

CITY COUNCIL  
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

SUBCOMMITTEE ON ZONING AND FRANCHISES

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October 05, 2016  
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HELD AT: Council Chambers - City Hall

B E F O R E:

DONOVAN J. RICHARDS  
Chairperson

COUNCIL MEMBERS:

ANTONIO REYNOSO  
DANIEL R. GARODNICK  
JUMAANE D. WILLIAMS  
RITCHIE J. TORRES  
RUBEN WILLS  
VINCENT J. GENTILE

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

Josephine Beckmann  
District Manager  
Brooklyn, CB10

Rbert Cassara  
Founder  
Brooklyn Housing Preservation Alliance

Matthew Kucera [sp?]  
Dyker Heights Civic Association

Steven Harrison  
Resident  
CB10

Jordan Moss [sp?]  
Representative  
Homeowners

Victoria Hofmo  
Founder  
Bay Ridge Conservancy

Colin Leary  
Ironstate Development

David West  
Ironstate Development

Nancy Dome  
DHB

Michael Barry  
Ironstate Development

Deirdre Carson  
Greenberg Traurig

Lissa Orrantia  
Akerman LLP

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

Dan Tubridy  
In Good Company LLC

Richard Lobel  
Sheldon Lobel, PC

Azam Mohammad  
Member  
Ownership Group of 1968 2<sup>nd</sup> Avenue Realty LLC

Paul Prew [sp?]  
Holland and Knight  
Clayton Realty Associates

Joseph Moyer [sp?]  
Magnusson Architecture and Planning

Edward Wallace  
Co-Chair  
New York Office Greenberg Taurig

Christopher Schlank  
Co-Managing Partner  
Savanna

Jay Siegel  
Attorney  
Greenberg Taurig

Aileen Daughtery [sp?]  
Assemblywoman Jo Ann Simon

Joseph Yanus [sp?]  
Assemblyman Walter Mosley

Oscar Jonas [sp?]  
State Senator Velmanette Montgomery

Peter Bray  
Executive Director  
Brooklyn Heights Association

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

Toba Potosky  
President  
Board of Directors of Cadman Towers

Varun Sanyal  
Director  
Economic Development Policy  
Brooklyn Chamber of Commerce

Alan Washington  
Managing Director  
Downtown Brooklyn Partnership

Roger Vanett Adler [sp?]  
Resident  
New York City

Alan Rosen [sp?]  
Resident  
New York City

Ted Valand  
President of Board of Directors  
Cadman Plaza North Inc.

Jeff Nelson  
Executive Vice President  
Economic Development Corporation

[gavel]

CHAIRPERSON RICHARDS: Good morning. I am Donovan Richards, Chair of the Subcommittee on Zoning and Franchises and today we are joined by Subcommittee Members Vincent Gentile, Antonio Reynoso, and also Council Member Ritchie Torres, and also Chair Greenfield of the Land Use Committee. We have seven items for our consideration today. We are laying over the two cafes that are on our calendar until the next regularly scheduled meeting. We're going to start with Land Use Item number 489, an application for a zoning text amendment in Council Member Gentile's district. This application was filed by Brooklyn Community Board 10 to change the zoning resolution section, 73-622 so that the BSA special permit for enlargement of single and two family detached, and semi-detached residences will no longer be available in this community board. When this special permit was created it was expected to be used by families seeking modest expansions of the home so as to grow in place. The City Planning Commission in approving the text amendment noted that this special permit is no longer needed in

1 this community board because contextual rezonings  
2 initiated in 2005 and 7 rezoned virtually all of  
3 the community board. These contextual zoning  
4 controls already permit the enlargement of  
5 residences in keeping with the bulk [sp?] form in  
6 character of neighborhood blocks. Before moving on  
7 to the public hearing I believe Council Member  
8 Gentile has a statement on this issue.

