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CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

SUBCOMMITTEE ON ZONING AND FRANCHISES

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August 3, 2021
Start: 10:21 a.m.
Recess: 12:25 p.m.

HELD AT: HYBRID HEARING-CHAMBERS/VIRTUAL
ROOM 1 (Overflow Room for
additional public viewing at 250
Broadway)

B E F O R E: Barry S. Grodenchik,
Acting Chairperson

COUNCIL MEMBERS:

Diana Ayala
Joseph C. Borelli
Selvena N. Brooks-Powers
Laurie A. Cumbo
Barry S. Grodenchik
Stephen T. Levin
Antonio Reynoso
Carlina Rivera

A P P E A R A N C E S

Richard Lobel
Sheldon Lobel PC

Ericka Keller
Brisa

Brian Dobrolsky
THINK Architecture and Design

Amanda Iannotti
Sheldon Lobel PC

Reverend Al Cockfield

Kevin Williams
Equity Environmental

Max Meltzer
Meltzer Equity

Elyse Foladare
Eric Palatnik P.C.

Ben Stark
Hirschen Singer & Epstein

Tom Lee

William Thomas
Representative and the Executive Director of Open
New York

Austin Selestan
MYU Student

Jamel Gaines
Artistic Executive Director of Creative Outlet

Kate Griffler
Associate Producer as well as a Dancer for
Creative Outlet

Marrissa Williams
Representative of 32BJ

A P P E A R A N C E S (CONT.)

Deja Miller
Dancing with Creative Outlet since seven-years-
old

Cynthia McKnight
Community Education Council 13

Daniel Rogoff
Lifetime Brooklyn Resident

Douglas Hanau
Resident of Brooklyn

William Mean
Prospect Heights resident

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2 RECORDING IN PROGRESS

3 SERGEANT PEREZ: Computer recording is started.

4 SERGEANT AT ARMS: Chambers is started.

5 SERGEANT AT ARMS: Cloud recording is underway.

6 Good morning and welcome to today's Hybrid New York

7 City Council Hearing of the Subcommittee on Zoning

8 and Franchises. At this time, would all panelists

9 please turn on their video. To minimize disruption,

10 please silence your electronic devices and if you

11 wish to submit testimony, you may do so via email at

12 the following address,

13 landusetestimony@council.nyc.gov. Thank you for your

14 cooperation, we are ready to begin.

15 CHAIRPERSON GRODENCHIK: Good morning. I am

16 Council Member Barry Grodenchik and I am going to

17 gavel in right now. [GAVEL]

18 I will be Chairing today's meeting of the

19 Subcommittee on Zoning and Franchises. We are joined

20 this morning by Council Members Laurie Cumbo, whose

21 also our Majority Leader and Diana Ayala, Joe Borelli

22 and Selvena Brooks-Powers.

23 Today, we will be holding public hearings on

24 Beach 67th Street Rezoning, the 133rd Beach 116th

25 Street Rezoning, both relating to property located in

1
2 the Borough of Queens and the 840 Atlantic Avenue
3 Rezoning relating to property located in the Borough
4 of Brooklyn.

5 Before we begin, let me recognize that today's
6 Subcommittee is conducting its business in person for
7 the first time since March of 2020. This is a result
8 of the governor recently lifting the COVID state of
9 emergency and restoring the normal operation of the
10 New York State Open Meetings Law. As we work our way
11 back to our prepandemic operations and customs, we
12 will continue to accommodate public testimony via
13 Zoom and we will also take testimony from members of
14 the public who wish to testify in person.

15 Whether you are participating in person or via
16 Zoom, anyone who is here wishing to testify will be
17 given the opportunity to do so. To all of you, we
18 say welcome. If you are here with us in person and
19 you wish to testify, please be sure to fill out a
20 speaker slip with the Sergeant's at Arms indicating
21 your full name, the project name or Land Use Number
22 and whether you are in favor or against the proposal.

23 For those of you wishing to testify remotely, you
24 must also sign up by registering online. You may do
25 that now by using the Land Use division registration

1
2 link available on the Council's website at
3 www.council.nyc.gov.

4 For each of the hearings held today, applicant
5 teams will be called first to testify followed by
6 members of the public. Public testimony will be
7 limited to two minutes per witness. If you have
8 additional testimony you would like the Subcommittee
9 to consider or if you have written testimony you
10 would like to submit instead of appearing here before
11 the Subcommittee, you may email it to
12 [landusetestimony](mailto:landusetestimony@council.nyc.gov), that's all one word
13 [@council.nyc.gov](mailto:landusetestimony@council.nyc.gov). Please indicate the Land Use
14 Number or the project name or both in the subject
15 line of your email.

16 Anyone wishing to obtain an accessible version of
17 any of the presentations shown today, please send an
18 email request to landusetestimony@council.nyc.gov.

19 Finally, please note that just as with virtual
20 hearings, the logistics of conducting what is a
21 hybrid hearing today, may require breaks or pauses as
22 we coordinate everyone's participation. We ask that
23 you please be patient as we work through any issues
24 that may occur.

1
2 Today's first hearing will be on Beach 67th Street
3 in the Borough of Queens in Council Member Selvena
4 Brooks-Powers district. With that, I am pleased now
5 to open the public hearing on related Preconsidered
6 Land Use Items for the Beach 67th Street rezoning
7 proposal. Seeking a Zoning Map Amendment under ULURP
8 number C200230 ZMQ and a related Zoning Text
9 Amendment on the ULURP Number N200231 ZRQ and
10 relating to property in Council Member Brooks-Powers
11 district in Queens.

12 I remind the viewing public for anyone wishing to
13 testify remotely on this item, if you have not
14 already done so, you must preregister online and you
15 may do that now by visiting the Council's website.
16 If you are here today in person and wish to testify,
17 please see the Sergeant at Arms to fill out and
18 submit a speaker card.

19 At this time, I would be happy to hear from
20 Councilwoman Brooks-Powers if she has anything that
21 she would like to say.

22 COUNCIL MEMBER BROOKS-POWERS: Thank you and good
23 morning everyone. First thank you Acting Chair
24 Grodenchik and my fellow Council Members, as well as
25 the representative of the Beach 67th Street project

1
2 for being here today and for the opportunity to talk
3 about this upcoming project in my district.

4 Over the course of the application timeline, I
5 have met with my constituents and the projects
6 developers and public meetings including community
7 board meetings. I've heard from my constituents loud
8 and clear. First and foremost, I recognize the
9 pressing need to create affordable housing across the
10 city. I particularly approve that this project will
11 provide affordable housing for our seniors. Older
12 adults are the keystone of our community. People who
13 have worked their entire lives to find a place to
14 live that is affordable and comfortable. They
15 deserve our continued support.

16 I also value the inclusion of the school boosting
17 our districts access to education. My constituents
18 have spoken in favor in public meeting and both for
19 the senior housing and school specifically and we are
20 confident that these two developments will benefit
21 our community.

22 We also know that the nursing home component of
23 the project as well. The nursing home has been part
24 of our community for quite some time and we look
25 forward to continuing to work with them to provide

1
2 vital care for our seniors. However, we wish to have
3 the nursing home removed from the application. It's
4 is important that the content of development projects
5 be clear to the public when those projects are
6 considered for public vote.

7 My constituents have not been provided that
8 clarity and with that in mind, I look forward to
9 hearing from the developers today and from the
10 members of the public. Thank you.

11 CHAIRPERSON GRODENCHIK: Thank you Council
12 Member. The first panel for this item includes
13 Richard Lobel Land Use Council for the Applicant.
14 Eric Keller as the Applicant and Brian Dobrotsky, the
15 Project Architect. We also have Amanda Iannotti,
16 Alfred Cockfield, Kevin Williams, Max Meltzer and
17 Michael Monteleone. If I mispronounced your name, I
18 ask your forgiveness. As supporting members of the
19 Applicant team but who are on hand to answer
20 questions only as needed.

21 This applicant team will be testifying remotely,
22 so I will now ask that they be promoted and unmuted
23 and Counsel, if you would please administer the
24 affirmation.
25

1
2 COMMITTEE COUNSEL: Panelists, please raise your
3 right hands and state your name for the record.

4 RICHARD LOBEL: Richard Lobel of Sheldon Lobel PC
5 for the applicant.

6 ERICKA KELLER: Ericka Keller, Brisa for the
7 applicant.

8 BRIAN DOBRALSKY: Brian Dobrolsky, THINK
9 Architecture and Design for the applicant.

10 AMANDA IANNOTTI: Amanda Iannotti, Sheldon Lobel
11 PC for the applicant.

12 REVEREND AL COCKFIELD: Reverend Al Cockfield,
13 applicant.

14 KEVIN WILLIAMS: Kevin Williams, Equity
15 Environmental for the applicant.

16 MAX MELTZER: Meltzer Equity for the applicant.

17 COMMITTEE COUNSEL: Thank you. Do we have Mr.
18 Monteleone?

19 MICHAEL MONTELEONE: Yes.

20 COMMITTEE COUNSEL: Panelists, do you affirm to
21 tell the truth, the whole truth and nothing but the
22 truth in your testimony before this subcommittee and
23 in answer to all Council Member questions?

24 ALL PANELISTS: I do.

25 COMMITTEE COUNSEL: Thank you.

1
2 CHAIRPERSON GRODENCHIK: Thank you Counsel. We
3 have received your slideshow for this presentation
4 for your proposal and when you are ready to present,
5 please say so and it will be displayed on screen by
6 our staff and slides will be advanced when you say
7 next.

8 As a reminder for the viewing public, if you need
9 an accessible version of this presentation, please
10 send an email request to

11 landusetestimony@council.nyc.gov. And now Mr. Lobel
12 you and your team may begin. Thank you.

13 RICHARD LOBEL: Thank you Acting Chair
14 Grodenchik. Good morning. Richard Lobel from
15 Sheldon Lobel PC for the applicant. As introductions
16 have already been made, we would launch into the
17 presentation. If someone could post that on the
18 screen, we'd be happy to run through.

19 So, with regards to the Beach 67th Street
20 Rezoning, the project summary contains what is sought
21 by this application, the first of the rezoning of
22 seven lots on our block, one lot across the block and
23 the reason it would be from an R4A to an R6 District.
24 This is involving a 31,000 square foot continuous
25 lot, seven properties owned or controlled by the

1 church and this would permit for the development of
2 two main buildings. The first is a group two nine
3 story airs building on three of the lots with roughly
4 58,000 square feet and 84 dwelling units. The second
5 being a used complete three 11 story school building
6 for a Charter school or an association of charter
7 schools with roughly 72,000 square feet.
8

9 Of course, as with any rezoning, pursuant to
10 mandatory inclusionary housing of this size, there
11 would be the imposition of a mandatory inclusionary
12 housing area over the sites mapping both options one
13 and two. Next slide.

14 So, here you can see the zoning map and it should
15 be coming up on the screen. This is an area which is
16 zoned, currently zoned R4A, which we zone our 4A in
17 the rockaway neighborhoods rezoning in 2008. So,
18 what can we see from the zoning map here? We can see
19 that there is a good deal of R6 zoning south of East
20 Channel Drive to the south, roughly 84 blocks.

21 So, this is an area where R6 zoning is well known
22 and is established as far as the context of the area.
23 In the immediate vicinity of the building, we
24 actually have some more buildings. Next slide.
25

1
2 So, you can see the tax map which demonstrates
3 the R6 and the extended R6 district both on the east
4 portion of east 67th as well as the western portion
5 encompassing currently the [INAUDIBLE 12:04]. We
6 know that the East 67th Street here is not merely a
7 wide street at over 75 feet but a wide street at 85
8 feet. Wider than other properties and streets within
9 the area, making this an ideal location for the
10 proposed zoning change. Next slide.

