Thank you. And
3 what is the ratio of parking to residential use on
4 the site and are there any of the parking spaces
5 going to be made available for parking near the
6 beach? Public parking, that is.

7 SARAH LEVINSON: Yeah. Sorry. I have to
8 take out my list. So, there is one parking space
9 provided for every residential unit created. There
10 is also-- and I think right now we are looking at
11 the current counsel are over 1700 parking spaces
12 inclusive of additional support accessory parking lot
13 for the nature preserve and, in addition to that,
14 there would be approximately 200 to 250 spaces
15 currently created on public streets which would be
16 rebuilt.

17 CHAIRPERSON MOYA: Thank you. Just a
18 couple more questions here. If you can, please
19 outline the ongoing community engagement that will be
20 conducted if this ULURP application is approved?

21 SARAH LEVINSON: Sure. So, I think, from
22 a big picture standpoint, we will be kicking off
23 community advisory board meetings actually next week
24 on March 3. We will be meeting quarterly to discuss
25 large issues with the project associated with open

2 space, economic development, and things of that
3 nature. And in addition to that, we have been
4 continually engaging CBO and local organizations on a
5 smaller base this. Having conversations to either
6 introduce ourselves or remind people that we are
7 neighbors and present the project and let them know
8 where we are continually throughout the process. In
9 addition to that, we have a project website and we
10 will have a communication strategy which have
11 multiple facets to it. One is, obviously, making
12 sure a project website is up to date with all the
13 current information. We are also looking to create a
14 newsletter to update community members and residents
15 about updates on the project and also a list serve an
16 email blast. So, once the activity commences on the
17 site, people will know in real time what to expect
18 and what is happening so there aren't any questions
19 as to what is going on or if something-- you know,
20 for bulldozers on the site, people will know why.

21 CHAIRPERSON MOYA: Thank you. And what
22 kind of opportunities for the CLT creation exists on
23 the Rockaway Peninsula?

24 KEVIN PARRIS: So, I will take that.
25 So, within the Rockaway Peninsula, you know, the

2 agency is looking to advancing the opportunities for
3 CLT is within the Rockaway and not related to this
4 project, but just related to this community. The
5 agency will be bringing for opportunities for the CLT
6 concept in the form of a request that is going to be
7 released by the agency that affect.

8 CHAIRPERSON MOYA: Okay. And what are the
9 plans for the Engineer landfill?

10 KEVIN PARRIS: I can get back to you,
11 Chair, on that. I don't have an appropriate response
12 to that in front of me right now.

13 CHAIRPERSON MOYA: Okay.

14 ERIC PETERSON: Edgemere landfill?

15 CHAIRPERSON MOYA: Yes.

16 ERIC PETERSON: Currently, Department of
17 Sanitation still has jurisdiction of the
18 decommissioning of the landfill portion and they will
19 be, within the next couple of-- you know, not too
20 far off, big providing Parks a draft of hand over
21 documentation so that we can get on going inspection
22 and maintenance to the facility as it comes into
23 recreational use. Mitchell or Nick, any further
24 detail?

2 MITCHELL LORING: Yeah. Thanks, Eric. We
3 are in a communication with sanitation, as we have
4 been for several years on moving towards the change
5 in landfill and use from closing up from inspection
6 wise to DEC and sanitation to transferring to a
7 recreational facility. It is still in sanitation's
8 court right now, getting that final and so report
9 completed and, once we have that act Parks, we will
10 keep working with them to come up with what the long-
11 term recreation plan for that site is.

12 CHAIRPERSON MOYA: Okay. So, just so I'm
13 clear. So the administration does feel that this
14 site could be remediated and made more suitable for
15 public access in the future?

16 MICHELL LORING: Yes. That's what the
17 report that sanitation is working on right now is
18 potentially going to outline.

19 CHAIRPERSON MOYA: Okay. Thank you. Last
20 question. The Rockaway peninsula has seen several
21 major redevelopment projects that have potential to
22 bring thousands of new residents to the area. What
23 kind of public transit improvements are being planned
24 for the area and could you please provide a list of
25 those planned improvements to the subcommittee?

2 KEVIN PARRIS: Yes. We can definitely
3 provide that to the subcommittee following this
4 hearing. We could follow up with our sister agencies
5 to the effect of those improvements to public transit
6 in the area.

7 CHAIRPERSON MOYA: But do you not have
8 anything that you can share currently?

9 KEVIN PARRIS: I don't have in front of
10 me what I can share with you. So, the site is
11 accessible by two train stations. Well, actually, I
12 should just say 201 on beach 34, I believe, if I'm
13 not mistaken. Then I do not have anything to room
14 for to the committee as well as any improvements to
15 the plan for that station.

16 CHAIRPERSON MOYA: Okay. Well, this is
17 very critical, so I suggest you get this to the
18 committee as soon as possible.

19 KEVIN PARRIS: I will. Yeah. Yeah.
20 I'm not saying that there is anything planned. What
21 I am saying is that it will be able to provide the
22 community by the end of day today what those plans
23 are.

24 CHAIRPERSON MOYA: Okay. That is all the
25 questions I have would like to turn it over to our

2 counsel to see if there are any Council members that
3 have any questions for this panel.

4 COMMITTEE COUNSEL: Chair, Council
5 member Ayala has their hand raised for question.

6 CHAIRPERSON MOYA: Council member Ayala,
7 whenever you are ready.

8 COUNCIL MEMBER AYALA: Good morning,
9 everyone. I apologize for the sound on my computer.
10 It's still a little bit low, but I have two
11 questions. You mentioned that 80 percent of the
12 units are going to be affordable. Could you share,
13 if you have that information yet, what the actual
14 breakdown of the affordable AMIs is? And my second
15 question is in relation to the number of proposed
16 homeownership units. Are those the same as the CLT
17 proposed unit and how many units is that?

18 KEVIN PARRIS: Thank you, Council
19 member. So, it probably wasn't mentioned earlier,
20 but we're looking at this project as a multi-phased
21 project over the course of many years, initially
22 starting with the nature reserve and a lot of the
23 infrastructure work that is needed. So, we are not
24 anticipating any of the housing to come online for a
25 number of years. But having said that, we are

2 anticipating, from at least a first phased of the
3 affordable housing, looking at what-- if we were to
4 look at current term sheets and looking at those
5 first phases within either one or two buildings to
6 follow a model similar to what we have on our mix and
7 match program. Having units from a wide range of
8 income tiers, you know, up to 50 percent of AMI all
9 the way up to 130 percent of AMI. But that-- we are
10 still in conversation stages for that since, you
11 know, any potential furtherance of that part of the
12 project is not for a number of years out. And I
13 believe there was a second part of your question
14 outside of the affordability, right?

15 ELIZABETH ROHLFING: I think the Council
16 member was asking about the RFEI that you mentioned
17 earlier for CLTs, I believe, in Edgemere. That's a
18 separate-- right, Kevin? That's a separate--

19 KEVIN PARRIS: Right. So, but then you
20 were also asking about the home ownership going along
21 with this project.

22 COUNCIL MEMBER AYALA: Yeah.

23 KEVIN PARRIS: So, the 330 or so market
24 rate units will be homeownership project that I can
25 have the development team speak to a little bit more.

2 And so, that is where homeownership is. Also in
3 conversations with the community Board and
4 understanding that there is a need for homeownership
5 and affordable homeownership in this community. The
6 agency is working with our development partners to
7 bring affordable homeownership to the project and in
8 the later phases, as well, in addition to, you know,
9 the market rate product.

10 COUNCIL MEMBER AYALA: Okay. And that is
11 separate and apart from the CLT?

12 KEVIN PARRIS: Correct. The CLT is a
13 separate initiative that, you know, hopefully will be
14 speaking to the committee about that sometime in the
15 future. So--

16 COUNCIL MEMBER AYALA: And how far off are
17 we in terms of the construction of any potential
18 housing on [inaudible 01:24:25]?

19 KEVIN PARRIS: I would gauge in the 3
20 to 5 ballpark. Looking at some of the faces of the
21 development partners, I am hoping that--

22 SARAH LEVINSON: Sure. I am happy to--
23 wasn't sure who you were looking at. So, yeah. I
24 think we are anticipating probably the first building
25 probably to come online and, just because it's a

2 large building, probably till 2024 would be the
3 earliest, I think.

4 COUNCIL MEMBER AYALA: Okay. And can you
5 give a little bit of a description on the
6 homeownership units? I think somebody was going to
7 break that down a little bit for me.

8 SARAH LEVINSON: Sure. So, the-- there
9 is 330 anticipated market rate units as part of the
10 project to that are anticipated to be the for sale
11 product. We are looking at these more as not
12 necessarily luxury apartments, but very much
13 attainable midmarket. Some of them would be smaller,
14 so it would make for great starter homes and some
15 will be single-family you also to family townhouses.
16 So, you can have a three bedroom, two bath and a one
17 bedroom that you could rent out, as will. So, I
18 think we are looking at a mix of typologies on the
19 market rate side. That said, we, as Kevin mentioned,
20 we all looking into and exploring homeownership
21 opportunities as part of the affordable component
22 which we are definitely open to and I think that will
23 be subject to ongoing discussions with HPD and
24 funding availability for that product.

2 COUNCIL MEMBER AYALA: Yeah. We do have a
3 serious demand for affordable housing homeownership
4 opportunities, and so would be really nice if we
5 could the-- if we have the land to development, to
6 do that opportunity, as well. Thank you.

7 SARAH LEVINSON: Thank you.

8 CHAIRPERSON MOYA: Thank you, Council
9 member Ayala. Counsel, do we have any other Council
10 members that have any questions?

11 COMMITTEE COUNSEL: No, Chair. I see
12 no other members with questions for the panel.

13 CHAIRPERSON MOYA: There being no further
14 questions, the applicant panel is excused. Counsel,
15 are there any members of the public who wish to
16 testify on the Arverne East application?

17 COMMITTEE COUNSEL: Yes, Chair Moya.
18 There are approximately eight public witnesses who
19 have signed up to speak. Excuse me. For members of
20 the public here to testify, please note, again, that
21 this is will generally be called in groups of four.
22 When you your name, please stand by and prepare to
23 speak when the Chair says that you may begin. Please
24 also note that once all panelists are group have
25 completed their testimony, you will be removed from

2 the meeting as a group in the next group of speakers
3 will be introduced. Once removed, participants may
4 continue to view the live stream broadcast of this
5 hearing on the Council website. We will now hear
6 from the first panel which will include Queens
7 Borough President Donovan Richards.

8 DONOVAN RICHARDS: Thank you. Feels like
9 old times. Good to see you, Chair Moya. Hi, Council
10 member Ayala. I miss all of y'all. So good to see
11 you will all and I just wanted to start off by
12 thanking HPD all of the development team for
13 certainly taking some early steps to listen to the
14 community, but, obviously, there is still a lot more
15 work that needs to be done. I mean, you are aware
16 that we say and, obviously, our approval of this
17 project, but also had some concerns with that, as
18 well, that we certainly would love to see ironed out
19 prior to this application possibly being approved by
20 the next councilperson and, obviously, this
21 committee. So, I just want to start by saying I
22 certainly support the Arverne East project. As
23 someone who across the street from the site, as well,
24 I can tell you that it has been staying on the
25 community for a very long time. It's about time we

1 do something about it. From my time in the Council
2 not that long ago, I have personally been very
3 interested in seeing this project move forward. As
4 it was discussed on the line, and I want to thank
5 you, Chair, for bringing many good points, the east
6 end of the Rockaway Peninsula for too long has lagged
7 in the progress and growth experienced across other
8 parts of the Peninsula in Queens. I see this project
9 as part of the catalyst that will help fill some of
10 the need for affordable to moderate housing, provide
11 new community centers that will nurture and inspire
12 the residents who feel forgotten, bring some new
13 economic and cultural activity into the neighborhood
14 and, as importantly, upgrades to the infrastructure
15 and open space around Arverne East. I have outlined
16 a number of conditions that will make the project
17 better while meeting the needs that were expressed by
18 area residents., One, something you mentioned, Mr.
19 Chair, the closure of hospitals and healthcare and
20 the Rockaway has created a situation that often
21 requires residents to leave the Peninsula for primary
22 incredible healthcare and services and we really need
23 to see and H&H at work in the Rockaway's. And I know
24 we have been talking about the deputy Mayor's office
25

1 about this, but we need to see something substantial.
2 We all know what happened through this pandemic. You
3 know, this was an area that's long one of the highest
4 death rates in the city outside of your district,
5 Chair Moya, so clearly those disparities in
6 healthcare is something that we need to address as a
7 city, especially as we see an increase in population
8 and we know that St. John's Hospital is the only
9 hospital on the Peninsula. In addition to the need
10 for new healthcare and trauma facilities, there is a
11 great need for children and senior care services and,
12 generally, community programs for residents in the
13 area. Community centers are needed immediately to
14 the service the existing and future residents of
15 Arverne and Edgemere and I am very happy that the
16 developers have at least taken the first step in
17 saying that they going to commit to doing a community
18 center, but we need to see some community planning
19 around that sooner than later. The school was
20 included in the original Arverne plan and dire need
21 for quality educational facilities has not changed.
22 Along with new schools, the Department of Education
23 should commit \$20 million for investment and
24 upgrading of technology and equipment and existing
25

1 and any new schools that are proposed in the future.
2 I know that the developers are working with Local 79,
3 so I am very happy that there will be union jobs
4 here. But, in addition to that, to make sure that
5 they are meeting their mark on 30 percent MWBE goals
6 and local hiring and I know that on that already.
7 Edgemere Avenue, you spoke of, as well, Mr. Chair,
8 you know, I am very happy that HPD is put some money
9 in the budget to at least get the preliminary
10 planning process started, but we need to see the real
11 commitment in the budget as we pass this. And I know
12 we were in a budget crunch and we anticipate some
13 money now coming from Washington. I am hoping that,
14 you know, that money, there will be money set aside
15 to really widen the lanes. In two last things I want
16 to talk about is beach access and the piping clovers.
17 We've had a lot of conversation with the Parks
18 Department and many of the city agencies. This is
19 the neighborhood that is beachfront property, but the
20 residents don't have access to the beach. And the
21 city needs to figure this out. We have been talking
22 about this for 20 or 30 years and it is really a
23 shame that black and brown communities on the eastern
24 portion of the Rockaway's have a beach that they
25

2 can't use because the Parks Department has not
3 figured this out. So, I want to be very strong on
4 this point. It's about time that we, with the plan
5 for the residents, low income residents to have
6 access to the beach just like everybody else. And
7 then, on the Edgemere landfill, I would love to see
8 an RFEI on that. This is a prime place we can do--
9 we could do a solar farm on Edgemere landfill. Think
10 about sustainability resiliency and what we need to
11 make sure we do as we move forward to make sure the
12 Rockaway's can survive in the event of what we know
13 is going to be the impacts of climate change. With
14 that being said, the last thing I will say is
15 commitment to community advisory board should be done
16 which should be comprised of the local community
17 board, the local community, and civic organizations
18 and then relevant government and elected officials,
19 as well, for the duration of the project. All of
20 these conditions and more identified in my
21 recommendations. In the interest of time, I will not
22 go through the other 40 that we put out there, but,
23 however, we will answer any questions if you have
24 any, but I want to thank you for allowing me this
25 opportunity. And I really do want to thank the city

2 for their commitment to Far Rockaway, as well. We
3 were out there yesterday. We cut the ribbon on the
4 new 200 units of affordable housing project with
5 retail and daycare and I know already our [inaudible
6 1:33:51] was there. I know, really, when we talk
7 about where do we need to go as a city, the
8 Rockaway's is certainly ahead of the curve. So, I am
9 looking forward to continuing transformation of the
10 Rockaway is. So, thank you, Mr. Chair. I took up
11 long enough time. I'm surprised you didn't give me a
12 buzzer.

13 CHAIRPERSON MOYA: No. No. Thank you, Mr.
14 borough president. I know how hard you worked on
15 this project and how much this means to you Rockaway
16 is. So, thank you for your hard work on this.

17 DONOVAN RICHARDS: Thank you, sir.

18 CHAIRPERSON MOYA: Okay. But just a quick
19 reminder before we go to members of the public. I
20 want to remind them that members of the public will
21 be given two minutes to speak and please do not begin
22 until the sergeant-at-arms has started the clock.
23 So, counsel, if you could please call up the first
24 witness.

2 COMMITTEE COUNSEL: Chair, excuse me.

3 I do want to excuse the borough president--

4 CHAIRPERSON MOYA: Oh, yes. Yes.

5 COMMITTEE COUNSEL: All right. The
6 first panel for this item will include Kevin
7 Alexander, Marcus Bennett, Jessica Ortiz, and Tiffany
8 Locke. As a technical note, Jessica Ortiz, we just
9 want to make sure that it is Jessica Ortiz who is
10 going to be a. On this panel. We understand that
11 there may be some issue with the login.