10 COUNCIL MEMBER GENTILE: Thank you Mr.  
11 Chairman and good morning Chair Richards and Chair  
12 Greenfield and my colleagues. As the city  
13 councilman representing the area covered by  
14 Brooklyn's Community Board 10 I speak in support of  
15 Community Board 10's application in Land Use Item  
16 0489 to repeal their participation in ZR73-622 of  
17 the zoning regulations. On September 21<sup>st</sup> the city  
18 planning commission unanimously voted in support of  
19 this repeal. When past the 1997 CB10 was one of  
20 four community districts in Brooklyn included in  
21 this provision. Community Board felt at the time  
22 that such a provision to offer a special permit  
23 process allowed current residents to effect grow in  
24 place. That is give owners of detached and semi-  
25 detached one and two-family homes the option to

1 easily add a needed bathroom, den, bedroom, or  
2 other reasonable living space without having to  
3 move to new premises or to leave the neighborhood.  
4 Even at the time the community's historic  
5 downzoning in Bay Ridge in 2005 and in Dyker  
6 Heights in 2007 the need to grow in place was still  
7 an ongoing concern and the special permit remained  
8 in place. Yet, over the years it has become clear  
9 to me and to the members of the board that this  
10 provision in reality has more often been used by  
11 Land Use attorneys, investors, and new buyers of  
12 property within CB10 to add bulk immediately upon  
13 purchase of the property or to make legal an  
14 illegally converted space. And with few limits  
15 placed in the authorization language of ZR73622  
16 it's become evident that the misuse of the special  
17 permit has been intentional and repeated. And so  
18 the community board has voted in 10 of the 21  
19 applications over this period against the granting  
20 of the special permit to property owners. Yet,  
21 despite the negative vote from the community and in  
22 large part because the term changed and the  
23 essential character of the community is not defined  
24 in the regulation. The BSA board has approved every  
25

1 special permit to come before it from community  
2 board 10. Every permit application granted since  
3 1997 making the application almost as a de facto as  
4 of right. Indeed, former BSA Chair Srinivasan  
5 commented at one such vote in 2013 that maybe the  
6 community board should move to revoke the special  
7 permit since she saw CB10 appear so many times at  
8 PSA in opposition. And so that brings us to this  
9 application pursuant to the vote of the CB10 board  
10 in December last year to call for the removal of  
11 CB10 from the special permit provisions. As you  
12 know action, this action does not preclude or cut  
13 off requests for plans for future enlargements of  
14 property. Families can continue to grow in place  
15 and there are still several ways to seek relief for  
16 residents including ZR7-673-621 and through the use  
17 of a zoning variance. Currently there are three  
18 applications under this permit from properties  
19 within CB10 that are either pending before or have  
20 been approved by the Board of Standards and  
21 Appeals. These are applications filed prior to June  
22 20<sup>th</sup>, 2016, the date upon which the City Planning  
23 Commission referred the text amendment that is  
24 before us today. In consideration of these  
25



1 application I've prepared in conjunction with the  
2 City Council Land Use Division a text amendment  
3 that would vest these applications and grandfather  
4 them within the current provisions of the special  
5 permit. I want to thank Julie Lubin, Bryan Paul,  
6 and Raju Mann from our Land Use Division for their  
7 diligent work on this text amendment. This  
8 amendment will cover all applications filed prior  
9 to June 20<sup>th</sup>, 2016 and includes one property for  
10 which construction has yet to begin but was filed  
11 and approved prior to June 20. I announced early on  
12 in this process that this vesting provision would  
13 be applied as intended. That is to allow current  
14 applications to rely on the current permit yet not  
15 to be besieged with a flurry of new applications  
16 days before the rescinding of the permit with  
17 respect to CB10. Therefore, two properties, one  
18 that has yet to file with the SA and one that filed  
19 only two weeks ago fully cognoscente of the change  
20 being sought will not be included in this vesting  
21 provision. So in asking this committee to vote  
22 affirmatively on this application today I'm asking  
23 you to help me and my community to take the prudent  
24 and necessary steps to preserve the local  
25

1 downzoning of 2005 and 2007. In so doing we work to  
2 prevent the willful erosion of the contextual  
3 character of the neighborhood by an end run, an end  
4 run around the contextual zoning laws. Clearly this  
5 repeal will stop the abuse of what started out as a  
6 well-intentioned benefit of the zoning law.  
7

8 Therefore, I fully support this effort and appeal  
9 to this committee for an affirmative vote on the  
10 application. Thank you Mr. Chairman.

11 CHAIRPERSON RICHARDS: Thank you Council  
12 Member Gentile. And we'll call our first panel up  
13 to testify on this issue; Jordan Mote [phonetic],  
14 Sheldon Lobel property owner CB10, Josephine  
15 Beckmann District Manager Brooklyn Community Board  
16 10, Robert Cassara Brooklyn Housing Preservation  
17 Alliance, Matthew Kucera Dyker Heights Civic  
18 Association, Steven Harrison Community Board 10,  
19 and Victoria Hofmo the same, Bay Ridge  
20 Conservation... what it says... Sergeant... oh, is  
21 everyone speaking or... Okay. We'll try to get some  
22 extra chairs up there maybe.