11 So, the land use map demonstrates the building
12 types in the area, including both the eight story
13 nursing home to the west of the site. The five story
14 and with larger floor to ceiling heights, closer to a
15 six story school building to the east of the site, as
16 well as numerous religious institutions and community
17 facilities such as other nursing homes to the South
18 of Beach Channel Drive. So, this is an area where
19 when you look at the context of the area, buildings
20 as they are proposed here are 9 and 11 stories,
21 definitely would fit within the area and we are so
22 thrilled that the community board and the Queens
23 Borough President Office have both expressed their
24 interest and support the proposal. Next slide.
25

1
2 So, I think what we would do with the remainder
3 of the presentation again, we will be brief and have
4 the entire panelist team as well as others available
5 for questions is just to run through some photos of
6 the immediate area. You want to page through the
7 next three pages, you can see both pictures of the
8 site as well as building types in the area.

9 After looking at these photos, some of which
10 demonstrate the larger buildings in the area, there
11 will be a page showing the highlighted area in red
12 and after that, I would defer to Brian Dobrolsky who
13 can run through the architecture of the project.
14 After which, I know that Ericka Keller is available
15 and can answer some - give some discussion regarding
16 the program and affordability at this site, as well
17 as Reverend Al Cockfield who can discuss a little bit
18 about the program upon questions from the Council
19 Members.

20 So, with that, I would hand this over to Brian
21 who can briefly run through the proposal with regards
22 to the buildings, Brian.

23 BRIAN DOBROLSKY: Hi, here you will see photo
24 which is showing the location of the two new
25 buildings as discussed. Next slide. Uhm, the yellow

1
2 on the left is the existing church building which is
3 going to remain on the property. All of the existing
4 vacant lots are going to be merged to one zoning lot
5 and where you see the orange, is where there is going
6 to be the new air residential building and then to
7 the right of that there will be the community
8 facility which will be a school, charter school.

9 Next slide. Again, these are, these are - this
10 is a zoning analysis of the site. Everything is as
11 per code and as of zoning. Next slide. You will see
12 here the school - the existing church on the left is
13 two stories. The residential building is nine
14 stories and the school is 12 stories. Next slide.

15 And just another view showing that. Next slide.
16 Next slide. So, here is the site plan of the
17 development. At the front of the building, there
18 will be entry to residential where you see the
19 yellow. To the right of that there will be entry to
20 parking and then at the rear of the building, there
21 will be a rear garden for the seniors to use and as
22 well as uhm, a permit of construction at the school
23 building, which will be a gymnasium inside that
24 building. Next slide.
25

1
2 Here is a rendering of the air residential
3 building. It's nine stories. The building is block
4 and plank. You know we're using light materials that
5 we think will be positively suited to the area. You
6 know fiber some and clouding on the outside and then
7 a bright entry for the seniors that acts as a marker
8 in the community.

9 Again, the building is nine stories total. Eight
10 of those having residential on the ground level which
11 is in the flood zone is having - is just building
12 entry storage and is wet flood proofed as well as
13 parking underneath the entry on the right. Next
14 slide. Here is the floor plan of the ground level.
15 So, you will see the lobby which provides access all
16 the way through the site to the rear garden. To the
17 right of that there is currently six parking spaces
18 which is as per code. To the left of that is
19 building storage, bike storage, trash and any program
20 that is allowed to be within the flood zone, which
21 these all are. This level will be wet flood proofed.
22 Next slide.

23 Because we're in a flood zone, the mechanical
24 spaces need to move up to the next level, so on the
25 left you will see where we have our mechanical spaces

1
2 and then there is community rooms, program offices
3 for administrative and then residential, which you
4 see in the orange and red. Next slide.

5 Again, more residential at the back behind the
6 elevator, we're providing a small community room that
7 provides views for the seniors, which also becomes
8 outdoor spaces staggered through the levels. Next
9 slide. At the setback, we're also providing a
10 community room right next to the laundry room which
11 has access to the setback at the roof. This allows
12 for the seniors to have social interaction and meet
13 different people in the building, creating a greater
14 community in the building. Next slide. And then
15 above that, there is another residential level. Next
16 slide.

17 The roof wall house, normal mechanical spaces as
18 per code. Next slide. This is a drawing showing
19 where all the flood vents will be, which we need to
20 provide in order to be within the flood zone. Again,
21 all is code. Next slide.

22 And then here is a rendering of the school
23 building to the right. This is very preliminary
24 right now because the plan for the development is
25 that the residential building will be complete before

1 the school building starts construction currently.
2 So, this is very preliminary, we still need to work
3 it out. The ground level has parking and building
4 entry again, which is all per code and then above
5 that there will be levels with classrooms and
6 gymnasiums etc.. Next slide.

8 RICHARD LOBEL: With that, I think we may want -
9 given the lustered nature of the school, we may want
10 to just go to the last slide in the presentation.

11 BRIAN DOBROLSKY: Sure, that's fine.

12 RICHARD LOBEL: Then we could Ericka talk. We're
13 happy to answer specific questions but maybe Ericka
14 can just talk briefly about the program for the
15 entirety of the affordable and then again, happy to
16 answer any questions from the Councilman.

17 ERICKA KELLER: Thank you Richard. Good morning
18 and thank you for the opportunity to present this
19 project to you this morning. We have partnered with
20 HPD and are proposing a SARA program, so Senior
21 Affordability where the project will offer 83 units
22 of 100 percent affordable housing for seniors age 62
23 and above using federally funded project-based
24 vouchers. There is a cap where seniors must be at 50
25 percent and their families must be at 50 percent AMI

1
2 and below. We are offering both studio and one
3 bedroom apartments. There will be one, two bedroom
4 apartment which would be designated as a non-income
5 generating unit or 100 percent full-time
6 superintendent for the building.

7 There is a 30 percent set aside currently for
8 formally homeless seniors and because we are working
9 with project-based vouchers, there is a preference
10 for New York City. So, applicants will come from
11 across the city. However, we know that there is a
12 tremendous need for affordable housing for seniors
13 across the boroughs.

14 We are ensuring that we meeting requirement. Ask
15 for the SARA program where we have four percent of
16 the building envelope is set aside for social
17 service. So, there will be a full-time social
18 service provider to the building. We have partnered
19 with HANAC who is known across Queens County for
20 their service of seniors. There will be a full-time
21 social worker available to the residents as well as a
22 part-time case worker. On the second floor, we will
23 have a communal space where there will be opportunity
24 for classes as well as independent social service for
25 the seniors and we will have additional communal

1 spaces throughout the building to support the seniors
2 in the building.
3

4 We are also ensuring that we have other amenities
5 for the seniors inclusive of recreational spaces on
6 the rear of the building. We have an open plan as
7 designed by the lobby to again support communal as
8 well as sort of porched area for seniors who will be
9 using city amenities such as Access A Ride.

10 I think that pretty much describes the affordable
11 program. We are seeking subsidy from HPD and tax
12 credits through HCR and are currently applying for
13 their summer round for construction and permanent
14 loan financing. Which is a competitive round for
15 nine percent tax credits.

16 In reference to the Charter school, that program
17 is less defined but we are having conversations with
18 currently upgrading charter schools as well as new
19 charter schools and are looking to propose an
20 elementary school and servicing approximately 500
21 students. That would be inclusive of a PreK program
22 as well.

23 RICHARD LOBEL: Thank you Ericka and with that we
24 would conclude our presentation with two brief notes.
25 The first is that the last slide demonstrated that

1
2 Reverend Cockfield received more than 30 petitions
3 from residents in the surrounding area. This has
4 really been a true collaborative process with the
5 community and second, we would also thank Council
6 Member Brooks-Powers who facilitated these
7 conversations and has produced what we think is going
8 to be just a fantastic, proposed development for this
9 area, which is going to you know bring needed
10 affordable housing and also high quality educational
11 facilities to the local area.

12 So, with that, we're happy to answer any Council
13 Member questions.

14 CHAIRPERSON GRODENCHIK: I thank you Mr. Lobel
15 and your team for your presentation. Before we
16 proceed further, we just have a technical
17 clarification and I would like to note that the
18 signup link for the remote witness registration is in
19 fact www.council.nyc.gov/land-use. So, uhm, that is
20 the actual registration this morning and I thank you,
21 all those who take advantage of that.

22 We're now going to hear questions from the
23 Council Member who represents this district. I'm
24 happy to introduce Council Member Selvena Brooks-
25 Powers.

1
2 COUNCIL MEMBER BROOKS-POWERS: Thank you so much.
3 So, my first question is just point of clarification.
4 I just wanted to confirm if as a part of the
5 developer team today, is there anyone that is
6 representing the nursing home?

7 RICHARD LOBEL: So, Council Member, the answer to
8 that question is no. The rezoning's in a city
9 generally include lots that are not owned by the
10 applicants. So, typically, while the applicant owns
11 for example this development site, the nursing home
12 would not need to be part of the application and
13 indeed in most cases applicants include parties
14 around the site.

15 So, the answer is no. Uhm, you know we represent
16 the church and we're here with the church and with
17 Brisa but there is no representative from the nursing
18 home.

19 COUNCIL MEMBER BROOKS-POWERS: Thank you so much.
20 Uhm, and I just have a few brief questions. So, one,
21 I'd like to know if the school planned to be open at
22 this site, would they be amenable to opening up the
23 school after hours to provide afterschool programming
24 for the community?

25 RICHARD LOBEL: Ericka?

1
2 ERICKA KELLER: Yes. So, definitely the
3 conversations that we have had and continue to have
4 are all inclusive of a robust afterschool program, as
5 well as possibly weekends, as well as a low work
6 grade to looking at the younger grades as well. As
7 previously mentioned, we're looking at you know the
8 three year old's and four year old's as well as a
9 robust afterschool and social services and amenities
10 we'd use on the weekends.

11 COUNCIL MEMBER BROOKS-POWERS: Thank you for that
12 and I just wanted to underscore how important this
13 is, especially with the rise in gun violence taking
14 place and across the city but especially in the local
15 community. We are looking to create spaces where our
16 kids can really be kids and you know having access to
17 the schools after hours is critically important from
18 the local community, whether they attend the school
19 or not.

20 So, I am happy to hear that that is something
21 that you plan to do. Uhm, the next question I have
22 is, how are the developers engaging with local – the
23 local workforce as well as MWBE members as well, as
24 it pertains to the build out of this project?
25

1
2 ERICKA KELLER: So, we are currently engaged with
3 [INAUDIBLE 26:33] Construction and we are working
4 with them through the Pre-Con of the preconstruction
5 Services. And we've spoken very strongly about our
6 expectations regarding MWBE per the patient. We have
7 to meet certain city goals, as well as state mandates
8 since we are being financed through HPD. However, we
9 intend to exceed those and have a plan to do so. We
10 do point out that this is a prevailing wage project
11 and that the federal voucher program does trigger
12 prevailing wages. And so, we are you know robustly
13 talking to the uhm, contractor about that fact
14 because we want to ensure that that mandate does not
15 preclude participation of minority and woman business
16 enterprises as it often does because of the
17 requirements regarding certified payroll are very
18 robust and expensive.

19 And so, we're working and we're thinking
20 strategically about how to ensure that we have an
21 equality and exceed the minimum expectations. We've
22 also been introduced to a local CDC at Ocean Bay that
23 has been successful in working with developers
24 through the NYCHA developments and we intend to work
25 with not only that one but also other CDC's to ensure

1
2 that we have local participation in reference to
3 laborers and the direct hires from the general
4 contractor. And we've been in communication with
5 them in reference to that as well to ensure what our
6 expectations are as the developer in reference to
7 exceeding minimum requirements for local hiring.

8 COUNCIL MEMBER BROOKS-POWERS: Thank you so much
9 for that and I definitely encourage the developer
10 team to work with my office. However, we can you
11 know be supportive in promoting the opportunity that
12 you have to the greater community. We're here to do
13 that too. So, thank you so much for responding to my
14 questions.