12 Nevertheless, Jessica Ortiz will be on this panel.

13 The first speaker on this panel will be Kevin

14 Alexander followed by Marcus Burnett.

15 SERGEANT-AT-ARMS: Time begins now.

16 KEVIN ALEXANDER: Good morning and thank

17 you for the opportunity. Rockaway Development and

18 Revitalization Corporation is supportive of the

19 Arverne East development project and the zoning

20 amendments that are necessary to jumpstart the

21 project. Our support is based on the underlying

22 principle that guides RDRC. Improving the quality of

23 life for its residents. The two zoning amendments

24 will activate the development project by initiating

25 the transformation of vacant land into a beautiful

1 nature preserve for the community to enjoy and our
2 youth to explore and engage and learn more about the
3 ecological and environmental challenges facing new
4 generation. And to explore careers and those
5 respective fields, as well. The Second Amendment
6 will enable local business, Rockaway brewery, with a
7 proven track record and job creation and retention,
8 community support to expand and create not only jobs,
9 but potential new career pathways in micro brewing.
10 While RDRC does recognize the need to create home
11 ownership opportunities, better transportation,
12 street widening, a possible hospital, educational
13 facility, and the inclusion of MWBE and local
14 businesses in the economic revitalization of the
15 eastern Rockaways, the development team that
16 represents the Arvern East project have been very
17 open, transparent, and want to be inclusive in terms
18 of community support and engagement. So, with that,
19 RDRC is supportive of the overall project and moving
20 the two amendments forward. Thank you.

22 COMMITTEE COUNSEL: The next speaker is
23 Marcus Burnett who will be followed by Jessica Ortiz.

24 SERGEANT-AT-ARMS: Time begins now.

2 MARCUS BURNETT: Hi. I am Marcus
3 Burnett. I am representing Rockaway Brewing Company.
4 I am one of the partners. I am here to speak in
5 support of this project. We have been happily
6 located on Beach 72nd Street for the past six years.
7 We operate a taproom for a microbrewery there. We
8 employ local residents. We have had zero incidents
9 at our bar there. We have also used are to create
10 community engagement. We have Rockaway Bars Club,
11 the Makers Market. This spring, during Covid, we
12 operated a Far Rockaway Food initiative where we
13 delivered more than 8000 meals to local residents and
14 first responders. We also run an incubator
15 connection which gives opportunities to locals to
16 develop their skills at cooking and starting their
17 own businesses. So, we have a track record of
18 already operating in the Rockaway Peninsula and we
19 are very excited to be part of this new Arverne East
20 development. We are looking to expand our small
21 manufacturing project on 35th Street. We are
22 planning on-- the Rockaway Brewing Company have's
23 and will continue to seek sustainable, efficient
24 practices and environmental social consciousness with
25 a new location built from the ground up with L and M

2 and their partners and we seek to install state-of-
3 the-art equipment and create jobs and Rockaway. It
4 is a small manufacturing. It is a pretty low impact
5 process and so we will have two components. One will
6 be manufacturing and getting jobs there, as well as
7 the taproom where we hope to continue bringing the
8 community, creating space for the residents in this
9 new development to enjoy and we're really excited to
10 be part of it in this and hopefully be part of it
11 when it starts. Thank you very much.

12 COMMITTEE COUNSEL: Thank you. The
13 next and last speaker on this panel will be Jessica
14 Ortiz.

15 CHAIRPERSON MOYA: Hi, Jessica. Good to
16 see you.

17 SERGEANT-AT-ARMS: Time begins.

18 JESSICA ORTIZ: Good morning, Chair
19 Moya. It is so nice to see you, too. Good morning
20 to you and the members of the subcommittee. My name
21 is Jessica Ortiz and I am a representative of 32 BJ.
22 I am here today on behalf of more than 600 members
23 that live and work in community District 14 and the
24 80,000 building service workers that 32 BJ represents
25 across the five boroughs. 32 BJ is here today to

2 express our support for Arverne East. 32 BJ has a
3 long partnership with L and M, one of the developers
4 of this project. L and M it is a responsible
5 developer and work towards a commitment to the
6 prevailing wage building service jobs at the slides.
7 These are the kinds of jobs that will help New York
8 City recover from the economic aftermath of the Covid
9 pandemic and bring family sustaining wages and
10 benefits to the local community. Additionally, 32 BJ
11 strongly supports the creation of much-needed
12 affordable housing. Thank you.

13 CHAIRPERSON MOYA: Thank you, Jessica.

14 COMMITTEE COUNSEL: Chair, but I was
15 the last speaker for this first panel.

16 CHAIRPERSON MOYA: Okay. Thank you all for
17 your testimony today. Counsel, is there any other
18 members of the public to testify on the Arverne East
19 proposal?

20 COMMITTEE COUNSEL: Yes, Chair. We
21 have a second panel. The next panel will include
22 Tiffany Loncke and Denean Ferguson. Tiffany Loncke
23 and Denean Ferguson. The first speaker will be
24 Tiffany Loncke.

25 SERGEANT-AT-ARMS: Time begins now.

2 TIFFANY LONCKE: Hello. Good afternoon.
3 My name is Tiffany Loncke and I am a volunteer
4 coordinator for the Far Rockaway Arverne nonprofit
5 coalition known as FRANC. This statement is on
6 behalf of the membership. FRANC is incomplete
7 support of the Arverne East project as long as the oh
8 and M development team and NYC agencies have plans to
9 address the needs for infrastructure improvements and
10 opportunities for existing businesses. And livable
11 wage employment and homeownership for qualified
12 residents. Thank you.

13 CHAIRPERSON MOYA: Thank you.

14 COMMITTEE COUNSEL: Thank you. Next
15 speaker will be Denean Ferguson.

16 SERGEANT-AT-ARMS: Time begins now.

17 DENEAN FERGUSON: Good morning, Chair
18 Moya, and to the other quality members of this city
19 Council committee. My name is Denean Ferguson Queens
20 recovery and Resiliency Committee that is part of the
21 Far Rockaway Arverne Nonprofit Coalition. We are
22 cumulatively in favor of the project. I am in over
23 30 year resident on a peninsula in my home and send
24 close proximity to this project personally and I have
25 seen nothing in that space for over 30 years and so

2 we are looking forward to a great project and also we
3 have already had meetings with the development team
4 especially around workforce and making sure that the
5 local residents are not just getting jobs, but have
6 an opportunity to work in trying towards careers and
7 truly sustainable livelihoods and we also found that
8 the development companies development team has been
9 responsive to many of our requests and our
10 suggestions and comments. So, we will continue to
11 work in tandem with them the remainder of the
12 community and our elected officials to make sure that
13 this project is beneficial to most everyone. Thank
14 you.

15 COMMITTEE COUNSEL: That was the last
16 speaker on this panel, Chair Moya.

17 CHAIRPERSON MOYA: Okay. Thank you. Thank
18 you all for your testimony today. Now, is there
19 anyone else wishing to testify? Are there any other
20 members of the public wishing to testify on the
21 Arverne East proposal, please press the raise hand
22 button now.

23 COMMITTEE COUNSEL: The meeting will
24 briefly stand at ease, Chair. I believe we do have
25 one additional witness.

2 CHAIRPERSON MOYA: Okay.

3 COMMITTEE COUNSEL: Chair, we have an
4 additional witness. The next speaker will be Alexis
5 Foote. Alexis Foote.

6 SERGEANT-AT-ARMS: Time begins now.
7 Alexis, you may begin.

8 COMMITTEE COUNSEL: Sorry. We are
9 having some technical issues. Alexis is in the
10 process. We do expect her to testify. Just we need
11 to complete her registration and bringer her into the
12 meeting.

13 CHAIRPERSON MOYA: Okay. Thank you.

14 COMMITTEE COUNSEL: Alexis--

15 ALEXIS FOOTE: Hello. I'm sorry.

16 Hello? Can you hear me?

17 SERGEANT-AT-ARMS: We can hear you. We
18 can hear you.

19 ALEXIS FOOTE: Hello? Can you hear me?

20 CHAIRPERSON MOYA: We can hear you.

21 Alexis, we can hear you. Can you hear us, Alexis?

22 ALEXIS FOOTE: Hello? Hello? Can you
23 hear me?

24 CHAIRPERSON MOYA: We can hear you.

25

2 ALEXIS FOOTE: Hi. Hi, everyone.
3 Thank you for allowing me to speak. I am for the
4 Arverne view project. The only thing is that they
5 need to build all of the amenities first. Like they
6 need to build the brewery first. We are already a
7 nature preserve. The EMT's, the cops-- everybody
8 uses that space. We have created our own parking in
9 that space. Right now, they need to build the
10 structure. They need to make sure the MTA structure
11 is good. I work for a prestigious hospital and one
12 morning, I didn't know how I was going to get out of
13 here because they had closed the subway system on me.
14 Yes, we have the ferry, but I live on the east side
15 of the peninsula. There's a lot of racial injustice
16 on the east side of the peninsula and there needs to
17 be more opportunity is for this for farmland. Some
18 of land needs to be put into farmland. Not so much a
19 nature preserve, especially now that Governor Cuomo
20 is allowing hemp to be grown in New York State. And
21 I think there needs to be a skating rink and a movie
22 theater, not only just the brewery. Thank you.

23 CHAIRPERSON MOYA: Thank you. Thank you
24 for your testimony. Let me check with our counsel to

2 see if there are any other members of the public who
3 wish to testify on this item.

4 COMMITTEE COUNSEL: If there are any
5 other members of the public who wish to testify on
6 the Arverne East proposal, please press the raise
7 hand button now and the meeting will briefly stand at
8 ease once more while we check for members of the
9 public. Chair Moya, I see no members of the public--
10 no additional members of the public who wish to
11 testify on this item.

12 CHAIRPERSON MOYA: Okay. Thank you. There
13 being no members of the public who wish to testify on
14 the Arverne East proposal under ULURP numbers C210070
15 ZMQ and N210071 ZRQ and N210069 HNQ, the public
16 hearing is now closed and this item is laid over. I
17 now would like to open the public hearing on the pre-
18 considered LU items for the 737 fourth Avenue
19 rezoning proposal under ULURP number C200029 ZMK and
20 N200030 ZRK relating to property in Council member
21 Menchaca's district in Brooklyn. The proposal seeks
22 a rezoning map-- the proposal seeks a zoning map
23 amendment to change an M11D district to an R8A C24
24 district and to extend the existing special EC one
25 enhanced commercial district as well as a related

2 zoning text amendment to establish new mandatory
3 inclusionary area on the east side of the Fourth
4 Avenue between 25th and 26th Street in the Sunset
5 Park neighborhood of Brooklyn. The proposed action
6 would facilitate the development of a 14 story mixed-
7 use building with approximately 142 dwelling units,
8 35 of which would be affordable and ground floor
9 commercial use. Before we hear from the applicant, I
10 would like to give my colleague, Council member
11 Menchaca, an opportunity to make some remarks. We're
12 going to get you unmuted in a second. Thank you.

13 COUNCIL MEMBER MENCHACA: There we go.
14 Thank you. Thank you, Chair Moya, and thank you to
15 the members of this committee, the applicants. Those
16 here that are going to testify on this application.
17 I hope you are all well and safe at home. I now for
18 years have been extremely critical of land-use
19 processes that this Council have inherited from years
20 of creation. It was built with a deep commitment to
21 a developer deference. What we need is a
22 comprehensive and inclusive planning process to
23 replace ULURP. Something that can empower our
24 communities with tools, with superb language access
25 tools. With lawyers and with information like racial

1 impact studies to make the best decisions for their
2 neighborhood and to connect it to citywide goals. We
3 need it for a just and they recovered-- and
4 equitable recovery from Covid and beyond. Because
5 ULURP is flawed, I have conditioned my support for
6 rezonings on requiring developers to go beyond what
7 is required by the law and I am pleased that the
8 developers of 737 Fourth Avenue have been responsive
9 to community Board seven and the coalition of
10 organizations to have come together to talk about the
11 needs of the community and what I am hearing is a
12 signature. The signed CBA. I am more pleased that
13 the developer signed a fully executed CBA this week
14 before the public hearing and included provisions to
15 allow the community Board to hold them and any future
16 owner of the site accountable. This will give us a
17 unique opportunity to review the terms of the CBA
18 openly and I thank them for their commitment to the
19 transparency of the dialogue. I look forward to
20 testimony. I have a lot of questions for the
21 applicant and I know that I work to the members and
22 neighbors will be testifying. So, thank you, Chair,
23 for this time and I look forward to their testimony.
24 Thank you.

2 CHAIRPERSON MOYA: Thank you, Council
3 member. Counsel, if you could please call up the
4 first panel for this item.

5 COMMITTEE COUNSEL: The applicant panel
6 includes Tucker Reed, Vivian Liao, Elizabeth Panella
7 on behalf of the Totem Group and Jay Marcus appearing
8 on behalf of the Fifth Avenue Committee, and Eric
9 Palatnik, land-use counsel for the applicant. Also
10 on hand for question and answer support are Jason
11 Diaz and Bhaskar Srivastava. Panelists, if you have
12 not already done so, please accept the unmute request
13 in order to begin to speak.

14 ERIC PALATNIK: Thank you. Chair, is it
15 okay if I proceed?

16 CHAIRPERSON MOYA: Wait, if you can please
17 administer the affirmation?

18 COMMITTEE COUNSEL: panelists, please
19 raise your right hand. Do you affirm to tell the
20 truth, the whole truth, and nothing but the truth in
21 your testimony before the subcommittee in advance or
22 to all Council member questions?

23 TUCKER REED: Yes.

24 UNIDENTIFIED: We do.

2 CHAIRPERSON MOYA: Thank you. We have
3 received your slideshow presentation for this
4 proposal and when you are ready for it to be shown,
5 please say so and it will be displayed on the screen
6 by our staff. Slides will be advanced when you say
7 next. Please note that there may be a slight delay
8 in both the initial loading and the advancing of
9 slides. Once again, anyone who requires an
10 accessible version of this presentation, may send an
11 email request to landusetestimony@council.nyc.gov.

12 And now, if the panelists would please restate your
13 names and affirmation for the record, you may begin.

14 ERIC PALATNIK: Eric Palatnik.

15 VIVIAN LIAO: Vivian Liao.

16 TUCKER REED: Tucker Reed.

17 JAY MARCUS: Jay Marcus.

18 ELIZABETH PANELA: Elizabeth Panela. Sorry.

19 CHAIRPERSON MOYA: Okay. Thank you. Thank
20 you.

21 BHASKAR SRIVASTAVA: Bhaskar Srivastava
22 with Density Works.

23 JASON DIAZ: And Jason Diaz with
24 [inaudible 01:54:42] and Associates.

2 ERIC PALATNIK: With that as the
3 introduction, I guess I will start speaking. This is
4 Eric Palatnik. I will make a brief introduction and
5 then I will hand it over to Totem to speak and Mr.
6 Marcus. I wanted to say thank you to the entire
7 committee, as well as Councilman Menchaca. Your
8 introduction was spot on. You set the bar very high
9 and I think that the team has stepped up to it and I,
10 for one, am proud to see a development in front of
11 this committee that it is highly responsive to both
12 the social and economic and housing needs of the
13 community and I think it can serve as a great model
14 for the private developer can to in the public realm
15 without any government money at all. In this
16 application, just as an overview, we are asking the
17 committee to approve the extension of an R8A C24
18 zoning district which runs along Fourth Avenue to
19 this site that is improved upon right now, for those
20 who haven't been there, with a one story Dunkin'
21 Donuts with a drive through. It looks like it would
22 be better situated in suburban New Jersey and in
23 densely populated New York City. It rests above the
24 subway station. The applicant has listened to what
25 Councilman Menchaca has said, the community Board,

1 and the borough president and, with the help of Jay
2 Marcus, has worked to create an MIH development that
3 targets 40 percent of the units at 30 percent of the
4 AMI and an average of 40 percent -- 46 percent AMI,
5 which is an extremely low AMI level for privately
6 funded application. There will be no studios. It
7 will be all families sized units. There will be jobs
8 created. We have worked with a bunch of local job
9 creation groups to provide diverse jobs both in the
10 operation of the building, including 32 BJ and groups
11 such as the, and in the building of the building.
12 And the affordability is to be administered by Jay
13 Marcus and the Fifth Avenue Committee who I think
14 everybody in Brooklyn most to be a well trusted and
15 respected organization. With respect to the MTA, we
16 have agreed to give away an easement space to the MTA
17 to allow for handicapped access to the subway station
18 that is below and, in addition, we have agreed to
19 enter into, is that Councilman has said, when we have
20 entered a do it already, a community benefits
21 agreement that holds us to our words on every single
22 promise and commitment that you are about to hear.
23 So, we thank you very much, especially Councilman
24 Menchaca. We know that you have very strong opinions
25

2 and we really hope that we have fashioned in an
3 application that both you and all the other Council
4 people can bring back to their communities and show
5 that they stuck up for what is right. With that as
6 the presentation, Tucker Reed from Totem would like
7 to speak.