15 CHAIRPERSON GRODENCHIK: Thank you Council
16 Member. Do any of the other Council Members who are
17 here have questions? Okay, uhm, I have a few
18 questions for the development team and my first one
19 is, we saw the staging for the proposed development
20 and my first question is what is the rational for
21 approving higher density zoning districts in the
22 middle of the block and leaving the corners at a
23 lower density? It's kind of odd. Odd looking
24 certainly and I have been around awhile. I don't

1
2 remember seeing that before. Maybe I just wanted to
3 know why that was done.

4 RICHARD LOBEL: Sure Grodenchik. So, the
5 rational here was that first of all they looked at
6 the - I want to say the City Planning looked at the
7 local area and what zoning districts would provide
8 additional square footage for the school and a
9 religious institution.

10 So, the R6 zoning district, despite the fact that
11 it's non contextual and typically is not the subject
12 of a rezoning. Here, the prevalence of R6 throughout
13 the area and again, we mentioned that 84 blocks of
14 the South of Beach Channel permit R6. City planning
15 really felt that that was a strong rational for
16 around in this particular zoning district and in our,
17 in our discussions with the department it was clear
18 that this is something which is familiar to the area.

19 The fact that this block exists along an 85 foot
20 wide street and has such good access. The fact that
21 the A-train runs on Beach Channel within blocks of
22 this property as well as bus lines which run along
23 Beach Channel. All of these things led to the
24 imposition of an R6 here in that selection.

1
2 While it is true that often time rezoning will
3 for purposes of contacts go to the end of a block.
4 Here are the existing R5D particularly to the south
5 of the site which already permits a 2FAR. We seen as
6 being of sufficient contacts to allow for
7 redevelopment should it occur for residential in that
8 area.

9 It was more that typically if you see an island
10 of R6 among other zoning districts, it might raise
11 concerns specifically with regards to spot zoning but
12 here, given the lane of the development site,
13 particularly the lot area at 31,000 square feet, City
14 Planning felt and we could defend a land use rational
15 which said that this large area merited - it's
16 basically this zoning district. So, there wasn't
17 this same concern that you were saying well, its
18 ruined the context. You know contrary to that, the
19 existing context of area and the existing R5D allow
20 this to kind of work. So, that was the decision not
21 to rezone.

22 CHAIRPERSON GRODENCHIK: Thank you for that
23 answer. Uhm, did the EAS analyze a reasonable worse
24 case development scenario showing the nursing home as
25 a projected development site and resulting in the

1
2 future displacement of the existing facility and its
3 residents?

4 RICHARD LOBEL: So, I'm going to defer to Max
5 Meltzer from Equity on the technical aspects of the
6 EAS. What I would say and Max can you know, can
7 support this or provide additional information is
8 that given the context of the existing nursing home,
9 the existing nursing home is very overbuilt, so it's
10 at I think roughly a 1.4 FAR or greater. Maybe even
11 up to a 1.7 maybe Max can correct me.

12 The proposed rezoning would result in a potential
13 floor area for that nursing home of roughly 2.43.
14 So, when City Planning looked at the potential
15 redevelopment they said, okay, given the given the
16 fact that you got an existing spot here which is
17 overbuilt with regards to floor area, which is not
18 permitted at this - under the R4A, uhm, we're going
19 to essentially assume that even with the action here
20 it would be rezoned to remain. Again, the property
21 that's included in this, the nursing home is a
22 parking lot to the south of the site. That was not
23 included. They specifically rezoned this nursing
24 home as they do to other properties in order to allow
25 for the nursing home to be complying. This rezoning

1
2 takes that nursing home from being way under
3 compliant to being complying and so, I think that was
4 part of the rationale for inclusion in the rezoning
5 but also importantly not penciling out a scenario
6 which involved redevelopment. Max is there any - if
7 I may defer to Max, is there any additional
8 commentary you give?

9 MAX MELTZER: No, so Richard, everything you said
10 is 100 percent correct and uhm, just to reiterate the
11 reasonable worst case developments to analyze the
12 nursing home site as a projected development site.
13 In this case it's a projected development site and
14 number two, purely for purposes of showing a more
15 conservative analysis. You will also note, the EAS
16 points out that it is unlikely that the nursing home
17 would be redeveloped or displaced but again, it is
18 analyzed solely for purposes of showing a more
19 conservative analysis.

20 And again, I want to reiterate that the EAS -
21 that the EAS points this out. Their text is in the
22 EAS but states that it is unlikely to be redeveloped
23 and Richard, you're correct. It is - the nursing
24 home would be compliant under the proposed rezoning
25

1
2 which is why – which is part of the rationale for
3 including it in the land use actions.

4 RICHARD LOBEL: And just to clarify that nursing
5 home is at an FAR closer to 1.4 instead of 1.3.

6 MAX MELTZER: Yes.

7 CHAIRPERSON GRODENCHIK: Okay, thank you for your
8 answer. The applicant and environmental review
9 mentioned that the nursing home is not currently in
10 compliance with the existing zoning. Could you
11 explain exactly what about the nursing home building
12 is not compliant with the current zoning?

13 RICHARD LOBEL: So, I would just start and again,
14 Max can supplement my answer with a discussion of
15 four area ratio. The existing nursing home being at
16 a 1.37 is well over the permitted community facility
17 floor area and that would be for a modern nursing
18 home.

19 So, it's far over on both as far as square
20 footage is concerned, as well as height the RF4A
21 offers an absolute height cap I think maybe of 50
22 feet. The nursing home right now exists at eight
23 stories. Max, is that your understanding as well?

24 MAX MELTZER: That's correct yes.
25

1
2 CHAIRPERSON GRODENCHIK: Okay, thank you. The
3 property as you stated in the testimony today is in a
4 flood zone. My question now is the flood emergency
5 response plan outlined in the EAS a requirement for
6 the applicant?

7 RICHARD LOBEL: Max I would just defer that
8 conversation to you.

9 MAX MELTZER: Sure. So, uhm, you're correct
10 Council Member. The project is in a flood zone and
11 you'll note that the EAS outlines several - the
12 project triggered several policies that we analyzed
13 and the EAS provides recommendations for flood damage
14 reduction, elements and controls etc.

15 And again, the projects in the flood plain and
16 the project was found to not have - to not show any
17 severe impacts and again, it's all stated in the EAS,
18 the ways in which the recommendations that are
19 recommended, that the applicant plans show better in
20 the appendix for proposed flood protections.

21 CHAIRPERSON GRODENCHIK: Alright, uhm, I do want
22 to make a point of saying we have been joined at this
23 hearing now by Council Member Carlina Rivera and also
24 by Council Member Stephen Levin.

1
2 You mentioned in the testimony – somebody did
3 that the mechanicals for the building of course have
4 been raised. Could you identify some of the other
5 specific components of that plan that you are working
6 with and other resiliency measures that might be
7 optional but that the applicant is pursuing in this
8 plan?

9 RICHARD LOBEL: Brian?

10 BRIAN DOBROLSKY: Yes.

11 RICHARD LOBEL: Yeah.

12 BRIAN DOBROLSKY: So, our base flood elevation is
13 plus one – our BFE plus one is ten feet. So, our
14 building is actually raised two feet and eight inches
15 above that.

16 So, level two for us is 12 foot, eight inches
17 above our base plain, so that is one measure. We're
18 required by – because we're in a flood zone to have
19 mechanical spaces have to be above the flood plain so
20 that's why you know our electrical room and a few
21 other ancillary mechanical rooms are located on the
22 second floor and not on the ground level.

23 On the ground level, we're allowed to have
24 building entry per code in storage and parking. So,
25 those three are the only elements that we have on

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that ground level. And we're also required to provide some flood proofing. So, there is wet flood proofing and dry flood proofing. We're providing wet flood proofing. We showed a diagram that has all of the vents in all the locations. So, we have to have a certain amount of vents in every room, so that if water got in, it had the ability to get out, as well as use resilient materials which we are using in those areas in case water does get in.

Uhm, all of the habitable space is above the flood plain by you know a higher height than is required as well.

CHAIRPERSON GRODENCHIK: Thank you for that response. I have no further questions. Council Member Brooks-Powers, anything else?

COUNCIL MEMBER BROOKS-POWERS: No, thank you so much.

CHAIRPERSON GRODENCHIK: Okay, thank you. Uhm, seeing no other questions from the panel, the applicant panel is excused. We have nobody currently registered to testify, so if there are any member of the public who wish to testify on the Beach 67th rezoning panel, please press the raise hand button now. For those who are here in the Chambers, please

1
2 see the Sergeants now to prepare a speaker card and
3 the meeting will briefly stand at ease for about 30
4 second. [40:04-40:34].

5 Alright, there being no members of the public who
6 wish to testify on the Beach 67th Street Rezoning
7 Proposal under ULURP number C 200230 ZMQ and N 200231
8 ZRQ, the public hearing on these Preconsidered Land
9 Use items is now closed and they are laid over.

10 I will now open the public hearing on the
11 Preconsidered Land Use item for the 133 Beach 116th
12 Street Rezoning Proposal seeking a zoning map
13 amendment on the ULURP number C 210148 ZMQ and
14 relating to property in Council Member Ulrich's
15 District in Queens.

16 Once again, for anyone wishing to testify
17 remotely on this item, if you have not already done
18 so, you must preregister online and you may do that
19 now by visiting the Council's website. If you are
20 here today in person and wish to testify, please see
21 the Sergeant at Arms to fill out and submit a speaker
22 card.

23 The first panel for this item includes Elyse
24 Foladare. I hope I pronounced that right. Land Use
25 Council for the applicant. She will be testifying

1
2 remotely so I will now ask that she be promoted and
3 unmuted and Counsel if you would please administer
4 the affirmation.

5 COMMITTEE COUNSEL: Ms. Foladare please raise
6 your right hand state your name for the record.

7 ELYSE FOLADARE: Elyse Foladare.

8 COMMITTEE COUNSEL: Do you affirm to tell the
9 truth, the whole truth and nothing but the truth in
10 your testimony before this Subcommittee and in answer
11 to all Council Member questions?

12 ELYSE FOLADARE: I do. Thank you very much.

13 COMMITTEE COUNSEL: Thank you.

14 ELYSE FOLADARE: Elyse Foladare from Eric
15 Palatnik P.C. on behalf of the applicant. If you
16 would like to pull up -

17 CHAIRPERSON GRODENCHIK: One second. We just - I
18 want to thank you for being here today. We have
19 received your slide show presentation for this
20 proposal and it appears you're ready. So, is that a
21 yes?

22 ELYSE FOLADARE: Yes.

23 CHAIRPERSON GRODENCHIK: That's a yes. Alright
24 and it's going to be displayed on the screen now by
25 staff and slides will be advanced when you say next.

1
2 As a reminder to the viewing public, if you need an
3 accessible version of this presentation, please send
4 an email request to land use testimony – I think
5 we’ve actually changed that. Okay, no. Okay,
6 landusetestimony@council.nyc.gov. And now, please
7 begin.

8 ELYSE FOLADARE: Thank you so much. Elyse
9 Foladare again. Thank you for having us this
10 morning. Next slide please. We seek a Proposed
11 Zoning Map Amendment that would rezone the area on
12 Tax Block 16226, Lots 25, part of 12, 15, 17, 19, 20,
13 21, 22 and 23 from R7A C1-3 to R7A C2-4. It is
14 located between Rockaway Beach Boulevard and Ocean
15 Promenade. The original intent was to allow the
16 Proposed Zoning Map Amendment to enable the applicant
17 to seek a special permit pursuant to ZR 7336 with the
18 Board of Standards and Appeals to operate a PC, a
19 physical cultural establishment.

20 While we understand everyone is working on this
21 tax change now, there is a land use rationale to move
22 forward with this rezoning. Next slide and thank
23 you. As you can see in the slide, the development
24 site is located on Lots 25 and 23, which is
25

1 constructed with an as of right building. Next
2 slide.
3

4 The Proposed action would facilitate two new
5 buildings. Where there are two new buildings, you
6 can see what's around them right now on that slide.
7 That will rise to eight and four stories respectively
8 amongst 23 and 25 and would include 127,799 square
9 feet, 3.99 FAR with 110,707 square feet of
10 residential space and 17,092 square feet of ground
11 floor commercial space, including 20,947 square feet
12 of parking for residential accessory uses with 108
13 accessory off street parking spaces. The proposed
14 action would facilitate a new mixed use development
15 in the project area to contain residential use and
16 commercial retail space and would enable the
17 applicant to pursue a special permit with the BSA for
18 zoned to the Intersection 7336, to provide a PCE use.
19 Orangetheory Fitness will be occupying that space.

20 The addition use if permitted by the C24 District
21 would promote the vibrancy of this commercial
22 corridor with increased pedestrian activity. As
23 additional commercial uses such as theaters, art
24 studios and repair shops would be permitted, which
25 are currently lacking given the restrictive nature of

1
2 the C 13 District. The C 24 District would allow
3 more types of tenants to occupy the ground floor
4 spaces. In addition, the C 24 District enables the
5 possibility to apply for a discretionary special
6 permit, a demonstrating need given the lack of such
7 facilities present. Therefore, given a similar bulk
8 requirements and enhanced use opportunities, the
9 proposed mixed use district would be consistent with
10 the preexisting mixed use character of Beach 116th
11 Street. Next slide please.

12 Uhm, as you can see the area that I just
13 described between Ocean Promenade and Rockaway Beach
14 Boulevard where the rezoning would be. Next slide
15 please. Here are some photographs of the as of right
16 building that is currently constructed on Beach 116th
17 Street. Next slide.

18 And these are the plans, you can go through those
19 quickly. Thank you very much. There are 86 total
20 units in both buildings A and B. It has 78 - 78 and
21 B has eight all units and contracts are in building A
22 and the owner is speaking to commercial tenants for
23 the spaces that are not yet occupied. Thank you so
24 much and I understand that a lot is happening with
25 the PCE special permit and things are changing but we

1
2 still think that the C 24 commercial overlay would be
3 great for this area of Rockaway Beach. Thank you so
4 much.

5 CHAIRPERSON GRODENCHIK: Thank you very much for
6 your presentation. Uhm, is the development occupied
7 currently?

8 ELYSE FOLADARE: Yeah, there contracting units,
9 so a bunch are selling and some of the commercial
10 spaces have been occupied and Orangetheory will go in
11 very, very soon. This was the whole purpose of this
12 rezoning.

13 CHAIRPERSON GRODENCHIK: Uhm, if the physical
14 cultural establishment text amendment were approved,
15 would you still need this proposed zoning change to
16 facilitate your project?

17 ELYSE FOLADARE: Not to facilitate the PCE but to
18 have a lot of these others uses I described. So, the
19 C 24 would allow for more types of uses to go in that
20 ground floor space.

21 CHAIRPERSON GRODENCHIK: And does the proposed
22 new commercial overlay reduce required commercial
23 parking at the site?

24 ELYSE FOLADARE: It does but we are not — we
25 already built the buildings as of right, so there are

1
2 100 named accessory all student parking spaces
3 pursuant to the old current zoning.

4 CHAIRPERSON GRODENCHIK: Okay, I have no further
5 questions for the applicant. Uhm, and once again, I
6 want to note - well, there is there anybody set to
7 testify? Any of the Committee Members have
8 questions? Alright, seeing none, I am going to
9 dismiss the applicant. I want to thank you for being
10 here this morning and wish you good luck as you go
11 forward.

12 If there are any remaining members of the public
13 who wish to testify on the 133 Beach 116th Street
14 Rezoning, please press the raise hand button now or
15 for anybody who might be in the Chamber, please see
16 the Sergeant at Arms now to prepare a speaker card
17 and the meeting will briefly stand at ease. [49:05-
18 49:20]

19 There being no other members of the public who
20 wish to testify on the Beach - 133 Beach 116th Street
21 Rezoning Proposal under ULURP Number C 210148 ZMQ.
22 The public hearing on this Preconsidered Land Use
23 item is now closed and the item is laid over.

24 I am now going to open the hearing, public
25 hearing on related Preconsidered Land Use items for

1
2 the 840 Atlantic Avenue Rezoning Proposal, seeking a
3 Zoning Map Amendment under ULURP Number C 210249 ZMK
4 and a related Zoning Text Amendment under ULURP
5 Number N 210250 ZRK and relating to property in
6 Majority Leader Cumbo's district in Brooklyn.

7 Once again, for anyone following online and
8 wishing to testify remotely today on this item, you
9 must preregister and you may do that now by visiting
10 the Council's website. If you are here today in
11 person and wish to testify, please see the Sergeant
12 at Arms to fill out and submit a speaker card.

13 It's now my pleasure to introduce your comments.
14 Majority Leader Ms. Laurie Cumbo.

15 MAJORITY LEADER CUMBO: Thank you Council Member
16 Grodenchik. I appreciate your leadership at this
17 time and I just want to begin by thanking all of my
18 colleagues for being here today. The 840 Atlantic
19 Avenue application before this Committee for public
20 hearing today would facilitate the significant new
21 mixed use development at the corner of Atlantic and
22 Vanderbilt Avenues. Also known to many people as the
23 McDonalds Block.

24 This development site on the south side of
25 Atlantic Avenue from Vanderbilt all the way to

1
2 Nostrand Avenue is within the M-Crown study area
3 where for over five years Community Board 8 has been
4 working together with my office, the Brooklyn Borough
5 President Eric Adams and the Department of City
6 Planning on a proposal to create a dynamic new mixed
7 use neighborhood.

8 This is particularly of interest because we
9 wanted through this particular process to empower the
10 community and to allow the community to create the
11 framework in which development happens within the
12 community. It was also an opportunity to empower
13 community boards to be able to shape the future of
14 their community, understanding the needs of that same
15 community by the individuals who actually live there.

16 And from the very beginning of this project along
17 with Borough President Eric Adams, we have spoken
18 enthusiastically about the M-Crown being a catalyst
19 for how Community Boards could work with local
20 elected officials as well as developers to shape what
21 their community should look like and recognizing
22 their needs.

23 This application will help set the precedent for
24 the wider area and I strongly support community board
25 8 as I have always said from the very beginning and

1
2 the Brooklyn Borough President and seeking to ensure
3 that this proposal is consistent with the M-Crown
4 plan. Our offices in the Community Board has spent
5 countless hours in community meetings, building local
6 support and consensus for this vision.

7 I look forward to hearing from the applicant on
8 how they believe their proposal will meet the goals
9 and parameters of the M-Crown plan, which was
10 established long before this application came to the
11 Council and to plan for my constituents and the
12 public on this important development for the future
13 of Community Board 8 and just want to just close by
14 saying, it's so important that Community Boards are
15 empowered to shape their community. They are the
16 ones that live there. They are the ones that have
17 built their communities and it's so important that
18 their voice be heard and that their vision and plan
19 be articulated and it is my hope and belief that the
20 M-Crown will actually become a designated district
21 within the 35th Council District and will set a
22 precedent for how responsible development can happen
23 all across the city. Thank you.

24 CHAIRPERSON GRODENCHIK: Thank you Majority
25 Leader. We're going to now proceed with the first

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2 panel for this item, which includes Stefani Marazzi
3 and Ben Stark Land Use Council for the applicant and
4 Tom Lee for the applicant.

5 This panel will testify remotely, so I will now
6 ask that they be promoted and unmuted and Counsel if
7 you would please administer the affirmation.

8 COMMITTEE COUNSEL: Panelists, please raise your
9 right hands and state your name for the record.

10 BEN STARK: Ben Stark Hirschen Singer & Epstein.

11 TOM LEE: Tom Lee for the applicant.

12 COMMITTEE COUNSEL: Do we not have Ms. Marazzi?

13 BEN STARK: Ms. Marazzi will not be joining us.

14 COMMITTEE COUNSEL: Panelists, do you affirm to
15 tell the truth, the whole truth and nothing but the
16 truth in your testimony before this Subcommittee and
17 answer all the Council Member questions?

18 BEN STARK: Yes.

19 TOM LEE: Yes.

20 CHAIRPERSON GRODENCHIK: Okay, I thank you
21 Counsel. When you – now I am addressing the panel.
22 When you are ready to present your slide show for the
23 proposal, please say so and it will be displayed on
24 the screen by our staff. Slides will be advanced
25 when you say next.

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2 Once again, for the viewing public, anyone
3 wishing to obtain an accessible version of this
4 presentation, please send an email request to
5 landusetestimony@council.nyc.gov. And now, Ms.
6 Marazzi, Mr. Stark and Mr. Lee, you may begin.

7 BEN STARK: Thank you Council Member Grodenchik.
8 Thank you for the introduction. Hello again, I am
9 Ben Stark for Hirschen Singer & Epstein for the
10 applicant Vanderbilt Atlantic Holdings and whenever
11 your staff is ready, please bring the presentation
12 forward. Thank you. Thank you.

13 As the introduction went over, this is an
14 application by Vanderbilt Atlantic Holdings to rezone
15 M1-1 Zone property on the southeast corner of
16 Atlantic Avenue and Vanderbilt Avenue in the Prospect
17 Heights neighborhood of Brooklyn. M1-1 Zone Plan to
18 a C6-3X zoning district as is required. Under the
19 Zoning Resolution, the application has -

20 CHAIRPERSON GRODENCHIK: Mr. Stark, I'm sorry to
21 interrupt you. The members of the panel, some of us
22 are having trouble hearing you. I don't know if you
23 can get closer to your mic or speak a little more
24 slowly.

25 BEN STARK: Is that better sir?

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CHAIRPERSON GRODENCHIK: A tad maybe.

BEN STARK: You know what, one moment sir.

CHAIRPERSON GRODENCHIK: Take your time.

BEN STARK: Is that better sir?

CHAIRPERSON GRODENCHIK: Yeah, I think that's a little better. Give us one second. Give us just one second. This is the brave new age we're in. Okay. Alright, Mr. Stark, if you could continue.

BEN STARK: My apologies. Is this better?

CHAIRPERSON GRODENCHIK: Yes.

BEN STARK: I will try to speak clearer and louder. Thank you.

CHAIRPERSON GRODENCHIK: Thank you.

BEN STARK: As I said, this is an application as formerly introduced by Majority Leader to rezone M1-1 zone land in the Prospect Heights neighborhood of Brooklyn on the corner of Vanderbilt Avenue Atlantic Avenue.

The application would also establish an MIH area. It's a part of the zoning resolution. And the application would also amend the text of the Zoning Resolution in order to facilitate a wider more pedestrian friendly sidewalks along Atlantic Avenue

1
2 and Vanderbilt Avenue. Next slide please. Thank
3 you.

4 The application if accrued would facilitate a new
5 18 story building that would yield approximately 316
6 dwelling units. Of which, 95 would be affordable
7 under MIH option two, as the application was filed
8 into ULURP. Although, as we'll discuss later, our
9 applicant team is open to MIH Option one, which would
10 yield 79 affordable, approximately 79 affordable
11 apartments. Next slide please.

12 Here, we have a rendering of the building. As
13 you can see in this image, the building has proposed
14 if it is contextually with its immediate
15 surroundings, including constructed buildings to the
16 north. On the left hand side of the image at 809
17 Atlantic and an existing building to the South on the
18 right hand side of the image at Vanderbilt. Next
19 slide please.

20 The application at 840 Atlantic Avenue on the
21 southern side of Atlantic Avenue, this position in
22 close proximity to Atlantic Center, about a ten
23 minute walk to the west and is positioned just kind
24 of onto the southeast of downtown Brooklyn. And
25 offers an opportunity to make a significant

1
2 contribution to the boroughs affordable housing
3 shortage. Next slide please.