8 TUCKER REED: Yes. And I am actually going
9 to turn it over to my colleague. Vivian, may I--

10 VIVIAN LIAO: Yes. It we can go ahead and
11 bring up--

12 ERIC PALATNIK: I apologize.

13 VIVIAN LIAO: That's okay. We can go ahead
14 and bring up the presentation now. And, with that
15 time, I will also just echo what Eric said and thank
16 the Council member Menchaca for the comments and
17 introductions as well as to Chair Moya and the
18 subcommittee for the opportunity to present on this
19 project. My name is Vivian Liao. Again, I am one of
20 the principles of Totem. We will also be hearing
21 from my partner, Tucker Reed, and our project
22 manager, Liz Panela. We are proud to present what
23 has been the result of years of engagement with the
24 community, including the Council members office, to
25 create precedent-setting benefits for Sunset Park.

2 Totem is a small Brooklyn-based real estate firm
3 which we started five years ago bringing our
4 collective experience in government, urban design,
5 and real estate to focus on local projects that
6 benefit neighborhoods. The common thread tying our
7 projects together is the approach we take to the
8 centurion the voices of communities in which we work.
9 Next slide, please. Sorry. I forgot to say that
10 previously. Next slide. Our approach to development
11 that starts with identifying an opportunity or
12 challenge, then we do our research, we spend time
13 listening to the community, engaging with the
14 community, and partnering with them to develop
15 collaborative solutions that can help me neighborhood
16 needs. That is exactly the process we have taken
17 here in this project. We have spent the last two
18 years working with communities and meeting with local
19 stakeholders and, as was introduced earlier, we are
20 very proud to say that we recently completed a
21 community benefits agreement that reflects precedent-
22 setting accomplishments that will benefit the
23 neighborhood in regard to affordable housing, job
24 creation, neighborhood infrastructure improvements
25 that you will be hearing about more shortly. But,

2 first let me introduce the project itself. If you
3 can go to the next slide. The opportunity that we
4 are talking about here, next slide, yep, is an under
5 built fast food chain and parking lot that sets ride
6 on top of a transcendent mood in the neighborhood
7 that is facing the housing crisis. Without using
8 public funds, we can bring approximately 135 units of
9 new housing to the neighborhood, wanted for of which
10 will be permanently affordable to the residents who
11 live here. Next slide. Why is this so important?
12 If you can see here from data that was pulled
13 together by the Fifth Avenue Committee did a report
14 that they released last year, Sunset Park's
15 population continues to grow and rents continued to
16 rise, but on the next slide, you will see housing
17 production has not kept pace. Since 2014, a little
18 more than 1000 housing units have gotten built in the
19 community board district. Only 10 percent of those
20 were affordable. That is 100 units. For a little
21 context, our one project alone would represent one of
22 the first MIH projects in this district at more than
23 30 percent increase of all the affordable units built
24 in the district over the last six years. Next slide.
25 Clearly, the housing crisis is a pervasive issue

2 which isn't going to be solved by just one project
3 which is why Fifth Avenue Committee proposed a number
4 of recommendations to tackle it ranging from
5 preserving the existing housing stock to building 100
6 percent affordable projects on government owned land.
7 On the next slide, you can see our project. If you
8 go back one slide. Captured by, yep, .3 here through
9 the city's mandatory inclusionary housing program.
10 Without any city subsidy, we can bring 35 permanently
11 affordable apartments online to start tackling the
12 housing crisis now. Inclusionary zoning was created
13 to build mixed income housing in neighborhood that
14 desperately need it and this project is the
15 quintessential example of how the program should
16 work. All we need to move forward on this is the
17 rezoning of the block on which the site sets. Then I
18 am going to turn it over to my partner, Tucker, now
19 to go over more of those details.

20 TUCKER REED: Thank you, Vivian. Next
21 slide, please. Just for context on the actual
22 rezoning application, what originally drew us to the
23 site was the proximity to an existing R8A overlay on
24 fourth Avenue that terminates one block to the north
25 of our site, as you can see on the zoning map here.

2 We are currently zoned M11D and the R8A overlay can
3 be extended one block. Next slide, please. Extended
4 one block phase to pick up these two parcels. The
5 Dunkin' Donuts. We also home, but there are some
6 existing retail [inaudible 02:02:09] represented
7 additional 15 or so affordable units that could be
8 constructed there down the road. Next slide, please.
9 We worked very hard, as my colleagues have mentioned
10 here over the last two years in conversations with
11 the local community board to really be respectful of
12 the context and density along For Avenue. You will
13 see here in this graphic that our building is
14 highlighted in yellow and making sure were not
15 violating that kind of 140 foot height precedent that
16 has been set up and down Fourth Avenue even, you
17 know, responding to neighborhood concerns about not
18 being higher than the church steeple across the
19 street or the Greenwood Heights cemetery entrance up
20 the hill. If you go to the next slide, you will see
21 how the same kind of nestling effect takes place as
22 we move from the waterfront up the hill on 25th
23 Street and, again, how the building is very
24 respectful of the contextual precedent that has been
25 set before us. Next slide, please. There is a lot

2 of conversation in the neighborhood over many years
3 about the Historic View corridor from Greenwood
4 Heights Cemetery out to the Statue of Liberty in New
5 York Harbor and so kind of sanctified view corridor
6 door in this neighborhood. So, we made sure that our
7 building will not violate that view corridor, that
8 the statue of Minerva will always be able to see her
9 friend, lady Liberty out in the harbor. Next slide,
10 please. And the views from, you know, the kind of
11 cherished vistas from Sunset Park Proffer of lower
12 Manhattan, again, will not be impacted by this
13 development site. Next slide, please. So, in the
14 end, what we will end up with here by that R8A
15 extension is approximately 108,000 square feet of
16 development and rights. 135 would be permanently
17 affordable. It is a response to the housing crisis
18 in the neighborhood. It is transit oriented
19 development be built on top of an R train station and
20 helps to alleviate some of the push on Sunset Park's
21 housing stock, which is some of the oldest in New
22 York City as little new housing development has taken
23 place here over the last few decades. Next slide,
24 please. We have worked to kind of design a building
25 that is respectful also from a materiality standpoint

of the surrounding contexts. Next slide, please.

So, you will see the ground floors of the building

are really contemplated as a terra-cotta finish that

kind of blends into the brownstone character of the

neighborhood around us and then, as we move higher up

into the building, more glass and steel that gets

lost in the skyline. Next slide, please. We have

made kind of sustainability measures, a front and

center effort in the design, as well. It's a

priority that was tasked to us by the borough

president as well as the Council member's office.

And so, throughout this design, and incorporates

green roofs, we are contemplating bio swells and rain

catchment, infrastructure in the street and as well

as sidewalk widening and traffic calming measures

around the site to make it more pedestrian friendly

for the entrance to the 25th Street R train station.

Next slide please. That R train station, we were

approached by the MTA during the rezoning process

about providing an easement to them to be able to

come back and build an elevator access to the R train

track Peter in the future. Obviously, our project on

such small scale cannot support the capital cost of

20 to 30 million dollars to build this elevator

1 ourselves, but we have given the land. We will be
2 transferring the land for free over to the MTA for
3 this easement access at a future date when they
4 require it and in the interim, our community benefits
5 agreement contemplates a coalition of local CBO's who
6 will help us to program the space to show the waiters
7 of local entrepreneurs and local small businesses,
8 etc. Next slide, please. We have also made
9 commitments around local retail. Much of Fourth
10 Avenue does not have a retail presence in new
11 construction and so we have agreed, as part of the
12 zoning action, we invest for the ability to have
13 ground-floor retail transparency and to carve the
14 spaces up into smaller spaces to really cater to mom-
15 and-pop businesses in the neighborhood. Next slide,
16 please. Finally, we worked with an emerging
17 entrepreneur in Brooklyn called UNI which is bike
18 parking. A secure private bike parking amenity that
19 will be the first experiment in incorporating this
20 amenity into the building. As you can see, the
21 public will have access off of the street to this
22 bike parking and it will also serve the residents of
23 the building, but this will be the first public bike
24 parking available privately secured bike parking
25

2 station outside of the subway station in New York
3 City [inaudible 2:07:16]. Next slide, please. Good
4 to turn it over and out of my colleague, Elizabeth
5 Canal.

6 ELIZABETH CANAL: hi, everyone. So, one
7 of the first concerns the community board and Council
8 member, as he just stated, was the projects need to go
9 to offer affordable housing at 30 percent of AMI which
10 is a lot more in line with Sunset residence averaging
11 about 40,000 dollars for a family-- Sorry, guys. I'm
12 back. So, yes. Knowing this, we talk. Off-the-shelf
13 MIH program and modified it to better suit the needs
14 of the neighborhood. So, working with the Fifth
15 Avenue Committee, we developed an affordable housing
16 program that represents income ranges between 30 and
17 60 percent of AMI which are the pink blocks around the
18 light blue that you see meaning that individuals
19 making \$15 an hour would qualify. Next slide, please.
20 What these AMI means is that we are able to build
21 approximately 35 permanently affordable homes with
22 rents ranging from anywhere from \$500-\$1600 a month.
23 And, again, this is without government subsidy. This
24 is compared to over 100 affordable units built in
25 community Board seven in that last six years or so, as

2 Vivian mentioned. Next slide. So, across the city,
3 which many of you know, more common MIH programs
4 normally achieve an average of 60 to 80 percent of
5 AMI, here we capped the AMI to achieve a lower
6 percentage of 46 percent of AMI. So that we are aware
7 of, is the lowest AMI average that it MIH project has
8 ever achieved without additional subsidy. In those
9 percentage points are significant. It means reducing
10 the monthly rents by 300 to 600 dollars a month
11 depending on the income band which you see on the
12 comparison here. Next slide, please. So, this
13 project builds on a recent precedent set in the
14 district, as you can see in the first column in 2018.
15 That project was approved at 60 percent of AMI with no
16 modifications. More recently, within a mile radius of
17 our project, MIH projects were approved at an average
18 of 80 percent of AMI. We knew that these
19 affordability levels were not acceptable to community
20 board seven, so working together with the Council
21 member and community board seven, we were able to
22 bring together-- to bring the AMI average way down
23 from the precedents that a couple years ago with
24 similar rezoning in this district and just like these
25 precedents, our project was approved overwhelmingly by

2 the local community board, the borough president, and
3 city planning. Next slide, please. So, we are very
4 excited to say we have signed a legally binding
5 community benefits agreement that cements all the
6 commitment we have shared today and memorializes the
7 conditions from the community board and borough
8 president approvals. So, this includes setting this
9 sign 40 percent of the affordable units to 30 percent
10 of AMI households, 35 percent local and MW BE goal on
11 hiring and contracts, first of its kind publicly
12 accessible bike parking and MTA easement at no cost to
13 the MTA, as well as the commitment to the program that
14 interim space with local businesses makers and many
15 more commitments [inaudible 02:10:58] achieved without
16 government subsidy. Next slide, please. Stewards of
17 this CBA include organizations that have served the
18 area for decades, including Opportunities for a Better
19 Tomorrow, SBIDC, Brooklyn Workforce Innovations. This
20 CBA accompanies our agreement with 32 BJ to operate
21 the building and then, as we said, an MTA agreement
22 for the easement and a very important affordable
23 housing marketing focus in CB seven lead by Fifth
24 Avenue Committee. So, to close us out, I'm going to

2 kick it off to Jay Marcus, director of housing
3 development at Fifth Avenue Committee.

4 JAY MARCUS: Thank you, Elizabeth. The
5 Fifth Avenue Committee was very glad to be invited by
6 Tucker and his team to be part of this project. It
7 really does make things like CBA, community benefit
8 agreements, which we very often do, to try to get
9 above and beyond what zoning requires. It made it a
10 lot easier to work with the developer who very much
11 wanted to be the cause of the community. The 30
12 percent AMI, which is always a priority for our
13 nonprofit, given who we work with, but also as a
14 priority of the community board and the Council member
15 to get to the lower incomes and to always fashion AMI
16 levels for any specific project to meet what the
17 community AMI is, not necessarily what the New York
18 City regional AMI is. And also to go above and beyond
19 on issues like energy conservation which, again, also
20 in some ways, helps with affordability which is saving
21 on utility costs in the long term which are some of
22 the drivers that make it difficult to maintain when we
23 do 100 percent affordable housing in the long term and
24 is a problem for any management company. So we
25 appreciate that. We appreciate also that they met a

2 lot of the other community goals directly,
3 specifically on the jobs front, as well as on setting
4 aside a portion of the retail space. The MTA space,
5 while it's not [inaudible 02:13:14] for nonprofit or
6 for other community benefits and for subdividing the
7 retail spaces to be more compatible with the community
8 needs. We do think, as Eric mentioned, and as the
9 Council member mentioned that this does very much meet
10 the needs of the community. We are also very lucky in
11 CB seven under the leadership of John Fontillas Who
12 is head of land use committee for CB seven that they
13 are very good at muting, understanding, and hearing
14 the community and making sure that their requests from
15 developers meets the needs of the community and
16 actually the CBA, the community benefits agreement,
17 very much is in line with what the community board
18 seven had adopted in its resolution for this project
19 and what Jon and his team, together on the community
20 board had focused on. So, we are excited in the long
21 term. We are going to be working with Opportunities
22 for a Better Tomorrow for [inaudible 02:14:19]
23 innovation, 32 BJ, SBIDC, and then even though I
24 believe they are not going to be part of the CBA,
25 Sunset Park Business Improvement District to really

2 help the developer both to meet those goals and other
3 goals that they've stated, including to try to find
4 the local mom and pop businesses that could use the
5 space to be able to outreach to make sure we reach
6 community members to help them apply for this. The
7 community board has often spoken to us on this and
8 other projects about the need to help people and to
9 prepare for the lottery. Most Council members are
10 probably familiar that the lottery does require a lot
11 of documentation that, for some individuals, is
12 difficult. So, we are going to be having staff
13 specifically dedicated towards that and towards
14 helping people to put that together and we also will
15 be working with them to try to make sure they achieve
16 the 35 percent local employee goals that they've
17 articulated here. So, again, we do think that this is
18 a model. It really helps a lot when you have a
19 developer who says that they want to-- one other
20 missions as the developers to meet the needs of the
21 local community. It makes the CBA's a lot easier than
22 we appreciate the partnership with the development
23 team and look forward to making this project happen.
24 Thank you.

2 ERIC PALATNIK: That summarizes our
3 team. Our presentation.

4 CHAIRPERSON MOYA: Okay. Thank you. So, a
5 couple of questions before I go to Council member
6 Menchaca, particularly on the development site. When
7 did you purchase this property and how did you
8 identify as a development opportunity?

9 ERIC PALATNIK: Tucker, would you like
10 to answer that? Tucker Reed will answer that.

11 TUCKER REED: Sorry, Council member. I was
12 muted. We purchased the site, the first site, about
13 three years ago. The additional site a little while
14 after that and, you know, as we talked about in the
15 presentation, I think what really drew us to the site
16 was the kind of very strong grounding it and urban
17 planning for the extension of an existing zoning
18 district just one block face to addressing a very
19 underutilized site in Brooklyn, right? It's very rare
20 that you find a parking lot on top of a subway station
21 and I think the opportunity to redevelop the site to
22 enhance the neighborhood to the neighborhood along the
23 way is what our motivation was.

24

25

2 CHAIRPERSON MOYA: Okay. And how did you
3 determine that the R8A was the appropriate density to
4 propose?

5 TUCKER REED: Chair we went through a very
6 extensive process with both city planning and the
7 local community board. Quite frankly, height and
8 density, the discussed, was not really much of an
9 issue in our discussions over the years once it was
10 established that we weren't violating the view
11 corridors. And I think there was an understanding of,
12 you know, a lower density. A building here would
13 result in less units which, you know, when you are
14 looking at a building across the street of the same
15 height and density and it wasn't as much of an issue
16 as you might find in other areas.

17 CHAIRPERSON MOYA: And let's just say what
18 happens if the site-- if the proposed rezoning is not
19 approved?

20 TUCKER REED: Yeah. The existing zoning is
21 fairly restrictive on the site in terms of height and
22 density. There is potentially one additional F a R of
23 development rights there. So, conceivably in the
24 future there may be an opportunity to build an
25 additional story of retail, but given the cost of

2 construction and the current use as they are, it is
3 unlikely. What is more likely to happen would be the
4 extension of the existing leases there until, you
5 know, such time as the project could be revisited or
6 an additional higher and best use was presented.

7 CHAIRPERSON MOYA: Okay. Which MIH option
8 do you propose for the development and why?

9 TUCKER REED: So, we proposed MIH option
10 one which is, I believe, the 25 percent of the
11 development at 60 percent of AMI. At an average of 60
12 percent of AMI. You know, we proposed that option
13 because it was the lowest a.m. I that were available
14 to us in the kind of as of right program and, as you
15 can see, hopefully, in the results of the
16 presentation, we took that off-the-shelf option and
17 really modified it down to agree to a range of AMIs
18 from 30 to 60 percent of AMI. You know, the average
19 household income of community board seven was around
20 \$40,000 a year. So, 60 percent AMI average was not in
21 keeping with the needs of the neighborhood and hence
22 the desire to try to modify down the AMI as far as we
23 possibly could without any government subsidy, which
24 we did seek repeatedly over the course of two years
25 and was never made available to us.

2 CHAIRPERSON MOYA: And so, keeping with
3 that, so what motivated you to propose affordable
4 housing at a deeper affordability than normally
5 required?

6 TUCKER REED: While, because we are trying
7 to help the community set a precedent here, right? I
8 mean, the way we approach our company, you know, all
9 of us are former public servants or are coming out of,
10 you know, public private development practices and our
11 goal is, as a company, with to engage in a community-
12 based development as much as we possibly could. And
13 so, when we sat down, you know, with the community
14 board early, we had five public hearings as part of
15 our community board process, number of sessions even
16 before certification, and a few after and so we really
17 tried to into it and hear from the neighborhood what
18 the desire was on the affordability levels and then
19 try to craft a private sector solution to deliver
20 that. I mean, what we are trying to do, as the
21 company, is to, you know, create precedents that we
22 can be proud of and that we can show, you know, if a
23 small development team like Totem can achieve these
24 outcomes and potentially, you know, share the benefits
25 that are created by the powerful tool of the change in

2 density with the neighborhoods that we are working in,
3 that is what we are trying to achieve.

4 CHAIRPERSON MOYA: Great. So, how will
5 these commitments to deeper affordability be
6 memorialized?

7 TUCKER REED: Yeah. So, we have,
8 obviously, our regulatory agreement with HPD which, my
9 understanding is that the commitments that we made
10 both in letter form to the borough president and happy
11 to do to the Council here, you know, HPD will be
12 looking to memorialize those commitments within our
13 regulatory agreement, but we have also now executed a
14 community benefits agreement with the four
15 organizations, local organizations, that we discussed
16 that clearly articulates these affordable housing
17 commitments and their ability to hold our feet to the
18 fire by taking a restrictive deck against the
19 building.

20 CHAIRPERSON MOYA: Okay. And how do you
21 respond to those from the community who believe that
22 the development should include more than 25 percent of
23 its units as affordable housing in order to truly
24 benefit the surrounding area?

2 TUCKER REED: Listen, we would have loved
3 to go above 25 percent, you know, and had we worked
4 within higher AMIs, we probably could have achieved,
5 right, there's options at 30 percent or potentially
6 higher at higher AMIs and we could've worked within
7 those constraints if that had been the stated desire
8 of the neighborhood, but we heard repeatedly to try to
9 get the AMIs down as low as we possibly could. Then,
10 along with that, also providing larger units. So, we
11 mentioned the fact that we have eliminated all studio
12 apartments from this building even on the market rate
13 side in an effort to create more family sized units
14 which is really the need of the neighborhood and also
15 to prevent, you know, further forces of gentrification
16 which, you know, younger professionals moving into the
17 neighborhood that don't necessarily have ties to the
18 area. And so, the combination of larger units and
19 deep affordability didn't allow us to push above 25
20 percent without government subsidy.

21 CHAIRPERSON MOYA: Okay. With the
22 commercial space parking and transit, all that, what
23 type of tenants do you envision for the ground floor
24 commercial space?

2 TUCKER REED: Yeah. We are excited to work
3 with the local CBO's, you know, ranging from the local
4 business improvement District. This is outside of
5 their district, but, you know, I think they would be
6 happy to work with us on retail referrals, as well as,
7 you know, the signatories to the CPA like
8 Opportunities for a Better Tomorrow in Southwest
9 Brooklyn, Industrial Development Corporation. I mean,
10 we have purposefully designed the ground floor--
11 first of all, there's not a lot of space on the ground
12 floor once you include the easement and the parking
13 access, but to craft or carve up the spaces up into
14 smaller footprints of between like 1000 to 5000 square
15 feet, which really accommodate smaller businesses that
16 are able to afford the rents at those smaller space
17 requirements.

18 CHAIRPERSON MOYA: Okay. So, why does the
19 development propose more parking spaces, 52, and
20 actually required by zoning, which is 43?

21 TUCKER REED: It's a request of Community
22 Board Seven.

23 CHAIRPERSON MOYA: Okay. And what is the
24 benefit to the public for providing the MTA easement
25 to build a future station entrance?

2 TUCKER REED: We have heard from advocates
3 across the city that are advocates for ADA
4 accessibility on subway stations and I think we will
5 hear from some of them today on testimony. I
6 certainly know a lot of them submitted letters of
7 support and maybe cut and stick around for this
8 hearing as long as they would have liked, but, you
9 know, currently, the MTA has no access point to the
10 subway station here. They don't have any land or land
11 and point to be able to build this elevator and so,
12 for lack of our ability to deed of this land over to
13 them, they would have no access to the elevator
14 anywhere. And so, I think this is really a key to
15 unlocking that ADA accessibility for the station.

16 CHAIRPERSON MOYA: Okay. And now, just a
17 couple of last questions here. The good paying jobs
18 in local hiring, will this development have good jobs
19 for the building service workers?

20 TUCKER REED: an agreement with 32 BJ
21 already to operate the building and, you know, 32 BJ
22 has been gracious enough also to agree to work with
23 our local hiring partners in the neighborhood to try
24 to help to, you know-- not only do they have a lot of
25

2 members in the district, but also to try to source as
3 many local people for new opportunities as possible.

4 CHAIRPERSON MOYA: Okay. And do you have a
5 plan in place now to ensure local hiring and MWBE
6 participation during construction?

7 TUCKER REED: Yes. We have-- it is a
8 stipulation of our community benefits agreement and we
9 have been an active discussion already with Brooklyn
10 Workforce Innovations, Opportunities for a Better
11 Tomorrow, and a company called Crescent Consulting who
12 has done a lot of MWBE work across Brooklyn to craft a
13 local hiring program here.

14 CHAIRPERSON MOYA: How many local hires
15 would typically be involved in a project like this?

16 TUCKER REED: So, we made a commitment of
17 our goal of 35 percent participation, right? We have
18 no mandate for any participation within the zoning
19 action and so we tried to mirror the HPD or even go
20 beyond in some cases, the HPD guidelines and we
21 arrived at that number in consultation with Fifth
22 Avenue Committee and our other CBO partners.

23 CHAIRPERSON MOYA: And how can we can sure
24 follow up and progress reports on these commitments?

2 TUCKER REED: We have reporting mechanisms,
3 for lack of a better term, outlined in the CBA and,
4 you know, I know that community Board seven was not
5 allowed to sign the CBA as a government entity, but we
6 are also happy to, you know, build in regular
7 reporting to community Board seven, as well.

8 CHAIRPERSON MOYA: Okay. Great thank you.
9 And my last question. What sustainability and
10 resiliency measures are incorporated into the
11 buildings designed and construction?

12 TUCKER REED: Yeah. So, we have set
13 targets, again, within the CBA around everything from
14 green roofs and rain catchment areas, you know,
15 pending agency approval from DEP and DOT and the MTA,
16 etc., and others, as well as setting targets for green
17 enterprise, community standards from HPD.

18 CHAIRPERSON MOYA: Okay. Thank you very
19 much, Council member Menchaca, for a few questions.

20 COUNCIL MEMBER MENCHACA: Thank you,
21 Chair Moya. And, again, thank you for the
22 presentation today. I think we saw the incredible
23 work from the community really build out a real sense
24 of commitment from the neighborhood to keep this whole
25 process accountable. Now, I have a few questions.

2 One is about the CBA. So much rests on the CBA and
3 there has been a lot of work from a series of local
4 organizations and so, because it is freshly inked, how
5 are you going to get the word out to the community
6 about the components of the CBA? Do you have a plan
7 for outreach and engagement?

8 TUCKER REED: Thank you, Council member,
9 for the question and, you know, appreciate your
10 guidance and, you know, your leadership on this
11 project., We went through a very link the, you know,
12 community conversation with the community board and,
13 you know, the conditions of their approval were
14 numerous and those were not arrived at kind of, you
15 know, fly-by-night, but over A, you know, very link
16 the process that started long before the ULURP clock
17 began and, you know, we all are fairly confident and I
18 think our community partners would agree and you hear
19 from some of them today, that, you know, that really
20 kind of represents the exhaustive list of compromises
21 that the building was able to support as part of the
22 process. And so, you know in the community Board
23 report to the borough president report to, you know,
24 working with the four community-based organizations
25 over the last couple of months to craft the document,

2 it has, obviously, been a lot of work that has been
3 done in a short period of time to, you know, get to
4 the point of a finalized document. We didn't want to
5 walk into this hearing today with notions that, oh,
6 one day we will have the CBA or one day we will deal
7 with it. We wanted to really demonstrate to the
8 Council and to the community that we took seriously
9 the conditions of the community board findings and,
10 with the signed document here today which, obviously,
11 we are now happy to share. So, you know, that
12 outreach now I think would be with community Board
13 seven. We did share it with the leadership last
14 night, that our document was only signed two days ago
15 now, but we are happy to engage in a more robust
16 community sharing of that document now. And then I
17 would also add that, you know, the CBA has an
18 extensive, you know, marketing and kind of economic
19 preparation, economic literacy, and lottery
20 preparation process that is outlined within the
21 document. You know, we are still a couple of years
22 away, obviously, from anyone being able to take
23 occupancy of the building if it was to be approved and
24 built. So, we still have a long period of time to
25 spread the word about the affordable housing

2 opportunities and get as many community Board seven
3 members prepped as possible to take advantage of those
4 opportunities, as well.

5 COUNCIL MEMBER MENCHACA: Well, and
6 before I continue on the CBA, you mentioned the
7 conditions that were set by the community board and
8 did you meet all of the conditions that were set by
9 the community board? Approved with conditions.

10 TUCKER REED: Yes.

11 COUNCIL MEMBER MENCHACA: , if To
12 demand, especially the CBA signatories can build a
13 space where you can at least present to whomever wants
14 to learn more about it that are beyond the initial
15 group that created the CBA, would you agree to a
16 community conversation may be cohosted by the
17 community board and whomever to, and multiple
18 languages-- Mandarin, Spanish, English-- really
19 review the items and answer questions about the CBA as
20 part of this process?

21 TUCKER REED: We'd be happy to arrange a
22 session hopefully in partnership with CB seven to do
23 just that. Obviously, you know, given the timeline
24 and the amount of time that has already gone into the
25 negotiation of the conditions and the CBA, I think it

2 would be tough to relitigate a bunch of the questions
3 that were decided by the community board and voted
4 affirmatively, but in terms of sharing information
5 about, you know, where we have come out and then if
6 there are suggestions, you know, that can be
7 incorporated that are, you know, totally throwing the
8 baby out with the bathwater in terms of the kind of
9 development program that we have arrived at now, we
10 would be happy to, obviously, talk about those, as
11 well.

12 COUNCIL MEMBER MENCHACA: No. No. And
13 I agree. This is the nervousness of engagement when
14 you go out to the community and you are engaging in a
15 public process. So, you fared enough-- Or I should
16 say you have fared a lot of hot seat protocol in this,
17 so this is just part of it. So, thank you for that we
18 should follow up with everybody to ensure that you can
19 at least get the information out of where you will
20 landed. It seems like there is a lot of good things
21 that should be talked about. My final two questions
22 are really about that early time when you came to my
23 office to speak to this project and we said, get to
24 100 percent affordable. If you remember that, I just
25 want to give an opportunity to talk about the

2 administration. I know that you are touting the fact
3 that there is no public funds in this project, but
4 more public funds could have deepened the
5 affordability. And so, can you just talk a little bit
6 about the process that we talked to ask the
7 administration to join in and help the affordability
8 question?

9 TUCKER REED: I'm happy to. And then I
10 might ask my colleague, you know, Jay Marcus, to jump
11 in here who obviously has a wealth of experience with
12 HPD, but, you know, two years ago when we started this
13 project, you know, I recall that conversation quite
14 well and you did ask for us to strive to get to the
15 deeper affordability, right? And so, we went to HPD a
16 number of times and had what I would call not
17 conversations that were full of, you know, anger or
18 anything, but just that they are kind of off-the-shelf
19 term sheets for 100 percent affordable programs. Did
20 not contemplate land costs this high at sunset Park
21 and also, further, that they do not have an existing
22 program to kind of bridge the gap between MIH and
23 their 100 percent affordable programs. And I will ask
24 Jay to talk a little bit more, but I will also just
25 mentioned that, you know, we followed closely the

2 debates in the neighborhood about, you know, the 100
3 percent affordable projects that have preceded us
4 here, obviously. Fifth Avenue Committee was involved
5 in those, particularly with the Brooklyn Library.
6 And, you know, a lot of the conversations the
7 neighborhood also had 42, right? And at what depth of
8 AMI? And even at the 100 percent, you know,
9 affordable term sheets out of HPD, you know, many of
10 the kind of income bands that are offered with that
11 public subsidy, you know, far exceed the AMIs that we
12 were able to achieve here in terms of, you know,
13 ranging from, you know, much higher than 40 percent of
14 AMI. 60 percent, 80 percent of AMI, 100 percent of
15 AMI which, in this neighborhood, would be potentially
16 even exceeding market rate, right? And so, you know,
17 we are aware of forecasting market rate rents here
18 that are very much in keeping with AMI that are on the
19 affordable scale, but doing so without subsidy and
20 being able to offer that 30 and 40 percent of AMI
21 that, you know, it is very-- you know, and you can
22 even check with City Planning. We are not able to
23 identify another private MIH application that has ever
24 achieved to this Of 46 percent of AMI a without
25 government subsidy. So, I will ask Jay to--

2 JAY MARCUS: No, Council member. We very
3 much appreciate the suggestion and it is something we
4 have spoken to the inclusionary unit and HPD and the
5 new construction to some degree several times about
6 both in terms of how they might review the
7 underwriting and where requirements would go on if,
8 for example, there was money like Res A and for the
9 city generally, to be available. So, I do think it's
10 the program. Were very anxious to see if we can do
11 it. I think there are a lot of communities where the
12 communities objection that a project that is 75
13 percent market rate does pose some risk on encouraging
14 gentrification. This project, I should mention,
15 because it is in the northern part of the district
16 where there was already 8A, I don't think it really
17 falls into that category. But there are a lot of
18 other communities where that can happen or let's say
19 is development with the seven Eight, the zoning
20 further down on Fourth Avenue might start to see some
21 private sector interest. So, I hope the Council
22 generally will look at that and try to fashion a
23 program that will enable additional affordable units
24 to be in MIH projects and appreciate that you have
25 kind of been pushing that idea and concept for a

2 while. But I do think, as Tucker mentioned, likely it
3 would require a new program that HPD specifically to
4 make it happen in any sort of larger scale.

5 COUNCIL MEMBER MENCHACA: Well, thank
6 you, Jay, for your work and Totem. Tucker and Totem
7 team. We didn't get the administration to bite and so
8 that is an incredible disappointment and just gave us
9 less to work with in tools for more affordability
10 which is a big thing in everyone's eyes. So the last
11 question, Tucker, and this is just one that I think is
12 important to understand because we are in a pandemic
13 now. We are still in it and you will decided to
14 certify in the middle of the pandemic and so I just
15 want to, for the record, ask-- and, really, this is
16 for any developer that is moving forward in the middle
17 of the pandemic, process. It's a public process.
18 It's a pandemic. We are virtual. What compelled you
19 to move through? And I just want to make sure you
20 have your voice to answer that question in the middle
21 of the pandemic, and application like this.

22 TUCKER REED: member, for the opportunity
23 to answer that. I would answer it in twofold. I
24 mean, one, from a kind of policy perspective and a
25 civic perspective, you know, you know much better than

2 I do that Sunset Park has been hit disproportionately
3 hard by Covid and, you know, one of the underlying
4 reasons for that, as the data has been clear, is
5 because of the immense amount of overcrowding in the
6 district that people are forced to live in apartments,
7 wanting two-bedroom apartments, three, four, five
8 people to an apartment and, you know, that
9 overcrowding issue that is a combination of the lack
10 of new development that is taking place and the aged
11 building stock in the district has really driven the
12 Covid numbers in the area much higher. And so, you
13 know, that decision to try to help alleviate, even in
14 our own small way, right, more housing for the
15 neighborhood at the time that we could, you know, was
16 not taken lightly. I would also say, you know, we are
17 not a large developer, right? We are a small
18 landowner. This is one of our first projects. You
19 know, we don't have, you know, Rich parents to go to
20 or deep pockets behind us to make this project work.
21 I mean, we delayed the certification process by nearly
22 6 months due to Covid. We were originally supposed to
23 certify last spring and we were delayed until the fall
24 and we simply, you know, also just ran out of time.
25 We don't have the luxury. Every month that goes by we

2 are carrying the mortgage there. We are carrying the
3 financial costs. The financial burden was too great
4 for us to wait any further and, also with the
5 impending political timelines hanging out there, they
6 simply didn't have any more runway to wait further.