4 The application would zone - a rezone what we
5 consider to be like a legacy M1-1 District mapped in
6 the early 1960's and which has already started to be
7 rezoned via private applications including a recent
8 rezoning directly across the street to the north,
9 that made its way through this particular
10 Subcommittee about a year and a half ago at 809
11 Atlantic. That's the R9 just to the north of our
12 site you can see in the right hand image. Next
13 slide.

14 This site includes a number of differ parcels but
15 as Majority Leader introduced, this site is dominated
16 by the drive thru McDonalds that any many people know
17 and are familiar with. Next slide. And you can see
18 it here in this overhead image and you can see that
19 the drive thru McDonalds have entrances on specific
20 exits on both Atlantic and Vanderbilt. Next slide
21 please.

22 This site on the southside of Atlantic is ideally
23 suited for events from a mixed use building and is
24 contextual with surrounding structures. Next slide.
25

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2 Flipping around to the other side on Vanderbilt,
3 this is looking north on the 809 Atlantic site. It
4 was just in the background. Next slide. Bring it
5 around the other side, we're looking south towards
6 the sight and the back is the Vanderbilt building on
7 the right hand side. Next slide.

8 And you can see as you step forward towards the
9 median that this is the typical condition of area as
10 many might be familiar with. It's a lot of traffic
11 both vehicular and pedestrian. Next slide. What
12 makes this application appropriate for this
13 particular site, well, this is as I said a second
14 ago, it's an exceptionally busy area. Both from a
15 vehicular and pedestrian standpoint. The site
16 positioned between two very wide streets, Atlantic
17 Avenue and 120 feet wide is as many people won't
18 point out to me is wider in Broadway. Vanderbilt at
19 100 feet wide bounds the other side of the site.

20 The wide street characteristics give this site
21 the potential to provide adequate light and air at
22 the street and pedestrian rail while remaining
23 contextual with the buildings that surround. The
24 proximity of transit multimodal both subways within a
25 short walk, regional rail and express bus lines also

1 support a dense development at this location. Next
2 slide.

3
4 You can see Atlantic Center as provided to us by
5 Google is a mere ten minute walk to the west. Next
6 slide. Clinton Washington Subway Station just about
7 a three minute walk to the north. Next slide. The
8 surrounding context. We feel strongly that the
9 proposal at C6-3X which revealed 195 foot tall
10 building is contextually appropriate given what is
11 both the existing surrounding context and the future
12 context of the area. 809 Atlantic, which we had
13 discussed a second ago, has recently topped out over
14 300 feet tall. 550 Vanderbilt directly to the west
15 at 205 and our structure will mark a notable step
16 down at 195 feet. Next slide please.

17 And this is 809 Atlantic. Next slide. Both the
18 structures in one image here, 840 Atlantic in the
19 middle. Next slide please. So, the Majority Leader
20 in introducing this project had asked us, how does
21 this application fit within the M-Crown framework?
22 We believe that it does. We believe the M-Crown
23 framework which was a partnership between both the
24 Community Board and the Department of City Planning.
25 Identify the number of goals for the wider area.

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2 These goals for both housing related and more
3 nonresidential related. Atlantic Avenue, for its
4 part is treated in a number of different ways. For
5 one is treated in a number of different ways by this
6 - during this process. Certain parts of Atlantic
7 Avenue are identified as being most appropriate for
8 nonresidential development. Those areas of Atlantic
9 Avenue were mostly to the east over a half a mile
10 from our site. Whereas housing development was seen
11 as more appropriate on the western edge of the M-
12 Crown.

13 This site is on the far, far western age of the
14 M-Crown area and has since the beginning of the M-
15 Crown study, always been identified as the location
16 appropriate for the most density. The reasons for
17 this are the reasons we've already discussed in this
18 presentation. It's a double wide street location.
19 It's the proximity of Atlantic center and it's the
20 proximity of other buildings of a tall context.

21 Our application would facilitate a building that
22 would fit within that context and would meet that
23 vision, that M-Crown had laid out for this particular
24 site. Which as I said a second ago, is appropriate
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2 for a little bit more density than some of the sites
3 on Atlantic to the east.

4 This dynamic of 840 being appropriate for a touch
5 more, was discussed during the City Planning
6 commission hearings just a few weeks ago. In fact,
7 during the commission's vote on the application,
8 members of the commission took the opportunity to
9 remind stakeholders that whatever zoning is adopted
10 here at 840 does not serve as precedent for the
11 applications that would follow. That as Council
12 Member Grodenchik had pointed out in commenting on
13 the 67th Street Rezoning, corner sites are – there
14 are land use principles that support corner sites
15 being treated differently, the midblock sites.

16 So, we should not feel as though whatever exact
17 zoning is established at 840 has to be the zoning
18 that moves east of here and in fact, that's not what
19 is called for impound. Impound does not identify
20 specific zoning districts but it does suggest a
21 general contracts. Next slide.

22 Yes and as I said, the corner of Atlantic Avenue
23 op, okay, op. As I had said, the corner of Atlantic
24 and Vanderbilt is the only area in the M-Crown having
25 received uhm, this particular designation. What it

1
2 is calling for here is more housing. Next slide
3 please.

4 And as I had said, although the M-Crown does not
5 identify specifics, only districts with densities, it
6 proposes a change in density at the corner of Clinton
7 Avenue. This is consistent with the existing context
8 on the northside of Atlantic that yielded the 809
9 Atlantic project over 300 feet tall. And is
10 appropriate given - next slide. Given the
11 positioning of the AC train having stations, subway
12 entrances on the corner of Clinton and Forman. We
13 anticipate that as North Prospect Heights continues
14 to fill out, with as more development occurs in the
15 southside of Atlantic, that foot traffic will likely
16 cross Atlantic right at the corner of Clinton and
17 move north to that station, which supports the
18 proposed context at the corner of Vanderbilt and
19 Atlantic. And these principles, as I sit here, they
20 guide the zoning that was chosen and supported by the
21 City Planning Commission at this location. Next
22 slide.

23 The M-Crown framework as I had said, calls for
24 this kind of reduction in density moving east. This
25 stepping down towards the east and these are the

1 principles that guided how we designed this building.

2 We designed the building to put as much of the
3 density on the corner and then step down as we move
4 south and step down as we move east. Next slide.

5
6 Thinking about the context moving east on
7 specific, we even established with this rezoning or
8 maintained with this rezoning the existing R6B
9 District on the Pacific. You can see that the
10 building actually steps down notably to only 50 feet
11 in height along Pacific Street. That would be
12 contextual with the townhouse character of that, that
13 particular block. Next slide.

14 Uhm, as I had said at the beginning, this
15 application was filed under MIH Option 2 but the
16 applicant is comfortable with MIH Option 1 as well.
17 I just wanted to be able to provide her for a quick
18 response what the anticipated rents would be under
19 MIH Option two through the approximately 95
20 affordable housing units that this building would
21 provide under that particular option. Next slide.

22 This project has a series of other commitments
23 and these commitments in our view are supportive of
24 the relationship between this development and the
25 community that it will share. This application will

1
2 also include – this building will also include two
3 floors of nonresidential, totaling 50,000-55,000
4 square feet inclusive of an approximately 8,000
5 square foot non-for-profit dance studio. The dance
6 studio, we proposed to earmark for nonprofit in
7 perpetuity.

8 So, although we are negotiating a long term well
9 below market lease to give the community comfort that
10 that particular space will remain affordable for a
11 non-for-profit or an arts oriented use. In
12 perpetuity, we are willing to execute and record a
13 restrictive declaration to that affect.

14 We have a series of other commitments that we
15 have worked through in the last few months, including
16 and back and forth with the Borough Presidents
17 office, the project will be built with a more family
18 friendly unit mix. Including above average mix of
19 two and three bedroom apartments. We will be
20 agreeing to hiring 32BJ building service workers. We
21 commit to hiring – given preference to LBE's and
22 MWBE's during the construction process. We are also
23 going to be partnering with the locally based
24 affordable housing nonprofit service to buildings
25 with administering agent and help us with the

1 marketing and the promotion of affordable housing
2 units, especially to the local senior population.

3
4 And also coming out at the Borough President
5 hearing process, we refined our commitment to make us
6 part of the building super structure. Certain
7 resiliency and sustainability measures we're
8 exploring doing both the solar array as well as
9 working with the UP on rain gardens at the street
10 level as well as incorporating certain public realm
11 improvements within these wider, more pedestrian
12 friendly sidewalks that the application will
13 facilitate.

14 I am going to leave this slide up given that I'm
15 sure it will come up perhaps during our question and
16 answer period. But by and large that concludes this
17 introductory presentation and of course we're here to
18 answer and respond to any questions. Thank you so
19 much.

20 CHAIRPERSON GRODENCHIK: Thank you Mr. Stark for
21 your presentation to the Committee. At this time, we
22 are going to hear questions from Majority Leader
23 Cumbo. Are you ready Majority Leader?

24 MAJORITY LEADER CUMBO: Good afternoon. I just
25 wanted to go right into the height and the density.

1
2 In 2008, I wrote a letter to the Department of City
3 Planning alongside Brooklyn Borough President Eric
4 Adams and the Chair of CB8 supporting a commercial
5 zone along Atlantic Avenue with six FAR residential
6 and additional bonus to seven FAR for commercial
7 space as part of the M-Crown framework. Did you
8 consider this letter when crafting your application?

9 BEN STARK: Yes, we did. Thank you Majority
10 Leader. Yes, we did. We in thinking about the total
11 floor area that would be appropriate at this
12 location, we ran with the idea that seven was a
13 baseline for Atlantic Avenue as a whole but that in
14 keeping with the land use principles of a corner
15 site, being able to accommodate a slightly more
16 density, we added just about an FAR and a half on the
17 corner. That we feel is a way to balance both what
18 is an appropriate context of this location while also
19 achieving or unlocking the potential here to build
20 more housing basically. To really meet the
21 opportunity.

22 MAJORITY LEADER CUMBO: So, you had the letter,
23 you reviewed the letter and then you took it upon
24 yourself and your team to make assumptions about what
25 you thought could be essentially a better letter by

1
2 proposing the extra density. Because when we look at
3 the M-Crown, that particular location fits within the
4 M-Crown. There are no variances based off of whether
5 it's in the corner or the middle or – this is what we
6 saw for the entirety of that particular zone.

7 So, I just want to be clear because it's very
8 important to understand because in terms of how I
9 like to function as a Council Member. And I
10 understand that value of peoples time, energy and
11 resources that we put forward a framework that we
12 wanted the development team to fit within that
13 framework but you spent time, energy and resources
14 and calculations on a larger framework and so now,
15 here we are at this particular point.

16 The Proposed C6-3X Zoning is significantly denser
17 than this at over nine FAR and up to 20 stories. The
18 block immediately south of this site east of
19 Vanderbilt is low rise part of the historic district.
20 Does your design consider any transition to this
21 lower density context? And I saw that you did some
22 step downs in terms of your design and architecture
23 but can you further address this question?

24 BEN STARK: Yes, yes I may. The District
25 immediately to the south of our site can at least

1
2 along Vanderbilt Avenue, buildings upwards of 95 feet
3 tall. Thinking of that, we began or we design our
4 building to make steps to kind of within or four or
5 two of that context. I don't have the massing of the
6 building up in front of me but I believe that with
7 along the Pacific and Vanderbilt corner, the building
8 steps down to about 110 feet tall, which is about 20
9 feet taller than the district to the south of us is
10 permitted. So, we're kind of making further steps as
11 you cross Pacific, it will make a further step to
12 about 95 and then continue from there.

13 So, yes, we did try to bring those steps within a
14 four or two of what that would be committed across
15 the street.