7 COUNCIL MEMBER MENCHACA: Well, thank
8 you. I look forward to the engagement on the CBA.
9 That is contingent, I think, on any kind of approval
10 here, so let's get ASAP and looking forward to that.
11 Thank you, Chair, for this time.

12 CHAIRPERSON MOYA: Thank you. Thank you,
13 Council member Menchaca. I now want to take the
14 opportunity to invite my colleagues to ask questions.
15 Counsel, do we have any Council members who have any
16 questions for this panel?

17 COMMITTEE COUNSEL: No, Chair. I see
18 no members with questions for the panel.

19 CHAIRPERSON MOYA: Okay. There being no
20 further questions, the applicant panel is excused.
21 Thank you very much for your testimony here today.
22 Counsel, are there any members of the public who wish
23 to testify on the 737 Four Avenue rezoning
24 application?
25

2 COMMITTEE COUNSEL: Yes, Chair Moya.

3 There are approximately 44 public witnesses who have
4 signed up to speak. For members of the public who
5 are here to testify, please note again that witnesses
6 will generally be called in groups of four. When you
7 hear your name, please stand by and prepare to speak
8 when the Chair says that you may begin. Please also
9 note that once all panelists in your group have
10 completed their testimony, you will be removed from
11 the meeting as a group and the next group of speakers
12 will be introduced. Once removed, participants may
13 continue to view the live stream broadcast at this
14 hearing at the Council's website. We will now hear
15 from the first panel which will include New York
16 State Assembly member Marcela Mitaynes.

17 SERGEANT-AT-ARMS: Time starts now.

18 ASSEMBLY MEMBER MITAYNES: Thank you.

19 Can you hear me?

20 CHAIRPERSON MOYA: Yes.

21 ASSEMBLY MEMBER MITAYNES: Hi. My name
22 is Marcela Mitaynes and I am the assembly member for
23 the 51st district. I spent a little over 10 years on
24 the community board and I left as the outgoing Chair
25 of Housing. Thank you very much for the committee to

1 speak. I want to just talk more about this project.
2
3 I know that the project, as it is, sounds like a good
4 project, but we deserve so much better and now is the
5 time to demand it. I think that we should not be
6 having any hearings at a time where we all are in a
7 global pandemic where folks are fighting for jobs and
8 they are fighting to keep food on the table for their
9 families. This is not inclusive. This does not
10 allow people an opportunity to participate and so, I
11 really want to stress that, at a time where we really
12 need to be taking the lead from our community. This
13 is an affordable housing unit that is only going to
14 produce around 35 units and, when you break that
15 down, it's only going to be able to give us 17. At
16 the end of the day, when the jobs are done, there
17 will be 10 full-time jobs and this is what this
18 community is going to be fighting for. You're
19 talking about the housing crisis. Well, the way we
20 start attacking it is making sure that we are making
21 units of affordable to those that really need it.
22 So, 30 percent sounds good, but what we really need
23 is 20 percent. And it's great that you have made
24 more larger apartments, but we need to target those
25 families and make sure that all the units are for

1 larger apartments. Housing production. We cannot
2 build our way out of this crisis. I'm going to say
3 that again. We cannot build our way out of this
4 crisis. The building has to be something that is
5 long-term and for us to have more than 100 people
6 coming in, 100 families coming in for the use
7 apartments to then just, in turn, only turn over 17
8 to folks in the community, that is not the way to do
9 it. We know that the MIH program is a failed
10 program. Its purpose is to build mixed income
11 housing. Its purpose is to build market rate
12 housing. So, you are on target for that, but that is
13 not what this community needs. The MTA elevator,
14 that's great. What we need is more trains and they
15 need to be more affordable. Community benefits
16 agreement is not enforceable unless you have to take
17 the people to court. We don't have time to do that
18 and the Fifth Avenue Committee knows this very well
19 because they have had to take the Barclay's to court
20 to ensure that they follow through with their
21 community benefits agreement and were still waiting
22 for all of those affordable units years later. I say
23 this because I know a lot of you are going to be
24 moving on from city Council. I know you guys are
25

2 looking at other opportunities, we must strive for
3 that our first duty is to the people that have
4 elected as an right now, it's the working class
5 people that need the most assistance and the most
6 help. So, I am going to ask you and implore you to
7 really consider this project. This project is going
8 to be making money for the investor. That is what it
9 is. It's an investment. Sometimes you win,
10 sometimes you lose. But we cannot afford to allow
11 for large development in an area that is specifically
12 zoned against it. Thank you for your time.

13 CHAIRPERSON MOYA: Thank you. Before we
14 move to the next panel, I just want to remind the
15 members of the public that you will be given to
16 minutes to speak. Please do not begin until the
17 sergeant-at-arms has started the clock. And now, I
18 want to turn it over to our Counsel to call up the
19 first panel.

20 COMMITTEE COUNSEL: if there are no
21 questions for this panel, we could excuse Assembly
22 member Mitaynes.

23 CHAIRPERSON MOYA: Sorry. No questions
24 here.

2 COMMITTEE COUNSEL: With that, we will
3 take the next panel. The next panel will include
4 Jeremy Kaplan, Elyse Schuck, and Jackie Painter. The
5 first speaker on the panel will be Jeremy Kaplan
6 followed by Elyse Schuck.

7 SERGEANT-AT-ARMS: Time starts now.

8 JEREMY KAPLAN: Hi. Can you hear me?

9 CHAIRPERSON MOYA: We can hear you.

10 JEREMY KAPLAN: Oh, okay. Thank you so
11 much. So, I would like to say good to see you,
12 Chairman Moya. We met under Industry City and I
13 appreciate some of the work that you did during that.
14 I'm just really disappointed that we are back here
15 sort of after-- we mitigated some of the issues with
16 the ULURP process and we had a community board and,
17 you know, a Council member who said that this ULURP
18 here we are, Sunset Park, faced with another broken
19 proposal and another broken ULURP process having to
20 deal with this and also just hearing now, within
21 minutes of having to testify, that we have a signed
22 CPA. I've never heard about this CBA. This CBA was
23 brought up just now to me. The community is not been
24 involved in and, shockingly, it's the same for groups
25 that were involved in the Industry City CBA. So, we

2 already litigated the issues with the CBA the way in
3 which they are not enforceable, but I think also, the
4 real thing is that we have been discussing with
5 everybody is that 100 luxury units out of context in
6 this neighborhood for only 17 is not worth it at all
7 and we know that Tucker Reed and Totem is going to
8 make a lot of money off of this because they bought
9 this land for \$14 million and it wasn't zoned for
10 housing and there is a supermarket that is going to
11 be right across the street from a that is going to
12 go up for sale, has, and this is going to be the
13 Pandora's box that will ignite For Avenue with more
14 luxury condos so that we look like Park Slope. So
15 that we are displaced so that a lot of the black and
16 brown people in Sunset Park will live there anymore.
17 And so, I am incredibly disappointed that Carlos
18 Menchaca is saying that this is a good deal. The
19 community hasn't seen this deal and Tucker says we
20 can't even look at it. That it's a done deal and CBA
21 seven has an even said--

22 SERGEANT-AT-ARMS: Time expired.

23 JEREMY KAPLAN: I'm sorry. This is
24 really disappointing.

2 CHAIRPERSON MOYA: Thank you, Jeremy.
3 Thank you for your testimony today.

4 COMMITTEE COUNSEL: Our next speaker
5 will be Elyse Schuck who will be followed by Jackie
6 Painter.

7 SERGEANT-AT-ARMS: Time starts now.

8 ELYSE SCHUCK: Hi, everyone. My name
9 is Elyse Schuck. Thanks so much for the opportunity
10 to speak. I am very fortunate. I live just a 10
11 minute walk from this site. I will be speaking
12 extemporaneously, that I am against this rezoning. I
13 am going to mention four points. Point number one,
14 the community engagement process that Totem says that
15 they did is actually not in line with the reality.
16 Many local residents did not know that this whole
17 block has been rezoned. Point number one. Point
18 number two. The building is completely out of scale
19 with the existing heights on the block. So,
20 currently, that whole block is 3 to 4 stories. It
21 will change the character of the neighborhood. Point
22 number three, it's very clear to me why the MTA, not
23 access the site to install an elevator for the 25th
24 Street stop. Why do we need a real estate developer
25 to make this subway stop ADA compliant? That's very

2 unclear to me. And, Carlos Menchaca, I know that you
3 are running for Mayor. I know that is your next plan
4 and if you agree to this rezoning, you are,
5 basically-- look at the residence and think about
6 the residents who will be displaced. I have lived in
7 Brooklyn for close to 20 years. I have seen rapid
8 displacement in that period of time. If this
9 building goes up, it will continue the rapid
10 displacement that has occurred throughout Brooklyn
11 across the past 20 years. Displacement is real I
12 totally endorse what Assembly member Mitaynes
13 mentioned, as well as Jeremy Kaplan. So, Mr.
14 Menchaca, you were brave with the Industry City
15 rezoning. You were able to fight that and I
16 encourage you to vote against this. Thank you.

17 SERGEANT-AT-ARMS: Time expired.

18 CHAIRPERSON MOYA: Thank you. Thank you
19 for your testimony today.

20 COMMITTEE COUNSEL: The next and last
21 speaker on this panel will be Jackie Painter.

22 SERGEANT-AT-ARMS: Time starts now.

23 JACKIE PAINTER: Hello, everyone. I hope
24 you can hear me. Good to see everyone here. Good to
25 see you, Chair Moya. My name is Jackie Painter. I

1 am a community member of Council District 38, mutual
2 aid organizer, and city Council candidate. I
3 appreciate the attempt of a community centered
4 approach, but, in my opinion, this is a failed
5 attempt. It is not it. As far as I have heard, our
6 community has not even known about this assigned is
7 CBA and 25 percent of affordable housing into one
8 building is just unacceptable right now. One out of
9 four units, it's not going to take us out of the
10 extreme housing crisis that we are in. In a time
11 when so many of our existing neighbors and family are
12 living in housing that has no gas, no heat, no water,
13 we need to be putting our efforts into these families
14 and not into a luxury development that is going to
15 gentrified the neighborhood. This development will
16 make an impact on prices around the area, no matter
17 how hard they try. They won't be able to control the
18 forces of capitalism and the real estate market in
19 this city. This is why 25 percent affordable housing
20 is too low and the high risks of uncontrollable
21 consequences of this development will hurt existing
22 tenants already struggling to pay rent and some
23 without gas and heat and hot water. Honestly, when
24 are we going to learn our lesson with this?
25

2 Developers provide a small percentage of affordable
3 housing to build luxury housing. It is a ticket. It
4 sets more of a trend of more luxury and a rapid
5 acceleration of more gentrification and displacement
6 in the neighborhood. I agree with everyone else that
7 just testified and Assembly Member Mitaynes. A bike
8 station an elevator, these are things that we can do
9 without a developer. We can do these things for our
10 community ourselves, if the community wants that.
11 This failed formula, it hurts--

12 SERGEANT-AT-ARMS: Time expired.

13 JACKIE PAINTER our communities and we
14 need to stop and do better for our families.

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

17 COMMITTEE COUNSEL: Chair, that was the
18 last speaker on this panel.

19 CHAIRPERSON MOYA: Thank you. This panel
20 now is excused. Thank you so much for being here
21 today and giving us your testimony. Thank you so
22 much. Counsel, can we call up the next panel,
23 please?

24 COMMITTEE COUNSEL: The next panel will
25 include John Fontillas, Bill Wilkins, Mark Espinoza,

2 and Isaiah Thomas. First speaker will be John
3 Fontillas.

4 SERGEANT-AT-ARMS: Time starts now.

5 JOHN FONTILLAS: Hi. This is John
6 Fontillas. Is my voice coming through?

7 CHAIRPERSON MOYA: Yep. We can hear you.

8 JOHN FONTILLAS: K. Thank you, Chair
9 Moya, committee council members, and Council member
10 Menchaca. My name is John Fontillas and I am the
11 Chair of land use committee of Brooklyn Community
12 Board Seven. At our November 18 meeting, the board
13 voted 26 to 15 to approve the conditions of proposed
14 rezoning for 737 Fourth Avenue. The vote concluded
15 an open process of outreach to the Sunset Park
16 Community. That included to informational meetings
17 on August 4 and October 5, and the public hearing on
18 November 12 via zoom. At each one of these sessions,
19 it was attended by over 75 to approximately 100
20 community members. I say this to point out it is
21 rare when a developer engages the board early in the
22 land-use process and is open to responding to
23 community concerns. When Totem first came to the
24 board, CB seven had just completed a year-long study
25 on increasing affordable housing in Sunset Park.

2 Totem responded favorably, committing to a range of
3 affordability tears appropriate to the neighborhood,
4 including down to 30 percent AMI, larger two and
5 three bedroom units to house families, and addressing
6 other community concerns such as green
7 infrastructure, transit improvements, and units to
8 the neighborhood. This project will add 35 new units
9 of permanently affordable housing to Sunset Park. It
10 will also be a precedent for future rezonings in CB
11 seven to meet or exceed the same levels of
12 affordability. Harnessing the private market to
13 provide a fair share of affordable units is an
14 important tool to address the prices of affordable
15 housing. As in any community, opinion on the project
16 was not monolithic. Some community members believe
17 that any new development, public or private, must be
18 100 percent affordable because the crisis is so
19 large. Some believe that MIH program provides too
20 much profit to a developer in exchange for a minimum
21 required number of affordable units. Most
22 critically, some are concerned that market rate
23 development displaces who live nearby, many of them--

24 SERGEANT-AT-ARMS: Time expired.

2 JOHN FONTILLAS: of color who will not
3 find similarly affordable housing in the district.
4 The board agrees that racial and ethnic economic
5 disparity factors should be part of the land use
6 analysis of future projects. By providing real data
7 and measurements of social and economic conditions,
8 the community Board will have better insight to
9 community impacts and we recommend the Councils
10 support legislation that will require this as part of
11 ULURP.

12 CHAIRPERSON MOYA: Thank you, John. Thank
13 you. Thank you for your testimony today.

14 JOHN FONTILLAS: All right. Thank you.

15 COMMITTEE COUNSEL: The next speaker
16 will be held Wilkins followed by Mark Espinoza.

17 SERGEANT-AT-ARMS: Time starts now. I

18 BILL WILKINS: Good afternoon. My name
19 is Bill Wilkins. I am the director economic
20 development and housing for the Local Development
21 Corporation of East New York which gives me a unique
22 perspective in housing development projects.
23 Therefore, without hesitation or reservation, I
24 support the referenced land-use item. This project
25 represents a bottom-up approach to development by

2 bringing into account and envelope local
3 stakeholders' sensitivity and direct needs to making
4 improvements to their communities housing stock. To
5 this point, 737 Fourth Avenue will dramatically
6 increase the affordable housing stock in community
7 Board 7 by 30 percent, which is critical in
8 preserving the ability for local residents to reside
9 in their community long-term, which is paramount.
10 Additionally, the building design and amenities
11 offered are top shelf, also using union labor and
12 showing the buildings will be built with exacting
13 detail. To Chairman Moya, house music all night
14 long. Thank you.