16 MAJORITY LEADER CUMBO: Going to the affordable
17 housing, which MIH option do you propose for the
18 development and why? CB8 and the Borough President
19 recommended the deep affordability option be used at
20 this site. 20 percent at an average of 40 AMI, which
21 reduces the percentage of affordable housing from 25
22 to 20 percent but would require more deeply
23 affordable apartments. Have you considered this
24 request at this time?

1
2 BEN STARK: Uhm, I know the applicant has. I
3 think is a great opportunity to interface with my
4 client Vanderbilt Atlantic Holdings. Tom, do you
5 want to answer this question about affordability?

6 TOM LEE: Sure and thanks for the question
7 Council Member. Our initial proposal was for Option
8 Two, which would maximize the number of affordable
9 units. For us, it was important to include as many
10 units as possible. And we have heard feedback
11 previously that in Option One, it's something that we
12 should consider which we looked at very seriously and
13 certainly open to. With Option One, there is
14 actually a portion that is also deeply affordable and
15 also, we get the benefit of having a larger number of
16 units.

17 Going down to Option Three, I think we lose
18 another 20 units or so of affordable units and to us,
19 having around 40 percent AMI to 60 percent AMI to 80
20 percent AMI is a better choice in a building like
21 this.

22 MAJORITY LEADER CUMBO: I appreciate your
23 opinion. However, what we're talking about really
24 here and because of the bedroom mix can change these
25 numbers in many ways, we're talking about a

1
2 significantly larger density for the ability to
3 acquire potentially 15 or 20 units of affordable
4 housing. So, it's really that question between, do
5 we sacrifice the character of this historical
6 community with greater density for potentially 15 or
7 so additional apartments? And while apartments are
8 certainly important at this time, we also don't want
9 to further erode the character of that community.

10 The buildings that you showed or highlighted in
11 your presentation are not a part of the M-Crown
12 District. So, to continue to encroach upon the M-
13 Crown District continues to allow other developers to
14 come in and say, well, look at what happened here on
15 this project. We should be able to do something
16 larger, a block away because of what happened at the
17 end point of the M-Crown project.

18 So, I also wanted to ask if you're proposing to
19 partner with a local not-for-profit organization to
20 be the administering agent for the affordable
21 housing?

22 BEN STARK: Yes.

23 MAJORITY LEADER CUMBO: And have you identified
24 what that local not-for-profit organization would be?
25

1
2 BEN STARK: We have a few that we're considering.
3 We have not made a selection yet at this stage.

4 MAJORITY LEADER CUMBO: It's really important for
5 you to understand the local community and what
6 organizations are most qualified to do that work
7 within the community. The M-Crown space also calls
8 for a planning vision for a mixed use development
9 with housing, jobs and a diversity of community
10 enhancing uses. Does your proposal meet those goals
11 and how so?

12 BEN STARK: We believe that it does quite
13 strongly. Our project is proposed to have to full
14 floors of nonresidential uses totaling upwards of 55
15 plus thousand square feet, which is a significant
16 chunk of this building, given that the first two
17 floors are, are, are, are more full. Whereas the
18 residential floors don't occupy the entirety of this
19 site.

20 Uhm, of that 55,000 plus square feet, we intend
21 to develop both space for like we had talked about, a
22 non-for-profit community facility space. 8,000 plus
23 square feet and also space for retailers, including
24 local retailers. We think, at least in relation to
25 M-Crown, we think that this mixed use framework, a

1
2 mix of commercial community facility residential uses
3 is what is appropriate inside of the M-Crown for this
4 particular location. As the M-Crown study discusses
5 or the framework discusses and shows, the land
6 cabinet was not a monolith and neither the M-Crown is
7 either. There are parts of the M-Crown are more
8 appropriate for industrial uses and there are other
9 parts of the M-Crown that are more appropriate for
10 all transformational community facility space and a
11 lot of that is very site specific. Industrial uses
12 for example, really are not great when located on
13 very wide streets at intersections because of the
14 interaction between deliveries, pedestrian movements
15 on the sidewalk.

16 And so, when we start to hammer down what the
17 exact best uses are for this particular site, it was
18 clear to us that a transformational community
19 facility space would be what is appropriate here.
20 Can you imagine the population of Prospect Heights is
21 growing. People are walking more on Vanderbilt and
22 right up on the street along these widened sidewalks
23 we have. This great space for a non-for-profit band
24 studio beckoning, holding people into the building.

1
2 That's kind of our vision in how it lines up with you
3 know Crown's call for notable nonresidential spaces.

4 MAJORITY LEADER CUMBO: But haven't you seen on
5 Atlantic Avenue for as long as I can remember, it has
6 been an avenue that's been full of industrial
7 manufacturing uses, so on and so forth. So, that has
8 really been a space within Brooklyn New York where
9 manufacturing, all types of industrial spaces where
10 there is deliveries, there is pick up. There are all
11 these sorts of spaces that Atlantic Avenue seems like
12 it was almost designed to be.

13 The idea of the residential is in many ways a new
14 concept, more so than the industrial and the retail.
15 Outside of the not-for-profit space, what other uses
16 are you considering for the remainder of the 40,000
17 plus square feet.

18 BEN STARK: Tom.

19 TOM LEE: Sorry, we're losing the signal I see.

20 MAJORITY LEADER CUMBO: Excuse me?

21 TOM LEE: The City Council, we're seeing cutting
22 in and out for a few seconds there. Uhm, we have -
23 we're considering ground floor retail with other
24 commercial uses on the second floor. Essentially
25 having office space on the second floor.

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MAJORITY LEADER CUMBO: Have you been in discussions with any particular companies, organization or have you even thought about what the mix should even be in terms of are you looking at a supermarket. You may not know the supermarket but are you looking at a supermarket? Are you looking at a doctors office? Are you looking at a gym or a daycare or what are some of the uses that you are looking at? Are you looking at a craft studio or those sorts of uses?

TOM LEE: Uhm, we have had a preliminary conversation with a grocery store to potentially take a portion of the space. Uhm, we would like to think we have a variety of tenants, not just one or two for the ground floor space as part of it's size. We would like to have some local restaurants, food and beverage options, maybe a pharmacy but I think the key point is to have a mix. Since as part of our mission, we're also widening the sidewalk. We want to make sure this whole corner becomes more pedestrian friendly. The building interacts with the public, it's not just any use commercial space.

MAJORITY LEADER CUMBO: Are you willing to enter into a binding agreement to memorialize a commitment

1
2 to low cost art space? As you have proposed today in
3 this hearing.

4 TOM LEE: Is this on top of the community
5 facility we proposed for -

6 MAJORITY LEADER CUMBO: This is the - at this
7 time, this is the low cost art space that you have
8 discussed in terms of your partnership with Creative
9 Outlet Dance Company.

10 TOM LEE: Yes, we would be willing to enter into
11 binding agreements.

12 MAJORITY LEADER CUMBO: Now, let's say Creative
13 Outlet stays there for ten years and they outgrow the
14 space and they decide they want to move into another
15 space somewhere else. What will then happen to that
16 space?

17 TOM LEE: It will remain permanently affordable.
18 We will have it open for the next growing local non-
19 profit to take the space and I think we'd be very
20 happy to see that for them to outgrow the space. It
21 means they have a very good organization that at some
22 point in the near future, move into a bigger space.
23 But this will stay permanently affordable for the
24 community.

1
2 MAJORITY LEADER CUMBO: How do you incrementally
3 decide what the increase in space rental costs will
4 be? So, in other words is it going to be let's say a
5 1.3 percent every year and even after a change from
6 one space to the next space, wanting to ensure that
7 there is not some dramatic jump in terms of what the
8 increase for the space rental would be between one
9 tenant to the other tenant?

10 TOM LEE: I think we will follow some kind of
11 increase based on a CPI, so that it attracts
12 inflation. It's really to recover basic costs for
13 having that space. In fact, I think we're losing a
14 significant amount of money to build a space. It's a
15 good space to have.

16 MAJORITY LEADER CUMBO: Do you have a plan in
17 place to ensure local hiring and M/WBE participation
18 during construction?

19 TOM LEE: Yes, we are - we want to meet the city
20 and state requirements. We want to see that. In the
21 past, we've seen those numbers exceeded and in terms
22 of building services, we're working with 32 BJ to
23 identify local members to staff the building once the
24 building is complete.

1
2 MAJORITY LEADER CUMBO: How many local hires
3 would typically be involved in a project like this?

4 TOM LEE: The signal is cutting out, so I didn't
5 hear the question.

6 MAJORITY LEADER CUMBO: Excuse me, I didn't hear
7 you.

8 TOM LEE: The signal cut out for a few seconds
9 again. Could you repeat the question?

10 MAJORITY LEADER CUMBO: My question was how many
11 local hires would typically be involved in a project
12 like this? How many people do you plan to hire from
13 the local community as it pertains to construction on
14 this site?

15 TOM LEE: I think there's a percentage that's -
16 sorry, the signal keeps on cutting out.

17 MAJORITY LEADER CUMBO: Are you not able to hear
18 my question?

19 TOM LEE: No, your - the City Council screen
20 keeps on going to no signal in and out constantly.

21 MAJORITY LEADER CUMBO: So, can you hear me at
22 this point?

23 TOM LEE: Yes, I think it would be you know
24 between 30 plus percentage from a LBE and WMBE.
25

1
2 MAJORITY LEADER CUMBO: How can we ensure follow
3 up and progress reports on these commitments?

4 TOM LEE: I'm sure we can work out a system to
5 track that and to ensure that happens. I don't - I
6 think HPD and other city programs have monitoring
7 programs pertaining to these requirements.

8 MAJORITY LEADER CUMBO: So, I just want to ensure
9 with this that the ability to hire locally is going
10 to be really of foremost concern. As we've seen with
11 a lot of the issues that are happening in our
12 communities, a lot of the violence that we're seeing
13 is happening in our communities is traced most back
14 fundamentally to a lack of jobs and opportunities
15 within our communities.

16 So, the ability to hire local supersedes almost
17 all aspects of any project that we do at this point
18 because we want to ensure that the local community is
19 benefiting from the growth and the development that
20 they are seeing in their own communities.

21 So, a real plan on local hiring with real
22 partners and we can help you identify who those
23 partners should be, is going to be critical in moving
24 forward and also achieving my support as well as the
25 support of this Council.

1
2 And just finally going into sustainability and
3 resiliency, what sustainability and resiliency
4 measures are incorporated into the buildings design
5 and construction? Such as incorporating blue, green,
6 white roof treatment, passive house, rain garden,
7 solar panels or wind turbines?

8 TOM LEE: I think the easy question is all the
9 above. All items you just stated. I think we are
10 incorporating all those into the design of the
11 building. I think it makes perfect sense to have a
12 white roof, solar panels, we considering a vertical
13 wind turbine as part of the design and you know, rain
14 garden is very important to have to make sure there
15 is not access run off of water, rain water.

16 So, the short answer is all of those items are
17 being considered as part of the building rezoning.

18 MAJORITY LEADER CUMBO: I don't have any further
19 questions. I just want to reiterate as I have stated
20 earlier, my position stands with the Borough
21 President in the letter that we wrote in 2018. We
22 were clear then. We are clear today and we're hoping
23 to turn the tide as far as the empowerment of our
24 community boards to shape the communities that they
25 actually live in versus where the developers actually

1
2 live. It's important that we empower the
3 neighborhoods where this development is happening so
4 that people understand and know that they have power
5 to shape their community and its surrounding
6 environment. Thank you.

7 CHAIRPERSON GRODENCHIK: Thank you Majority
8 Leader Cumbo for your questions this day. I have a
9 few questions for the panel and uhm, the first
10 question I have, could you confirm that in the
11 portion of the site that fronts on Atlantic and at or
12 near the rear lot line where there appears to be a
13 one story building portion. Could you just confirm
14 that you are subject to in compliance with the
15 transition rule. If you are having difficulty with
16 that question, I would request that you answer the
17 Committee staff in writing.