15 CHAIRPERSON MOYA: Thank you. Thank you,
16 Bill.

17 COMMITTEE COUNSEL: The next speaker is
18 Mark Espinoza followed by Isaiah Thomas.

19 SERGEANT-AT-ARMS: Time starts now.

20 MARK ESPINOZA: Good morning, Chair Moya
21 and city Council members. My name is Mark Espinoza
22 and I am a member. I am here on behalf of my union
23 to express our support for the proposed project at
24 737 Fourth Avenue in Sunset Park. Over the past
25 year, the Covid 19 pandemic has devastated the city I

1 call home. With so many New Yorkers suffering from
2 the virus and many others losing their jobs. We must
3 put working families and good jobs in the center of
4 our recovery and we can do so through new development
5 projects like the one at 737 Fourth Avenue, proposed
6 by a local developer, Totem. The proposed rezoning
7 at 737 Four Avenue will deliver on ensuring that our
8 neighborhoods can benefit from new development while
9 our workers can sustain a living wage. The apartment
10 is good jobs at 737 Four Avenue will have a real
11 impact by providing prevailing wages and benefits.
12 We estimate that the creation of this development
13 will lead to seven new building service jobs. This
14 project will also require mandatory inclusionary
15 housing to ensure that projects have a minimum number
16 of affordable units. If this project is approved,
17 the community will gain 35 new affordable housing
18 options. We need to have consistent, responsible
19 development that brings important benefits. The over
20 1032 BJ members who live and work in Brooklyn
21 community District 7 understand the urgent need for
22 jobs that can lift our neighbors up. We are pleased
23 that Totem has made an early commitment to
24 establishing prevailing wage jobs. The proposed
25

2 project will provide good jobs, affordable housing,
3 and will give an opportunity for upward mobility.
4 Security and dignity for working families. And 32 BJ
5 supports responsible developers who will continue to
6 uphold the industry standard and provide
7 opportunities for working families to thrive in New
8 York City. On behalf of 32 BJ SCIU, I respectfully
9 urge you to approve this project. Thank you.

10 CHAIRPERSON MOYA: Thank you, Mark. Thank
11 you for your testimony.

12 COMMITTEE COUNSEL: The next and last
13 speaker on this panel will be Isaiah Thomas.

14 SERGEANT-AT-ARMS: Time starts now.

15 ISAIAH THOMAS: Thank you for having me.
16 Good afternoon. I am testifying in support of the
17 project. The site currently sits as a Dunkin'
18 Donuts, I drive through the parking lot. I want to
19 show my support for this project because it brings
20 much support to the Brooklyn area of affordable
21 housing and Brooklyn just in general. The units that
22 will be provided will be permanently affordable and
23 they are targeting a lower AMI than which is
24 required, 30 percent. This project also requires no
25 public subsidy that allows for a permanent job

2 creation through 32 BJ and, lastly, it also provides
3 the easement for MTA, which they will be able to
4 provide an elevator and getting the land for free. I
5 would just want to commend Totem for just being so
6 open for speaking with the community and getting the
7 feedback and just going back and revising their plan
8 and truly trying to make a truly affordable project.
9 Yeah. I just wanted to show my support.

10 CHAIRPERSON MOYA: Thank you. Thank you,
11 Isaiah. Is that the last speaker for the panel?

12 COMMITTEE COUNSEL: That is the last
13 speaker on this panel.

14 CHAIRPERSON MOYA: Okay. Great. I want to
15 turn it over quickly to Council member Menchaca who
16 has a question for one of the panelists. Council
17 member?

18 SERGEANT-AT-ARMS: Time starts now.

19 COUNCIL MEMBER MENCHACA: Thank you. I
20 want to thank the panel for your testimony and a
21 special thank you to community Board seven led by Jon
22 and his incredible members on the committee and such
23 as thank you for all the work that you did on this
24 project. And I think what I want to ask here is that
25 there were, and previous panels, a discussion about

2 the CBA and it being a freshly, you know, created
3 document. I don't doubt that a lot of work was put
4 into it and I asked Totem to build out and engagement
5 plan. And so, will you support a kind of just review
6 just so people understand what it is and so people
7 understand that it happened and that these are the
8 elements. I understand that there is no litigation
9 on it and I get that. But, at the very least, we can
10 get everyone to understand it and that the burden is
11 on Totem and any other partners to ensure that it is
12 a document that is translated in Chinese, and
13 Spanish, and English and that it is communicated. Is
14 that fair? Chair Fontillas? Oh. If you could
15 unmute him, that would be great.

16 CHAIRPERSON MOYA: You have to unmute John.

17 JOHN FONTILLAS: Yes. Thank you. Just a
18 point of knowledge, I am a land use committee chair.
19 Our board chair, Cesar Zuniga, I believe, is child
20 and, as well, but we are absolutely in agreement. We
21 should try as much as possible to memorialize the
22 agreement that is just come together. I believe both
23 Chair Zuniga and I were sent the agreement late
24 yesterday, so we ourselves have not gone through it,
25 but we were aware that this was winding its way

1 through. As the board itself cannot be a party to
2 the agreement, we understand that we have a
3 stakeholder role and an interest in seeing it
4 memorialized. But, as you know, Council member, we
5 are definitely agreed to that we should broadcast the
6 elements of this agreement in the four major
7 languages in our district and make sure that those
8 committee members who have an interest in this are
9 made aware of the process. And I would like to say
10 that, you know, I think, in retrospect, being able to
11 discuss openly how a developer can work with a board
12 is a benefit not only to our board, but to all
13 billboards across the city and to really, you know,
14 explore how best practices and lessons learned from
15 the process could help improve the process going
16 forward.

18 COUNCIL MEMBER MENCHACA: Well, thank
19 you. And I think that the CBA sevens arc of
20 knowledge and understanding and power has just been
21 transformational. I think, especially during my time
22 as Council member. So, I have just been incredibly
23 impressed and I know there are a lot of resources
24 that we have been able to gather for this very big
25 work. And so, I will shift over to Mark Espinosa

2 over at 32 BJ and will you also bring resources to
3 ensure that people have an engaged, a truly engaged
4 process on this agreement? Will 32 BJ support with
5 resources, translators, etc. whatever is needed?

6 MARCUS SPINOSA: I'll have to ask people
7 about me and I'll get back to you to make sure--

8 COUNCIL MEMBER MENCHACA: Okay. Great.
9 I am looking forward to that. Okay. That is it for
10 me. Thank you.

11 CHAIRPERSON MOYA: Thank you, Council
12 member. There being no more questions for this
13 panel, the witness panel is now excused. Thank you
14 all for your testimony today. Counsel, if you can
15 please call up the next panel.

16 COMMITTEE COUNSEL: The next panel will
17 include Benjamin Margolis, Daniel Lebor, Josef
18 Kessler, and Benjamin Lisman. First speaker will be
19 Benjamin Margolis followed by Daniel Lebor.

20 SERGEANT-AT-ARMS: Time starts now.

21 CHAIRPERSON MOYA: There's two minutes on
22 the clock. Sergeant-at-arms, I'm sorry. If we can
23 restart the clock once again. My apologies. Okay,
24 Benjamin. Whenever you're ready. Sorry.

2 BENJAMIN MARGOLIS: No problem. Good
3 afternoon. I been Margolis, executive director of
4 SBIDC, and nonprofit supporting industrial employers
5 and their workforce in the Southwest Brooklyn
6 industrial business zone and from our Workforce One
7 center at the Brooklyn Army Terminal. We have been
8 based in Sunset Park for over 42 years. The project
9 doesn't fall within that IBC, but I think Totem's
10 engagement with us speaks to how holistically they
11 are thinking about their investment, that is
12 development and Avenue away from the working
13 waterfront still holds impact and opportunity for our
14 industrial community. So, in return, we are excited
15 to the support the project in two main ways. One is
16 to employ our workforce team and our employment
17 center to help implement a local hiring and
18 contracting programs which I think can serve as a
19 model for other projects for both construction and
20 permanent jobs, one that directly engages both Sunset
21 Park and Red Hook residents of diverse socioeconomic
22 backgrounds. And, too, to work with the developer
23 and other local CBO's in the community on programming
24 the MTA easement space with local entrepreneurs,
25 light manufacturers, craftspeople, artists, or

2 nonprofits. We are excited that the developers agree
3 that the rent for this space will be at a rate that
4 is at least 20 percent below the fair market value.
5 That makes it truly possible that the space can reach
6 the local innovators and makers that we serve. So,
7 we're generally supportive and excited to be part of
8 making this a really fruitful project for Sunset
9 Park. Thank you to the subcommittee for your time.

10 CHAIRPERSON MOYA: Thank you. Thank you
11 for your testimony today.

12 COMMITTEE COUNSEL: The next speaker
13 will be Daniel Lebor followed by Josef Kessler.

14 SERGEANT-AT-ARMS: Time begins now.

15 DANIEL LEBOR: Hi all. I would like to
16 thank you all for your time and I would like to thank
17 the committee and my Council member really for their
18 diligence and attention to this rezoning and I am
19 here in support of the 737 rezoning. I've been
20 really following it since the beginning. It has been
21 kind of interesting. I was originally unsure what to
22 think about it and then, as time went on and I have
23 followed it through all the different public
24 hearings, seeing how Totem worked with the community,
25 the community Board and the Council to really provide

1 a project with affordable housing, community
2 engagement, local retail, bike parking, and all these
3 different things that the community needs that people
4 don't think to provide and Totem reached out to the
5 community on multiple different occasions to get
6 their feedback and incorporated into their design,
7 whether it was removing studios, providing bigger
8 units, lowering the AMI. It just shows really what
9 developers should be doing in today's market to take
10 into consideration the neighborhoods that they are
11 developing in and it is not something that you see
12 from for-profit organizations and it really shows the
13 desire for groups to work with the community. And I
14 really think that, if you look at all of the
15 affordable housing that has been done in Sunset Park,
16 there has been no real affordable housing provided
17 and Totem is taking a step in the right direction to
18 provide much-needed housing. And if you look at the
19 population boom that is happening in and around
20 Brooklyn, more developers need to be acting with the
21 same kind of mentality. And I understand people want
22 more and more affordable housing, but there is only
23 so much private developers can do. There is plenty
24 of empty land--
25

2 SERGEANT-AT-ARMS: Time expired.

3 DANIEL LEBOR: that the city can use to
4 develop 100 percent affordable housing. And, once
5 again, I just want to strongly support this
6 redevelopment.

7 CHAIRPERSON MOYA: Thank you, Daniel, for
8 your testimony today.

9 COMMITTEE COUNSEL: The next speaker
10 will be Yosef Kessler followed by Benjamin Lisman.

11 SERGEANT-AT-ARMS: Time begins.

12 YOSEF KESSLER: Hi. My name is Yosef
13 Kessler and I am believe that 737 Four Avenue will
14 have many benefits to the community and to the city.
15 The city desperately needs more housing stock and
16 Sunset Park is no different. Since 2014, 17,000
17 people have moved to the neighborhood, but only 949
18 new residential units have been built. This project
19 will bring approximately 135 new units. The
20 community also desperately needs permanent affordable
21 units. This project creates 35 which represents 30
22 percent of the total affordable units built in the
23 entire neighborhood in the last few years. That is
24 35 families with new affordable homes. This project
25 is taking a Dunkin' Donuts and a parking lot and

2 built homes for people next to a train station. If
3 we want to break the car culture and prioritize
4 fighting climate change, transforming parking lots to
5 transit oriented development is precisely the type of
6 development we should be supporting. The development
7 will also belt that is free to the community. There
8 are many community members, including essential
9 workers and working cyclists who could greatly
10 benefit from this. Lastly, this project would create
11 good union jobs. I would strongly urge the Council
12 to support this application that will provide
13 affordable homes for families and has many other
14 tangible benefits to the community. Thank you.

15 CHAIRPERSON MOYA: Thank you.

16 COMMITTEE COUNSEL: The next and last
17 speaker on the panel will be Benjamin Listman.

18 SERGEANT-AT-ARMS: Time begins now.

19 BENJAMIN LISTMAN: Hi. My name is Ben
20 Listman and I support the 737 Fourth Avenue
21 application. I am an urban planning student at NYU
22 and I support this development because I see that it
23 embodies some of the best practices of urban planning
24 that I love to study. The first that I see is
25 transit oriented development, and dense mixed-use

2 development near transit creates communities whose
3 primary transportation choices are transit, walking,
4 and cycling rather than using cars and this will also
5 be right next to the subway station. Again, as many
6 people have said, replacing a Dunkin' Donuts which
7 isn't necessarily doing much in the way of
8 encouraging transportation other than automobiles.
9 And encouraging cycling. It's going to have the Uni
10 bike parking facility which I think is absolutely
11 wonderful that it is going to be accessible to the
12 public and not just those living inside the building
13 and I think, obviously, the most important part is
14 the addition to the new housing stock. With the
15 large amount of residents that have moved into that
16 area, like Yosef said, since 2014, at it has only led
17 the rent to rise increasingly. Really, the only way
18 to attack this is to increase the housing stock in
19 this is, I think, a step in the right direction.
20 Thank you.

21 SERGEANT-AT-ARMS: Time expired.

22 CHAIRPERSON MOYA: Thank you. Thank you
23 for your testimony, Ben. But before we let the panel
24 go, Council member Menchaca had a question.

2 COUNCIL MEMBER MENCHACA: Yeah. Thank
3 you, again, to this panel. Ben, I just want to also
4 ask the same question. As someone who has been part
5 of the CBA, will you also commit to doing what you
6 can to ensure that the community has and is engaged
7 about the components of the CBA?

8 BENJAMIN MARGOLIS: Of course and
9 always. Very excited to do so.

10 COUNCIL MEMBER MENCHACA: Okay. Thank
11 you.

12 CHAIRPERSON MOYA: Okay. There being no
13 more questions for this panel, the witness panel is
14 now excused. Counsel, can you please call up the
15 next panel?

16 COMMITTEE COUNSEL: The next panel will
17 include Dr. BJ Kumar Srivastava, Dimitris Koutoumbas,
18 Joshua Weis, and Shabazz Stewart. First speaker will
19 be Dr. Srivastava followed by Dimitris Koutoumbas.

20 CHAIRPERSON MOYA: Can we just restart the
21 clock? Yep.

22 SERGEANT-AT-ARMS: Mr. Koutoumbas, you must
23 unmute yourself.

24 CHAIRPERSON MOYA: There we go.

1 DIMITRIS KOUTOUMBAS: I am Dimitris
2
3 Koutoumbas and I am testifying in support of the
4 rezoning at 737 Fourth Avenue. Biking has been my
5 main mode of transportation for getting around and I
6 am looking forward to being able to utilize the
7 future bike parking facility as it will be open to
8 the broader public. Having been a victim of bike
9 left, it is encouraging to see development such as
10 this one provide a critical solution to residents and
11 visitors of the neighborhood who depend on cycling as
12 a form of transportation. Those probably already
13 mentioned, the existing development with the parking
14 lot and fast food drive through remains underutilized
15 and promotes and prioritizes the use of the
16 automobile, putting in danger pedestrians on the
17 adjacent sidewalk. Building safe bicycle parking is
18 a simple and affordable way to promote bicycle
19 ridership which will help alleviate the congestion
20 and we so often find on our streets and in the
21 subway. New York City is committed to achieving
22 carbon neutrality by 2050. That is in 30 years. It
23 requires getting more people out of cars and onto
24 public transit bikes and sidewalks. The city has to
25 start looking at the transportation system

2 holistically and recognize that, in order to properly
3 promote sustainable transportation options,
4 government should not rely on developers such as
5 Totem, but come up with a framework of policies to
6 promote transit oriented developments such as this
7 one. Thank you.

8 CHAIRPERSON MOYA: Thank you for your
9 testimony today.

10 COMMITTEE COUNSEL: Next, we will take
11 Joshua Weiss who will be followed by Shabazz Stuart.
12 Joshua Weiss.

13 SERGEANT-AT-ARMS: Time begins.

14 JOSHUA WEISS: Hi, everybody. Hi to
15 the whole subcommittee and Councilman Menchaca. I'll
16 be quick. I'm in class right now, so I'll try my
17 best. I'm chiming in today because this is something
18 that really excites me. This kind of project. I
19 think it really tackles the most important issues our
20 city is facing and, specifically, Sunset Park and I
21 think that is an increase in housing. And I know I
22 have heard from other people who have spoken to this
23 issue that they think there is not enough affordable
24 housing. I think any increase in housing is an
25 increase in housing and that is something that is

1 very important and Totem has, you know, through their
2 numbers that we have heard today, have committed the
3 affordable housing model, as well. 25 percent or
4 whatever it is. And I just think like that is like a
5 very important point to highlight. That this
6 increase in housing will benefit the community and it
7 is the right direction that the city needs. On top
8 of that, I think what this project is doing is taking
9 a parking lot which is the home, essentially, for
10 cars, and transforming it into a home for people. We
11 need to get out of this mindset around the cars in
12 the Dunkin' Donuts and we have to start building for
13 people. This is going to be next to the transit
14 station, not far from the subway. I think it is the
15 R that people have said and I think that is also an
16 important point. People who are commuting to work.
17 This will give families the option to be right there
18 and have easier commutes. And also the commitment to
19 building a secure bike parking facility that is free
20 to the community is something that shouldn't be
21 overlooked. There are many people who will benefit
22 from this now and just the shift that we are seeing
23 in New York City and in favor of biking over
24 automobiles and other forms of transit, I think that
25

2 is also a really important point. And, yeah. I
3 can't stress my support enough. I think it is super
4 important and, you. Thanks, everybody.

5 CHAIRPERSON MOYA: Thank you, Josh.

6 COMMITTEE COUNSEL: The next speaker
7 will be Shabazz Stuart who will be followed by Dr.
8 Vijay Kumar Srivastava. Shabazz Stuart.

9 SERGEANT-AT-ARMS: Time begins.

10 SHABAZZ STUART: Hi. I'm Shabazz Stuart.
11 I am the founder and CEO of UNI. And this project
12 resonates with me on two levels. One is the bike
13 parking station. You saw that Tucker teased out a
14 facility that we've been working on with him and
15 Totem for about seven months. It would be New York
16 City's first such indoor facility, providing more
17 than 150 secure bike parking spaces to working
18 cyclists and to the community at large. We're very
19 excited about that, but as a kid from Brooklyn who
20 spent most of his life in affordable housing,
21 watching Brooklyn [inaudible 03:20:27] which is
22 essentially the population of Pittsburgh over the
23 past 20 years and not seeing affordable housing or
24 market rate housing keep up with that growth, you
25 know, this is the kind of project that we need. This

2 project isn't going to solve the crisis by itself,
3 but it is a small step in the right direction and we
4 would not have aligned ourselves with the developer
5 of this project if we didn't think it was the right
6 thing to do for the community and for the city at
7 large. And so I urge the Council to approve this
8 project and to take the next steps in solving the
9 housing crisis. Thank you so much for your
10 consideration and for your time.

11 CHAIRPERSON MOYA: Thank you. Thank you
12 for your testimony today.

13 COMMITTEE COUNSEL: The next and last
14 speaker on this panel will be Dr. B.K. Kumar
15 Srivastava.

16 SERGEANT-AT-ARMS: Time begins.

17 COMMITTEE COUNSEL: Dr. Srivastava, if
18 you can hear me and if you have an unmute request,
19 you need to accept that unmute request in order to
20 begin speaking.

21 DR. B.K. KUMAR: Yes. Now I have unmuted
22 myself.

23 SERGEANT-AT-ARMS: Okay.

24 DR. B.K. KUMAR: I feel there's a great
25 need for affordable housing and specifically

1 affordable housing that is sustainable development
2 and providing a healthy living environment. For the
3 site under discussion, the changing needs of the
4 neighborhood have not been supported. This is
5 unfortunate. This site is not even being used for
6 manufacturing that it is generally zoned for. It has
7 been allowed to [inaudible 03:22:23] as a
8 multinational franchisee that does not support
9 neighborhood businesses. The site is unsafe with
10 multiple curb cuts for their drive through, making it
11 dangerous for seniors and children who should feel
12 safe on the city sidewalks, not to mention not an
13 appropriate use of the parking lot, which is free. I
14 support the rezoning and development of 737 Fourth
15 Avenue as it has the potential to provide a safe and
16 beautiful urban design and opportunities for
17 affordable the neighborhood. The proposed project
18 offers a [inaudible 03:23:02] where folks in a
19 variety of income bands and age groups from the
20 neighborhood could have access to a transit oriented
21 building. To prevent a new development from becoming
22 a burden on the existing intersection, the proposed
23 development should be sustainable design.
24
25 Apparently, the developer has made that kind of

2 commitment. This development would provide good
3 connectivity to roads, subways, healthcare,
4 education, and other city amenities. We need safe
5 and secure blocks with local retail and permanently
6 affordable housing. This project checks on all the
7 boxes. This has been to support the rezoning and
8 development of 737 Fourth Avenue and with this, I
9 yield the rest of my time.

10 SERGEANT-AT-ARMS: Time expired.

11 CHAIRPERSON MOYA: Thank you, Doctor.

12 Thank you for your testimony today. Before we excuse
13 the panel, I'm going to turn it over to Council
14 member Menchaca who has a question.

15 COUNCIL MEMBER MENCHACA: Yeah. I want
16 to thank this panel for coming. And I don't
17 necessarily recognize you, but that's okay. Can you
18 all just say if you are residents of the district or
19 Sunset Park? It would be just good to get a sense as
20 we write down for follow ups on our side. I don't
21 know. We can start with Joshua. And maybe we can
22 unmute everyone really quick.

23 JOSHUA WEISS: Yeah. It's not letting
24 us unmute. I am not a resident of Sunset Park.

2 COUNCIL MEMBER MENCHACA: Okay. Thank
3 you for that. Dimitris?

4 DIMITRIS KOUTOUMBAS: Yeah. I'm a
5 resident of Manhattan. I visit Brooklyn a lot. I
6 have used the UNI system before and I feel like, with
7 the expansion of the UNI system, I would be visiting
8 this neighborhood more. So I would actually be
9 supporting local businesses through my visits here.

10 COUNCIL MEMBER MENCHACA: Okay. And
11 then Dr. Kumar? Okay. Well, I don't know if he is
12 still on mute, but is there anyone else that
13 testified? And if you are about to testify in future
14 panels, it would just be good to know if you are a
15 resident just for my notes as a city Council member
16 representing this district. Okay. Thank you.

17 CHAIRPERSON MOYA: Thank you. Thank you,
18 Council member Menchaca. Thank you to the panel.
19 This panel is now excused. There being no more
20 questions, the witness panel is now excused.
21 Counsel, can you please call up the next panel,
22 please?

23 COMMITTEE COUNSEL: The next panel will
24 include Maria Roca. Maria Roca will be the next
25 panelist.

2 SERGEANT-AT-ARMS: Time begins.

3 MARIA ROCA: Yes. Hi. Good morning.

4 Well, no, it is not good morning. I, like other
5 people of said before, can you hear me?

6 CHAIRPERSON MOYA: We can hear you.

7 MARIA ROCA: Okay. Great. Here we are
8 again. This feels like I've been watching the same
9 movie for years now and, besides myself as to why it
10 is that we do this again and again and again and
11 forget that it didn't work the last time. Other
12 people have covered the issues that I was going to
13 cover, so I will just go for other ones. First of
14 all, even though it has been mentioned, remember that
15 we are giving away an opportunity to build truly
16 permanent affordable housing, and entire building.
17 This is to all the government officials that are
18 listening to have their hands on budget, who have,
19 for decades now, have, unfortunately, many have tried
20 to do something others have not. To build on the
21 block long site. We are giving away this opportunity
22 for allows the 17 units of legally affordable housing
23 to be set aside for community Board seven residents,
24 not just Sunset Park. And there is a reason, number
25 two, there's a reason why the zoning allowing taller

2 buildings stops one block north of 737. Has anyone
3 here forgotten what states used of 737 Four Avenue
4 one block away? It is a nationally recognized and
5 landmarked historic site. Has anyone ever bothered
6 to go up or any on this audience into Greenwood
7 Cemetery and see what this 14 story building would do
8 to--

9 SERGEANT-AT-ARMS: Time expired.

10 MARIA ROCA: the siting. Please. You are
11 speaking out of I don't know what. It is-- Nobody
12 knows what they're talking about. Nobody has gone
13 into the cemetery. What kind of people-- what is
14 the money that has been thrown around this
15 neighborhood to shut people up? This building does
16 not belong there. Forget that it is the ugliest
17 thing that many of-- an eight year old could've
18 designed a better building and I know it is a
19 proforma and the like. We deserve better than this.
20 There's already a seven story building across the
21 street that has been providing long term rent
22 stabilized housing. There is a model to be followed.
23 A building that fits into the neighborhood. The
24 supermarket, the supermarket across the street is up
25 for sale because they see--

2 CHAIRPERSON MOYA: Maria?

3 MARIA ROCA: the money already moving
4 into--

5 CHAIRPERSON MOYA: Maria. I'm going to
6 have to ask you to--

7 MARIA ROCA: Please don't do this, Carlos.
8 Don't leave us with this mess on our hands.

9 CHAIRPERSON MOYA: Thank you so much,
10 Maria, for your testimony. Thank you. Thank you.
11 Arthur, can we call up the next panelist?

12 COMMITTEE COUNSEL: The next panel--
13 We will excuse this panel in the next panel will
14 include Penina Kessler, Joshua Pierre, Erin Shiffman,
15 and Nathan Rich. The first speaker on the panel will
16 be Penina Kessler followed by Joshua Pierre.

17 SERGEANT-AT-ARMS: Time begins.

18 PENINA KESSLER: My name is Penina
19 Kessler. I'm a resident of city Council district 35
20 in the New York City native. I am here to testify in
21 support of 747 Fourth Avenue. I am usually highly
22 critical of housing developers because I don't think
23 anyone attending this hearing believes that
24 gentrification is good and has been good for New York
25 City. That being said, as I have learned more about

2 the project, I believe that it could truly be a model
3 for building affordable housing and improving our
4 communities in the future through the democratization
5 of transit access and focusing on improvements and
6 improving life for the residents who live there.

7 Thank you.

8 COMMITTEE COUNSEL: The next speaker
9 will be Joshua Pierre followed by Aaron Shiffman.

10 SERGEANT-AT-ARMS: Time begins.

11 JOSHUA PIERRE: Hello. Can you guys
12 hear me?

13 CHAIRPERSON MOYA: We can hear you.

14 JOSHUA PIERRE: Good afternoon. Thank
15 you all for having me. My name is Joshua Pierre.
16 I'm a 23 year old freelance painter from Brooklyn,
17 New York. I grew up to a single mother who emigrated
18 from Haiti. We lived in constant poverty and often
19 struggled with housing. As a result, I spent time in
20 shelters, group homes, bounced from place to place,
21 and was in the foster care system. This housing
22 instability greatly affected my ability to keep a 9-
23 to-5 job, my performance in school, and my overall
24 mental health. A person's home is their foundation
25 and that should never be at risk. This is why I

2 believe in affordable housing project where units of
3 space for people in dire need is crucial. The
4 pandemic made many New Yorkers unemployed and the
5 rent in New York City is known to be very expensive,
6 especially for low income families like my own. A
7 one bedroom apartment for six to 700 dollars would be
8 tremendous for someone like me. For my line of
9 work, a stable place to stay is crucial because the
10 majority of my work is done from home. Without
11 adequate studio space, I cannot paint portraits for
12 clients. In closing, I am 100 percent in support of
13 737 Fourth Avenue, Totem, and this affordable housing
14 project and I believe it's a step in the right
15 direction of ending the housing crisis in New York.
16 I yield my time.

17 CHAIRPERSON MOYA: Thank you, Joshua.
18 Thank you for your testimony today.

19 COMMITTEE COUNSEL: The next speaker
20 will be Aaron Shiffman followed by Nathan Rich.

21 SERGEANT-AT-ARMS: Time begins.

22 AARON SHIFFMAN: Good afternoon. Can
23 you hear me?

24 CHAIRPERSON MOYA: We can hear you.
25

2 AARON SHIFFMAN: Great. Good afternoon.

3 I am Aaron Shiffman, the executive director of
4 Brooklyn Workforce Innovations. BWI is a nonprofit
5 workforce development organization whose mission is
6 to empower low and moderate income people by helping
7 them gain access to the living wage employment
8 opportunities and career paths. Our organization
9 supports this rezoning application and is a signatory
10 on the CBA that was mentioned earlier today. Since
11 BWI's founding, we have been able to make it possible
12 for thousands of New Yorkers to start upwardly mobile
13 careers that support their families and the families
14 of their neighbors. BWI currently operates seven
15 programs and initiatives and serves more than 800 low
16 income jobseekers each year. For more than five
17 years, we have been developing customized training
18 and local recruitment initiative to ensure that
19 unemployed neighbors have access to training,
20 employment, and careers associated with local real
21 estate and economic development projects. BWI has
22 been impressed with Totem's commitment to engage BWI
23 and other community partners early in their planning
24 for this site and are excited about the workforce
25 potential both with the construction and when the

2 apartment of jobs created at this site. We applaud
3 Totem's commitment to work with 32 BJ on the property
4 management jobs and we hope to be able to join our
5 community partners, SB IDC and Opportunities for a
6 Better Tomorrow and others to connect Sunset Park
7 residents to the construction related positions that
8 the project will bring in time. BWI is excited about
9 Totem's commitment to at least 35 percent local
10 hiring and contracting to ensure that Sunset Park
11 residents have access to the employment opportunities
12 that are leveraged through the development. We stand
13 ready to work with Totem to make sure local residents
14 are hired. Thank you very much.

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

17 COMMITTEE COUNSEL: The next and last
18 speaker on this panel will Nathan Rich.

19 SERGEANT-AT-ARMS: Time begins.

20 NATHAN RICH: Hi, everyone. My name is
21 Nathan Rich. The small business owner in the
22 district and very much appreciate the opportunity to
23 testify in support of this project. I had a number
24 of ULURP proposals over the past, you know, 5 to 10
25 years and I would like to say that this is an

1 exceptional proposal and that this team has made
2 exceptional efforts to meet the needs and desires of
3 the community, as well as the public board. Just a
4 couple of the examples, you've already been cited in
5 a number of occasions, but the fact that there are 35
6 units of affordable housing, not 17, the elimination
7 of studios, as I would note, someone who works in the
8 building industry, I think to do studio apartments
9 often on the most profitable for builders and, in
10 this case, for the developer to have done that
11 represents an exceptional effort. They give over to
12 the MTA, the increase in parking, and, of course,
13 above all else, the reduction in the AMI
14 requirements. These represent what I think should be
15 the future of developer interaction with both the
16 public and the Council. I feel like this particular
17 group has really set a precedent and I would say that
18 I applaud Councilman Menchaca for supporting this. I
19 know he has been a particular critic of developers,
20 but to some of the critics that we have heard today
21 so far, I would say that not all developers are the
22 same. This is not a luxury developer. Luxury
23 development certainly deserves some criticism in the
24 city and some of the things that we have seen
25

2 particularly in the last 10 to 20 years war is
3 criticism. This represents a unique and I would say
4 precedent-setting case. And, again, I applaud the
5 city Councilman for his support and I am heartened to
6 hear so much support for the project. It is an
7 exceptional example of what developers and builders
8 can do in the city. Thank you.

9 CHAIRPERSON MOYA: Thank you. Thank you
10 for your testimony.

11 COMMITTEE COUNSEL: Chair, that was the
12 last speaker for this panel.

13 CHAIRPERSON MOYA: Okay. Thank you. Are
14 there any Council member who have any questions for
15 this--

16 COMMITTEE COUNSEL: Chair, I no members
17 with hands for this-- for questions for this panel.

18 CHAIRPERSON MOYA: There being no more
19 questions for this panel, the witness panel is no
20 excuse and, counsel, can you please call up the next
21 panel?

22 COMMITTEE COUNSEL: The next panel will
23 include Ben Carlos Thyphin, Seth Hill, Daniel Murphy,
24 and Velma Marlo. The first speaker on the panel will
25 be Ben Carlos Thyphin followed by Seth Hill.

2 SERGEANT-AT-ARMS: Time begins.

3 BEN CARLOS THYPIN: Good afternoon,
4 everyone. My name is Ben Carlos Thypin and I am here
5 to testify in support of the proposed rezoning at 737
6 Fourth Avenue. When it comes to the rezonings, the
7 discussion is typically dominated by the topic of
8 context whether it be physical neighborhood context
9 of the graphic context of the neighborhood. The
10 former is silly in the midst of a housing crisis and
11 therefore my testimony today will focus on the
12 latter. There are people, some of whom testified
13 here today, who would have you believe that new
14 buildings like the ones proposed here are the cause
15 of gentrification. Hopefully, this census tract
16 provides us with a natural experiment to test that
17 hypothesis. You look at the census data in the
18 number of housing units in the census tract has grown
19 5.7 percent or just 11 units between 2006 and 2018.
20 So, the people who think new housing units to blame
21 for gentrification right, one would expect that this
22 is me make housing supply growth would have kept the
23 neighbors' demographics relatively stable. Nothing
24 could be further from the truth. Between 2006 and
25 2018, the median household income for this census

tract is increased by 16 percent, or \$67,000. During the same period, the Latino population as outlined by 20 percent, the white population had increased by eight percent and the median rent has gone up over 12 percent. These statistics make two things clear: first, affluent people, the type that could afford these market rate units, have been getting displaced into this area for well over a decade and driving up housing costs in the existing housing stock. And they're going to keep coming. In fact, some of them have testified against this project today for reasons that you're welcome to speculate on. second, there are hundreds of households that could afford these market rate units in-- that area live in this census track. Between absorbing the demand that's spilling in from the higher income neighborhoods to the north, to attracting affluent households that already live here who could free up older and cheaper housing stock by moving into this building, to the permanent and deeply affordable units that this project would product, this project is a no brainer and exactly the type of development we need to see more of if our city is to become as equitable and sustainable and

2 inclusive as the value that I think all of you hold.
3 Thank you very much.