18 BEN STARK: We're happy to follow up with
19 Committee staff on that question but yeah, the short
20 answer I can give is that if adopted, if the C6-3X
21 zoning is adopted, we of course have to comply with
22 the transition rule, the maximum height transition
23 rule on the portion of the building in the R6B
24 District and a portion of the building in the C6-3X
25 adjacent to the R6B District. And in compliance with

1
2 of course be enforced by Department of Buildings
3 during a zoning review and we have to comply with,
4 so.

5 CHAIRPERSON GRODENCHIK: Okay, alright, so staff
6 will be waiting for that answer. Uhm, you showed the
7 unit mix for Option Two, can you share with us the
8 breakdown for Option One with regard to studio one-
9 bedroom, two-bedroom etc.

10 BEN STARK: We presented Option Two. We're happy
11 to follow up with Council staff on what the breakdown
12 would be for Option One. We - as we had said that we
13 intend with this particular development to have a
14 higher proportion of two and three bedroom apartments
15 and of course that will influence what the
16 proportions of two and three bedroom apartments would
17 be for the affordable units.

18 Which as we all know, under HPD ranks it kinds of
19 runs - we have to mirror one another. So, we can put
20 together a kind of mock up of what the breakdowns
21 would be for a unit mix and then what the associated
22 rights would be.

23 CHAIRPERSON GRODENCHIK: Okay, thank you. Uhm,
24 with regard to parking, how much will be required and
25 I understand it's 40 percent of market unit rates but

1
2 about 95 spaces. Will this parking be built below
3 grade and did you consider applying for a special
4 permit to wave parking requirements?

5 BEN STARK: I mean I can answer the second
6 question, which is no. There is no special permit
7 here to wave parking. As you noted, the parking
8 requirements for the market rate units is 40 percent.
9 The parking requirement for the affordable units is
10 notably less given the projects positioning within
11 the transit zone. The amount of parking that overall
12 will actually be required as a function of the number
13 of market rating, you know it's the number of
14 affordable units and also the size and typology of
15 the nonresidential uses.

16 So, we can in say sharing with Council staff, a
17 proposed unit mix under MIH Option One, we can also
18 make an estimation on what the associated partner
19 requirements would be using the MIH Option One
20 Affordable Housing figures.

21 TOM LEE: And to answer the first part of the
22 question, we're currently contemplating as the
23 building is designed 90 parking spaces below grade
24 and when we were speaking with people from the
25 community, people who live in adjacent buildings, we

1
2 as developers, we would be happy to not build
3 parking. We've met with people in the community that
4 express interest that there is a shortage of parking
5 spaces in the neighborhood and they were wanting to
6 see this building with a few parking spaces that
7 would be used by tenants who were not living in this
8 building. So, other people can use these parking
9 spaces.

10 CHAIRPERSON GRODENCHIK: Alright, thank you for
11 answering those questions and for answering the
12 Majority Leader's questions. At this time, uhm, we
13 have no further questions of this panel and the panel
14 is excused.

15 BEN STARK: Thank you very much.

16 TOM LEE: Thank you very much.

17 CHAIRPERSON GRODENCHIK: Thank you. Alright, the
18 first public panel on this item will include and will
19 be Ethel Tais[SP?] and then the following panel will
20 be William Thomas and Austin Selestan[SP?]. So, and
21 again I want to - well, we're going to promote those
22 -

23 Okay, Ms. Tais is unavailable at this time. So,
24 we're going to go to the second panel, which I
25 believe is here with us in the Chamber today.

1
2 William Thomas and Austin Selestan. Please step
3 forward.

4 WILLIAM THOMAS: Hello everyone, my name is
5 William Thomas, I am here to support the project as a
6 representative and the Executive Director of Open New
7 York. We're an independent grassroots pro-housing
8 organization. We support 840 Atlantic because
9 allowing more home here would help both to alleviate
10 New York's housing shortage and help to fight high
11 ranks in displacement. I believe everyone knows on
12 some level that New York has a terrible housing
13 shortage but let me throw out some numbers to remind
14 everyone how bad it is.

15 Between 2010 and 2017, median ranks increased by
16 more than double median wages. Homelessness has
17 reached the highest level since the great depression.
18 Pre-COVID, one out of every ten elementary school
19 students in New York City public schools attended
20 from homeless shelters. In this environment, we need
21 every bit of affordable housing we can muster and the
22 95 below mark units that this rezoning offers is a
23 great place to start.

24 With that said, allowing more market rate homes
25 in Prospect Heights injectively wealthy enclave in

1
2 the city will also help by preventing displacement in
3 other neighborhoods. The census track for the
4 rezoning area has a median household income of over
5 six figures. Prospect Heights is a very desirable
6 neighborhood and although the likely many families
7 first choice, if they can't find a place to live
8 here, they will simply move to a more affordable
9 neighborhood.

10 As that displaced demand increases, up goes the
11 rent forcing current tenants to allocate ever larger
12 shares of their incomes to stay in their homes and
13 knocking those who can't pay to the street. If we
14 don't let young professionals live here, they are not
15 going to disappear, they are going to continue to
16 gentrify neighborhoods in Brooklyn by Crown Heights,
17 Bed-Stuey and Brownsville. By contrast every new
18 home here will spare a family that pressure.

19 To put it bluntly, we live in a city where there
20 aren't enough homes for the people who want to live
21 here. It is horrifying human consequences. I know
22 this is a little denser than what the M-Crown study
23 called for but the scale of the housing crisis, I
24 think really demands we think bigger.
25

1
2 In addition, Borough President Adams just won the
3 democratic primary on a housing platform specifically
4 calling for up zoning wealthier neighborhoods for
5 affordable housing. I hope this election can give us
6 the confidence to move forward on that platform even
7 if it is not exactly what the Community Board
8 envisioned. Thank you.

9 CHAIRPERSON GRODENCHIK: Thank you for your
10 testimony this morning and for being with us today at
11 City Hall. Mr. Selestan?

12 AUSTIN SELESTAN: Can you hear me?

13 CHAIRPERSON GRODENCHIK: Yes.

14 AUSTIN SELESTAN: Okay, good afternoon. Three
15 minutes into it, I was like good morning. My name is
16 Austin Selestan, I am a MYU student studying a
17 redesign. When hearing conversations about projects
18 like this and other projects throughout the city, I
19 also hear precedent zoning.

20 MAJORITY LEADER CUMBO: Can you speak a little
21 closer to the mic?

22 AUSTIN SELESTAN: Yeah, sorry. Uhm, but I just
23 wanted to ask, we need to defend character and
24 context in zoning but at what cost? The past five
25 decades not one of the past five decades, we have

1
2 built more housing than we did during the great
3 depression. If we were cobble together the total
4 number of units built in the last 50 years, we built
5 less housing in the past 50 years than we did in just
6 the 1920's. This has resulted in once middle class
7 neighborhoods turning into exclusive [INAUDIBLE
8 1:43:31] out of reach for pretty much anyone not
9 making six figures. It has also resulted in the
10 gentrification of a myriad of neighborhoods across
11 the city.

12 Maybe it is a little bit taller than the
13 surrounding area but every little bit of housing is
14 going to contribute to tackling the housing crisis
15 that I am sure all of you can acknowledge that we're
16 undergoing right now. Prospect Heights has a six
17 figure median income and is disproportionately White,
18 no matter how you spin it. In the city, in the
19 borough, on Long Island, 55 percent White is much
20 higher than the city's average.

21 95 affordable units will go a long way or at
22 least a short way to contributing to solving this
23 housing crisis. It's also worth mentioning that
24 those 95 units of affordable housing would be in
25 walking distance from the C-train, the D-train and a

1
2 short walk in the 2, 3, B and the Q. We also have
3 access to much needed green space at Prospect
4 Heights. Prospect Park, I'm sorry.

5 It might be a small drop in the bucket but any
6 bit of housing is housing much needed. Thank you.

7 MAJORITY LEADER CUMBO: Thank you.

8 CHAIRPERSON GRODENCHIK: Thank you for your
9 testimony today and every drop helps, believe us.
10 Uhm, the next panel is going to be a remote panel and
11 it consists of Jamel Gaines, Kate Griffler, Marrison
12 Williams and Deja Miller.

13 I remind the panelists that we have two minutes
14 for each public speaker.

15 COMMITTEE COUNSEL: Your time will begin.

16 CHAIRPERSON GRODENCHIK: Mr. Gaines?

17 JAMEL GAINES: Yes, hey I am sorry. It kind of
18 blacked out, sorry about that.

19 CHAIRPERSON GRODENCHIK: No worries.

20 JAMEL GAINS: Can you hear me?

21 CHAIRPERSON GRODENCHIK: Yes, we can hear you.

22 JAMEL GAINES: Hello, my name is Jamel Gaines, I
23 am the Artistic Executive Director of Creative
24 Outlet. We've been a staple in Brooklyn for now 27
25 years. Part of our artistic and cultural mission

1
2 through the arts is about education, getting young
3 people and professionals to Broadway television and
4 film. Also, cultivating people to entrepreneurs,
5 using the arts as a vehicle to get the community
6 involved in many different activities as well.

7 We are for the project. We are looking forward
8 to having a home in downtown Brooklyn. We've been in
9 Brooklyn before all the development has happened the
10 last 15 or so years. So, we're excited about the
11 project and we want to stay here in Brooklyn and grow
12 with the Brooklyn community.

13 CHAIRPERSON GRODENCHIK: Thank you Mr. Gaines for
14 your testimony. Ms. Griffler?

15 COMMITTEE COUNSEL: Your time will begin.

16 KATE GRIFFLER: Good afternoon, my name is Kate
17 Griffler, I am an Associate Producer as well as a
18 Dancer for Creative Outlet. I am in favor of this
19 project. We've been working with Tom Lee on getting
20 a space, a home base for Brooklyn for our dance
21 artists and the community. And we're very, very
22 looking forward to this home. Creative Outlet is an
23 organization that is deeply rooted in the Brooklyn
24 community, especially works with communities of color
25 and our institution would not only help the

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2 professional dance artists but students, adults,
3 young artists. We offer scholarship programs and we
4 offer under market value costs for our classes.

5 As Jamel said, many of our artists go on to
6 Broadway Theatre film, TV and as far as creating
7 jobs, we would probably bring in 25 to 30 teaching
8 artists, ten administrators. We would bring in
9 probably 50-100 summer youth employment students as
10 well. And we are really looking forward to creating
11 a community here in Brooklyn. As a dancer myself, I
12 have to train in Manhattan because there are not
13 classes available for me to train as a professional
14 dancer in Brooklyn. Although Mark Morris is very
15 close, they don't offer the types of classes I need
16 to be a dancer and make it in New York City.

17 Also, Brooklyn doesn't have a Black led dance
18 organization and our community is mostly made up of
19 people of color and they need a home base and they
20 need an art center that would appropriately cater to
21 their needs. So, we hope that we will get our space.
22 Thank you so much.

23 CHAIRPERSON GRODENCHIK: Thank you for your
24 testimony Ms. Griffler. Ms. Williams.

25 COMMITTEE COUNSEL: Your time will begin.

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2 MARRISSA WILLIAMS: Good afternoon, my name is
3 Marrassa Williams and I am a Representative of 32BJ.
4 I am here today on behalf of my union to express our
5 support for the proposed project at 840 Atlantic
6 Avenue.

7 32BJ supports responsible developers who invest
8 in the communities where they build. 32BJ has more
9 than 3,000 members who live or work in Community
10 Board 8 and we believe that the best way to make sure
11 that developments like the one proposed have a
12 positive impact on building service workers and the
13 community is for developers to make a formal
14 commitment to pay the prevailing wage.