4 CHAIRPERSON MOYA: Thank you, Ben. Thank
5 you for your testimony today.

6 COMMITTEE COUNSEL: The next speaker
7 will be Seth Hill followed by Daniel Murphy.

8 SERGEANT-AT-ARMS: Time begins.

9 SETH HILL: Yes. Can you hear me?

10 COMMITTEE COUNSEL: Yes.

11 SETH HILL: Hi. Good afternoon, Chairman
12 Moya. I am Seth Hill. I'm a local minority
13 certified MBE contractor and I'd like to commend the
14 developer, Totem developer, for their project 737
15 Fourth Avenue. I think they set the precedence on
16 how things should be done. As I've heard previous
17 speakers mention on the panels, they don't have the
18 ADA accessible for the train station. This
19 developer, the applicant, has offered to provide
20 that, free of cost. They have offered to provide the
21 services with the local 32 BJ. They are with
22 community board five. They have [inaudible 03:40:31]
23 everything and made a hand forth effort and to
24 commute with everybody socially, monetarily, without
25 subsidies. I think that this type of development and

2 developer should set the precedent on what should be
3 done in this community, addressing the need as such
4 they don't have elevator access for the wheelchair
5 and accessible. But these are offering to provide
6 that free of cost. They are eating it with the MTA.
7 We need developers like that. We can't solve all the
8 housing crisis with one fell swoop, but when you
9 start scooting the developers who come into the
10 community to perform [inaudible 03:41:04], then this
11 is the type of precedent Totem development is
12 setting. I yield my time. Thank you.

13 CHAIRPERSON MOYA: Thank you. Thank you.
14 Thank you for your testimony today.

15 SETH HILL: You're welcome.

16 COMMITTEE COUNSEL: The next speaker on
17 the panel will be Daniel Murphy followed by Velmon
18 Marlo.

19 SERGEANT-AT-ARMS: Time begins.

20 CHAIRPERSON MOYA: Hold on, Daniel. You've
21 got to unmute yourself. You've got to unmute
22 yourself to begin.

23 DANIEL MURPHY: Thank you. Thank you,
24 Chairperson and Council members, for the opportunity
25 to speak. I am testifying today in support of the

1 application for a zoning map amendment to change the
2 eastern side of Fourth Avenue from M1D to R8C24, the
3 text amendment, and the rezoning for mandatory
4 inclusionary housing. My support is predicated on
5 the several conditions listed out by the developer by
6 Brooklyn Community board seven, of which I am a
7 member and a resolution to support the application.
8 I am in support of this application for a simple
9 reason. Like every other community district in New
10 York City, though, perhaps even more so, Brooklyn
11 board seven is in desperate need of more affordable
12 housing. Mandatory inclusionary housing is one of
13 the few tools in the cities and use process that
14 allows for the creation of multiple units of
15 affordable housing as residential property is
16 developed. I wish to stress that MIH is a tool to
17 address and mitigate this existential problem for
18 board seven's families and individuals and not a
19 cure. Until such time when we have a more suitable
20 method to address the affordable housing crisis at
21 the scale it requires, we should use this tool and
22 any others within our possession. This includes the
23 survey of any and all publicly owned land, no matter
24 the current use within or adjacent to Brooklyn
25

2 community board seven with a goal of developing or
3 converting them into 100 percent affordable housing.
4 Thank you, again, for the opportunity to speak. I
5 yield my time.

6 CHAIRPERSON MOYA: Thank you. Is that the
7 last panel?

8 COMMITTEE COUNSEL: There is one final
9 speaker on this panel. Velmon Marlo.

10 SERGEANT-AT-ARMS: Time begins.

11 COMMITTEE COUNSEL: Velmon Marlo, if
12 you can hear me, in order to speak, you need to
13 accept the unmute request.

14 CHAIRPERSON MOYA: Velmon Marlo?

15 COMMITTEE COUNSEL: I can see a Velmon
16 Marlo in the participants list. I can see that the
17 microphone is enabled for Velmon Marlo. If you can
18 hear us, you have been called to testify on this
19 panel. Chair, please stand by for one moment. Let
20 me see if we have any known technical issues here.

21 CHAIRPERSON MOYA: Okay.

22 COMMITTEE COUNSEL: Once again, for
23 Velmon Marlo, if you can hear me, you should have
24 been sent in unmute request in order to begin
25 speaking and if you have received that unmute

2 request, you need to accept it and then we can
3 ascertain if we can hear you.

4 CHAIRPERSON MOYA: Arthur, why don't we
5 come back to him.

6 COMMITTEE COUNSEL: Okay.

7 CHAIRPERSON MOYA: So, that was it for this
8 panel, correct?

9 COMMITTEE COUNSEL: That was the last
10 speaker on this panel. We can excuse the others.

11 CHAIRPERSON MOYA: Well, I know before we
12 excuse the others, I know that Council member
13 Menchaca has his hand raised for questions.

14 COUNCIL MEMBER MENCHACA: Thank you,
15 Chair. And I'm just reminding everybody who is
16 testifying if they can just mentioned for the record
17 if they are a resident of Sunset Park. I know the
18 last speaker, Dan Murphy, is a member of the board.
19 So, thank you and let me have the opportunity to say
20 thank you for the work that you have done on the
21 board on this application. But it has been Carlos--

22 BEN CARLOS THYPIN: I am not a member
23 of Sunset Park and, frankly, I think the fact that
24 you're asking is quite troubling and I think, you
25 know, everyone in the city--

2 COUNCIL MEMBER MENCHACA: That's all. I
3 just wanted to get a sense for the record if you're a
4 member of the neighborhood. Thank you. Happy to
5 engage with you outside this forum. Are there any
6 other members who testified today?

7 DANIEL MURPHY: I'm a member of
8 community board seven and resident of Sunset Park
9 since March of 1970.

10 COUNCIL MEMBER MENCHACA: Yes. And I
11 know you.

12 CHAIRPERSON MOYA: All right. Thank you.

13 COUNCIL MEMBER MENCHACA: Are there any
14 other folks that testified that we can unmute? And
15 just to make this easier, for the next panel, which I
16 think might be the last panel, if you can just add to
17 your testimony whether or not you are a resident of
18 Sunset Park.

19 CHAIRPERSON MOYA: Okay. Thank you,
20 Council member.

21 COUNCIL MEMBER MENCHACA: Okay. Thank
22 you.

23 CHAIRPERSON MOYA: There being no more
24 questions for this panel, the witness panel is now
25 excused and if we can call up the next panel?

2 COMMITTEE COUNSEL: We will see if we
3 can get Velmon Marlo on this next panel which will
4 also include Peter Matheos, Roderigo Camarena, and
5 Kenny Quan. The first speaker on the next panel will
6 be Peter Matheos followed by Roderigo Camarena.

7 SERGEANT-AT-ARMS: Time begins.

8 COMMITTEE COUNSEL: We'll see if we can
9 come back to Peter Matheos and see if we can take
10 Roderigo Camarena.

11 SERGEANT-AT-ARMS: Clock is ready.

12 RODERIGO CAMARENA: Hi. Good
13 afternoon. Thank you for making time. My name is
14 Roderigo Camarena. I am a resident of Sunset Park
15 and I have been a longtime community activist in this
16 area. I am also a former member of community board
17 seven and I know the challenges that this community
18 faces around land use and those decisions. Am also a
19 candidate for city Council to represent this very
20 district and I am here today speaking as a Chair of a
21 nonprofit located right around the corner from this
22 development. I have been working with this
23 organization for the last 15 years. This block I
24 know very well and if you know anything about this
25 area or if you were someone from around the city that

2 was brought in by the developer to speak favorably
3 about this rezoning, you should know that that area
4 has changed drastically over the last two decades.
5 It has become whiter. It has become wealthier, and
6 it has displaced a lot of black, brown, working-class
7 immigrant residents. Right around the corner. As a
8 development that came up at 724 For Avenue that has
9 raised the prices in the area. The folks from Fifth
10 Avenue Committee should also know and be aware that
11 the neighbors at 23rd Street of 229, 225, and 227 are
12 being accosted and bullied by their landlord who sees
13 the trends in the area and knows that property values
14 are rising and needs to kick out current residence
15 that don't pay what the luxury tenants pay around the
16 corner. I know this area well. It is not the
17 solution to affordable housing. It is not the
18 solution to public cycling. I am a cyclist, as well
19 and I don't support this just because there are bike
20 racks in that area. I am here today to speak in
21 opposition to this rezoning. This rezoning is based
22 on the failed MIH policy of the de Blasio
23 administration that committed to building 12,000
24 affordable units in eight years and has only built
25 less than 2000. That is the failed plan that we are

2 perpetuating by taking it seriously in this rezoning.
3 I want to just finish by saying that you know, the 17
4 units that Maria Roca referenced are the 17 units out
5 of 35 that this community gets to place local
6 residents in. That is not a solution to affordable
7 housing. That is not a solution to the housing
8 crisis. I yield my time and I want to say please
9 vote this down. This does not reflect our values nor
10 the needs of this community. Thank you.

11 CHAIRPERSON MOYA: Thank you. Thank you
12 for your testimony.

13 COMMITTEE COUNSEL: The next speaker on
14 this panel will be Peter Matheos and then we will try
15 again to have Velmon Marlo. Peter Matheos.

16 SERGEANT-AT-ARMS: Clock is ready.

17 PETER MATHEOS: Hello?

18 CHAIRPERSON MOYA: Yes.

19 PETER MATHEOS: Hi. Thank you for
20 having me on. I just want to add to voice my support
21 for this project. IM a Sunset Park report and
22 reduced resident. I still reside there today and I
23 really don't see why there would be any opposition to
24 this project. It's, at the end of the day, a Dunkin'
25 Donuts. It's not displacing anybody. It's only

2 creating more housing and although we may need
3 additional affordable housing units, I don't think
4 that disapproving this project is a way of creating
5 that. We definitely need more housing in this
6 neighborhood. There is, you know, I believe it's a
7 step in the right direction. I think it is going to
8 add retail and pedestrian retail to the area rather
9 than what exists there today and overall just thank
10 that it is, you know, a step in the right direction.
11 Of course, you know, additional affordable housing
12 would be helpful and all that. But, again, I think
13 it is a step in the right direction and we need to
14 approve this project and other projects like it to
15 start to make a dent in the lack of affordable
16 housing, but also just housing in the neighborhood.
17 I yield my time.

18 CHAIRPERSON MOYA: Great. Thank you,
19 Peter. Thank you for your testimony today. And just
20 want to make a quick point. You do not have to be a
21 resident of Sunset Park to give testimony here.
22 Folks can give testimony from all parts of the city.
23 The Council member is asking for his own purposes,
24 but this is the committee that is open to the public
25 so everyone from all the five boroughs are always

2 allowed to come to these committees and to voice your
3 opinions on any projects that come before anyone of
4 the committees at the city Council. So, I just
5 wanted to make that clear. Now we can proceed,
6 Arthur.

7 COMMITTEE COUNSEL: Yes, Chair. We are
8 going to try to get testimony from Velmon Marlo.
9 Velmon Marlo.

10 SERGEANT-AT-ARMS: Clock is ready.

11 COMMITTEE COUNSEL: To the participant
12 whose screen name is Velmon Marlo, we do see you in
13 the participants list. It appears that your
14 microphone has been enabled. If you can hear us, you
15 are invited to begin your testimony. Okay. It
16 appears we continue to have some sort of issue with
17 Velmon Marlo. I believe we do have additional
18 speakers be on this panel. So, Chair, if you--

19 CHAIRPERSON MOYA: Yes.

20 COMMITTEE COUNSEL: Unless there a
21 question is, we can excuse this panel. We can try to
22 keep Velmon Marlo--

23 CHAIRPERSON MOYA: Well, yeah. Let's
24 excuse this panel, bring up the next panel. At the

2 end, if Marlo is still on the phone, we will try to
3 connect.

4 COMMITTEE COUNSEL: The next panel will
5 include-- excuse me. The next panel will include
6 Eduardo Rojas. Eduardo Rojas.

7 SERGEANT-AT-ARMS: Time begins.

8 CHAIRPERSON MOYA: Hi, Eduardo. Can you
9 hear us?

10 EDUARDO ROJAS: Yes. Can you hear me?

11 CHAIRPERSON MOYA: We can hear you.

12 Whenever you're ready.

13 EDUARDO ROJAS: All right, then. Thank
14 you.

15 CHAIRPERSON MOYA: You're welcome.

16 EDUARDO ROJAS: So, I would just like to
17 request a minute extension as I will be reiterating
18 Totem's proposal to ensure children that the
19 community members that are in opposition of this
20 project are being active listeners. I would like to
21 contextualize the way Sunset Park, and folk are
22 interpreting totems 737 rezoning proposal. Totem
23 would like to develop a residential building of which
24 35 percent of its total units will be available at
25 affordable rates, but in order for them to do so,

1 they have to submit a rezoning proposal that would
2 permit them to build as needed so that they can both
3 turn a profit and provide some sort of affordable
4 housing to the community through our IHP and the
5 guidance of Fifth Avenue Committee, a nonprofit, and
6 I quote, that advances economic and social justice so
7 that we can live and work with dignity and respect
8 while making our community more equitable,
9 sustainable, inclusive, and just. The sunset Park
10 community would get access to the 17 out of the 35
11 newly developed affordable housing unit of which
12 Totems one project alone will represent more than 30
13 percent increase of all the affordable housing units
14 built in this district over the last six years. In
15 addition, Totem's project will bring approximately
16 100 jobs or so during the course of construction.
17 How these jobs are providing long-term, sustainable
18 living hasn't been specified, but Totem hopes that
19 their project would set a precedent for future
20 development in Sunset Park that is indirectly
21 creating more jobs down the line, I'm assuming. The
22 con. This proposal is being submitted during a
23 pandemic in a community where 31 percent of
24 households are severely rent burdened back in 2018
25

2 and that percentage could have only increased because
3 of the economic downturn caused by a pandemic where
4 community members have limited access to the federal
5 aid and affordable and accessible health coverage
6 and, in a community where 75 percent of housing units
7 are family households, how many families will be
8 displaced due to back to print fees, let alone rent
9 increase is led by a speculative real estate market
10 further perpetrated by new development in the
11 community such as totems proposal.

12 SERGEANT-AT-ARMS: Time expired.

13 EDUARDO ROJAS: This is important to
14 note because the affordable housing conversation can
15 no longer stay the same as it was two years ago or
16 six months ago, for that matter. While 17 new
17 affordable housing units could--

18 CHAIRPERSON MOYA: Counsel, do we have
19 any other member of the public?

20 COMMITTEE COUNSEL: We will try one
21 more time to take testimony from Velmon Marlo.
22 Velmon Marlo, please accept the unmute request in
23 order to begin speaking.

24 CHAIRPERSON MOYA: Okay. I think we're
25 going to proceed. I want to remind anyone that was

2 unable to give testimony for whatever reason that you
3 can always email us your testimony at
4 landusetestimony@council.nyc.gov and you can always
5 submit that to us and we will get it into the record.

6 COMMITTEE COUNSEL: Thank you, Chair.

7 If there are any other members of the public tuned in
8 who wish to testify on the 737 Fourth Avenue rezoning
9 proposal, please press the raise hand button now. We
10 will stand the meeting briefly at ease to confirm
11 that we have no more people signed up. Okay, Chair.

12 It appears that we do not have any other members of
13 the public who wish to testify on this item.

14 CHAIRPERSON MOYA: Okay. There being no
15 members of the public who wish to testify on the 737
16 Fourth Avenue rezoning proposal under ULURP's number
17 C200029 ZMK and N200030 ZRK, the public hearing is
18 now closed and this item is laid over. And I just
19 want to confirm that the votes are completed and have
20 been closed?

21 COMMITTEE COUNSEL: Yes, Chair.

22 CHAIRPERSON MOYA: Well, that concludes
23 today's business and I would like to thank the
24 members of the public, my colleagues and subcommittee
25 counsel and land use and other Council staff and the

1 sergeant-at-arms for participating in today's
2 meeting. But before I gavel out, I just wanted to
3 give a big birthday shout out to the one and only Jon
4 Douglas. Happy birthday, Jon. We hope that you are
5 enjoying your special day today and you are somewhere
6 warm and hopefully that you didn't have to watch this
7 hearing and you got a chance to relax. We are very
8 thankful for all the great work that you always do
9 here in the land use committee and I just wanted to
10 wish Jon a very happy birthday. Thank you.

12 COMMITTEE COUNSEL: Chair, apologies.
13 One second. If you would do one last reminder for
14 the email testimony, Chair.

15 CHAIRPERSON MOYA: Absolutely. Let me
16 make sure I have it right. You can email as your
17 testimony at landusetestimony@council.nyc.gov.
18 That's landusecouncil-- Sorry. That's
19 landusetestimony@council.nyc.gov. Are we good?
20 Perfect. Thank you so much. Thank you to everybody
21 for being here today and we appreciate the testimony.
22 This meeting is hereby adjourned.

23 [gavel]

24 CHAIRPERSON MOYA: Thank you.
25

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 2, 2021