15 In light of this, we are pleased to let you know
16 that the developer affiliated with this project
17 Vanderbilt Atlantic Holdings, LLC, has made an early
18 commitment to creating prevailing wage building
19 service jobs at this site. The developer has a long
20 time partnership with 32BJ and a track record of
21 creating good jobs throughout their portfolio.

22 We estimate that this will be to the creation of
23 five new building service jobs and we are fully in
24 support of this project. We have full confidence
25 that at the Atlantic buildings will be a responsible

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2 employer and present in the community. We know that
3 this development will continue to uphold the industry
4 standard and provide opportunities for working
5 families to thrive in Crown Heights.

6 On behalf of 32BJ and CIU, I respectfully urge
7 you to approve this project. Thank you.

8 CHAIRPERSON GRODENCHIK: Thank you for your
9 testimony and Deja Miller now.

10 COMMITTEE COUNSEL: Your time will begin.

11 DEJA MILLER: Hi, my name is Deja Miller, I have
12 been dancing with Creative Outlet since I was seven-
13 years-old. I am 18-years-old now, so I thought it
14 was really important that I come here and let
15 everyone know that Creative Outlet getting their own
16 building and space to flourish will be really, really
17 good for the community and I know firsthand because
18 of what they have done for me.

19 Like I said, I've been dancing with them since I
20 was seven-years-old and my personal story is that my
21 family isn't the most perfect but whenever I am able
22 to speak to Jamel or some of the other professional
23 artists, I always feel like I have a safe space and I
24 feel like it is really important that the entire
25 community is able to have access to that. Because

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2 not only am I now going onto theatre in college but I
3 know teachers that have now started their own dance
4 programs and their acts and their singing and now,
5 they are professionals at what they do on Broadway
6 and it's really important that we open our arms and
7 minds to help people that might not be as fortunate
8 as everyone else, so that they also have that outlet.
9 Thank you.

10 CHAIRPERSON GRODENCHIK: Thank you for your
11 testimony. This panel is now dismissed. I am going
12 to introduce the next panel. Cynthia McKnight, Dove
13 Fetter, Daniel Rogoff and Douglas Hanau(SP?). And
14 when we're ready to begin, Cynthia McKnight will be
15 first.

16 COMMITTEE COUNSEL: Your time will begin.

17 CYNTHIA MCKNIGHT: Good morning everyone. Well,
18 actually it's good afternoon now. My name is Cynthia
19 McKnight and I am here on behalf of Community
20 Education Council 13. I am a parent leader and also
21 the former PTA President at PS 11 in Dock Street
22 School. I am also a resident of District 35. I am
23 here on behalf of the parents, the teachers and the
24 community members who could not attend this meeting.
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2 I am also a union leader for AFGE local 913, a
3 HUD housing, an urban development and I can say that
4 our community desperately needs affordable housing.
5 There is a lot of families who can not afford to stay
6 in District 35. I help a lot of families look for
7 affordable units and it's very dear dire need for
8 this. So, I am pleading for the approval of this
9 plan in order for our families to take advantage of
10 great schools in District 13. And also, with HUD, we
11 are releasing a lot of vouchers through President
12 Biden's plan and it would be a shame that people
13 would have to stay and high poverty areas.

14 So, please approve this plan. Thank you.

15 CHAIRPERSON GRODENCHIK: Majority Leader Cumbo?

16 MAJORITY LEADER CUMBO: I just want to say hello
17 to Cynthia McKnight. Always an honor to have the
18 hardest working woman in District 35 here with us
19 today and your testimony of course is a very
20 important one and will be waited heavily. Always an
21 honor to work with you and to have you here today.
22 Thank you.

23 CHAIRPERSON GRODENCHIK: Thank you Majority
24 Leader and thank you Ms. McKnight. Dove Fetter?

25 COMMITTEE COUNSEL: Your time will begin.

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2 CHAIRPERSON GRODENCHIK: Alright, let's see if we
3 can get Mr. Fetter back. In the meantime, Daniel
4 Rogoff.

5 COMMITTEE COUNSEL: Your time will begin.

6 DANIEL ROGOFF: Hi, thank you for your time. I'm
7 a lifetime Brooklynite. My parents immigrated here
8 from Lebanon. I was born in Brooklyn. I grew up in
9 Brooklyn. I've lived my life here pretty much
10 exclusively outside of college. Right now, I live in
11 Fort Greene. My name works at Maimonides and my
12 entire family, including my three-year-old son love
13 it here.

14 And my vision for my life since day one, was to
15 settle down and grow up, raise a family here in
16 Brooklyn the same way I did and in close proximity to
17 my parents, my siblings, my wife's siblings. But I
18 am reaching the bitter realization that I don't know
19 how feasible that is. I know there is a very simple
20 reason. Housing is outrageously expensive. I'd have
21 to earn on the order of \$1 million a year to afford a
22 home for a family of four in Fort Greene. It's not
23 feasible and projects like this one would alleviate
24 that burden in a major way. I'm eagerly awaiting the
25 day when our elected officials start prioritizing

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2 people and families over the historical character of
3 neighborhoods and don't roll their eyes at the
4 prospect of an additional 15 or 20 affordable
5 apartments that could help families like mine settle
6 down and live in this city.

7 The same way I am eagerly awaiting the day when
8 my own elected Council Members start representing the
9 thousands of people like me in their choices for
10 community board members and when those community
11 boards actually start representing the needs of the
12 people in their communities and not their own
13 personal ones. Thank you very much for your time.

14 MAJORITY LEADER CUMBO: Thank you Daniel. Have
15 you ever actually been outside of Brooklyn? That's a
16 joke, I'm teasing you.

17 DANIEL ROGOFF: In college. It was nice, they
18 people build houses there.

19 MAJORITY LEADER CUMBO: Well, welcome. Your
20 thoughts will be your desires will certainly be
21 waited and we thank you so much for your testimony
22 and for being on this Zoom for over two hours,
23 awaiting your time to speak and we'll certainly take
24 into consideration your testimony here today. Thank
25 you.

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2 CHAIRPERSON GRODENCHIK: Thank you and thank you
3 Majority Leader and now Doug Hanau – Douglas Hanau.

4 COMMITTEE COUNSEL: Your time will begin.

5 DOUGLAS HANAU: Yes, hi, hi, can you hear me?

6 MAJORITY LEADER CUMBO: Yes.

7 DOUGLAS HANAU: My name is Douglas Hanau; I have
8 lived in Brooklyn only 25 years but I have lived in
9 New York City my whole life. I used to live in
10 Queens.

11 I love a good meeting where we talk about
12 material and we talk about transitioning to the
13 historic district and how the building look but this
14 is about people. This is about human beings and the
15 ability of human beings to live in New York City, the
16 most wonderful city that's given me everything. I'm
17 raising two amazing children here. I am lucky enough
18 to have bought a house 25 years ago in Brooklyn. I
19 didn't do anything special. I didn't build this
20 community. I bought a house, the neighborhood turned
21 fancy and I am benefiting from that. It really
22 wasn't anything I did. But I want my kids and I want
23 my kids friends and their future colleagues and the
24 people they work with and people who do not live in
25 New York City but come here for a million reasons.

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2 To work, to get away from small towns, to enjoy the
3 arts and the culture. They won't get a chance if we
4 don't build projects. This project and projects like
5 this all over the city. I want this. This has to
6 happen. We can't stop this because it doesn't
7 transition properly to the neighborhood across the
8 street.

9 This is about people and people cannot come to
10 New York to live anymore because it's too expensive.
11 So, we need more housing. We need more affordable
12 housing. We need more housing close to
13 transportation to address climate change, to address
14 the car culture that we live in. We have to move
15 away from cars, move to public transportation, move
16 to housing, a lot of it affordable. Much of it not,
17 that's fine too.

18 So, please, please, please, pass this and you
19 know no project is perfect. No project is going to
20 meet everybody's needs and wants but this is a great
21 project and it's a great starting point for Brooklyn
22 and for New York City. Thank you.

23 MAJORITY LEADER CUMBO: Thank you.

24 CHAIRPERSON GRODENCHIK: For the record, I have
25 never lived in Brooklyn but I was born in the Bronx

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2 and I've lived my entire life in Queens. I thank you
3 all for testifying this morning. We have one more
4 panel that we're going to hear from at least and that
5 consists of David Ratner, William Mean and Joe
6 Garzone(SP?). So, if we could have David Ratner.

7 Mr. Mean if you would like to start?

8 COMMITTEE COUNSEL: Your time will begin.

9 WILLIAM MEAN: Sure, hi, my name is William Mean.
10 I am a Prospect Heights resident and I would like to
11 voice my support for 840 Atlantic. I think this
12 project is exactly the kind of new building that the
13 neighborhood needs. We're a wealthy neighborhood,
14 tons of resources, like ten or so subway lines and
15 those below market rate apartments will help welcome
16 lower income families who are currently priced out.

17 I would like to request that the developer
18 consider MIH Option One, so that these homes will be
19 available to people who really need that subsidy and
20 produce class segregation in the neighborhood but to
21 maintain that higher number of affordable units, I'd
22 like for them to apply for a parking waiver.

23 Some people claim this building is too big and
24 dense for the local community but at the end of the
25 day, the density is what makes New York City the best

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2 city in the country and you know possibly the world
3 some people think. And the people who live at 840
4 Atlantic, will help make Vanderbilt Avenue, Atlantic
5 Avenue and the open street even more lively and
6 enjoyable.

7 Not to mention the existing use of this site, if
8 we don't approve, it is a huge parking lot. It's
9 terrible to walk past. It's really hot now with the
10 asphalt in the summer and you are in constant risk of
11 getting run over by someone their McNuggets.

12 So, the building with the wider sidewalks would
13 be a massive improvement. And my request about the
14 parking, is that the developer completely eliminate
15 the parking spots.

16 While some members who might have a car
17 themselves, might want more parking so there is less
18 competition for those spaces, studies show that when
19 you provide parking, just the residents will buy it
20 up and there will be more car spewing CO2 and PM2.5
21 particles. The zoning should be you know, garages
22 are expensive to build and we're weighing car storage
23 against homes for people and I want them to
24 prioritize people over cars. Especially when there
25 is like ten subway's right next door.

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2 So, besides the parking, I think this is a good
3 project. Just really try and maximize you know
4 affordability here but I look forward to having these
5 residents as my neighbors.

6 CHAIRPERSON GRODENCHIK: I thank you for your
7 testimony Mr. Mean and thank you for your patience
8 today and waiting to testify. I don't believe - is
9 Mr. Garzone here? I don't think he is with us. I
10 don't see him. Okay, if there are any remaining
11 members of the public who wish to testify on the 840
12 Atlantic Avenue rezoning proposal, please press the
13 raise hand button now or for those who might be here
14 in the Chambers, please see the Sergeants now to
15 prepare a speaker card and the meeting will briefly
16 stand at ease. [2:03:23-2:03:59]

17 There being no other members of the public who
18 wish to testify on the 840 Atlantic Avenue rezoning
19 proposal under ULURP Numbers C210249 ZMK and N210250
20 ZRK, the public hearing on these preconsidered land
21 use items is now closed and the items are laid over.

22 I want to remind New Yorkers that you may submit
23 written testimony to the Council by email at
24 landusetestimony@council.nyc.gov. I want to thank my
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2 colleagues, Ms. Cumbo, the Majority Leader for being
3 with me here this morning and this afternoon.

4 This concludes today's business of the Land Use
5 Subcommittee of the New York City Council. I thank
6 my colleagues who were present today, the
7 Subcommittee Council, Land Use and other Council
8 Staff and of course, the Sergeant at Arms for
9 participating in today's meeting.

10 And now, this meeting is hereby adjourned at
11 12:25 p.m. [GAVEL]

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C E R T I F I C A T E

World Wide Dictation certifies that the foregoing transcript is a true and accurate record of the proceedings. We further certify that there is no relation to any of the parties to this action by blood or marriage, and that there is interest in the outcome of this matter.



Date August 10, 2021