23 JORDAN TUBRIDY: I'll be brief. Jordan  
24 Moss from... yep, sure.  
25

2 CHAIRPERSON RICHARDS: Hey, Jordan.

3 Three Board... Yeah he's...

4 [background comments]

5 CHAIRPERSON RICHARDS: Alright. And I'm  
6 going to ask Josephine Beckman to go first since  
7 she's the district manager of the community board.

8 JOSEPHINE BECKMANN: Okay, thank you  
9 Council Member Richards. Good morning, good morning  
10 Council Member. I am happy to be here today. My  
11 name is Josephine Beckmann and I am the District  
12 Manager of Community Board 10 and the applicant in  
13 the submission to the New York City Department of  
14 City Planning for this zoning text amendment to the  
15 BSA special permit ZR73622. The application I am  
16 pleased has the support of our city council member  
17 Vincent Gentile who is here this morning and, and  
18 led remarks as well as Council Member Carlos  
19 Menchaca. Community Board 10 is proposing the  
20 removal of CB10 from its current applicability. The  
21 special permit presently applies to three full  
22 community districts, CBs 10, 11, 15, and specific  
23 R2 area in CB 14. CB10's decision to submit this  
24 application to eliminate the special permit is  
25 based on 13 years of study and experience with the

1 special permit within Community Board 10 and how it  
2 has been handled by the Board of Standards and  
3 Appeals. CB10 believes the original intent was to  
4 allow existing residents a mechanism for relief  
5 from noncompliances allowing modest expansions and  
6 an ability in the zoning text to enable growing  
7 families to remain in their homes by enlarging  
8 kitchens and/or building additional bedrooms. Board  
9 members at the time supported this provision which  
10 included community character be considered  
11 regarding whether an application should be granted.  
12 Notably since its adoption by city planning in  
13 February of '98 only 21 special permit applications  
14 were filed. And of these applications half were  
15 disapproved by CB10. Of those that were disapproved  
16 all were approved by the Board of Standards and  
17 Appeals and as Council Member Gentile mentioned  
18 earlier a de facto as of right. Community Board 10  
19 members have been on record four times in the last  
20 13 years to remove this provision from CB10. CB10  
21 originally supported inclusion even with great  
22 citywide opposition and only five boards opting in  
23 citywide. The original land use justification for  
24 the applicability for the special permit has in  
25

1  
2 practice been predominantly used to legalize  
3 existing illegal conditions or to produce luxury  
4 housing for... sale or purchase. BSA approved all  
5 applications regardless of community opposition.  
6 CB10 adopted a planning document called the case  
7 for preservation zoning. That document was the  
8 blueprint for our request for a districtwide  
9 rezoning and was adopted by our board in 2003. CB10  
10 was rezoned... contextual zoning in 2005 and  
11 completely in 2007. I have brought boards  
12 illustrating some of the main objections and some  
13 of the mapping of the applications within the  
14 community board. CB10 believes that future  
15 enlargements should adhere to as of right  
16 residential regulations proceed with the  
17 established relief offered by the way of BSA  
18 variance or provided under an alternative existing  
19 special permit ZR section 73-61. Community Board 10  
20 had an extensive public review process following  
21 its certification. We held a public hearing on June  
22 15<sup>th</sup>, 2016 with broad outreach and notification.  
23 This public notification included a 6,000-piece  
24 residential mailing, district-wide to those areas  
25 in which the section of the special permit has been

1 granted in the past. Notices were also sent to the  
2 local press, city record, community groups, civic  
3 associations, houses of warship, elected officials,  
4 prior applicants, as well as local real estate  
5 brokers, architects and land use attorneys. Over  
6 100 residents attended the public hearing with 19  
7 speakers, 15 speaking in support, two spoken  
8 opposition, one speaker asked a question, and one  
9 took no position. Residents were asked to indicate  
10 their position on the sign in sheet and all were in  
11 favor except for five residents. The Zoning and  
12 Land Use Committee presented its report to the  
13 general board at its duly publicized meeting held  
14 on June 20<sup>th</sup>, following the certification by the  
15 Department of City Planning the Zoning and Land Use  
16 Committee report noted the overwhelming support of  
17 all in attendance at the hearing reaffirming the  
18 application made by CB10. The chair, in agreement  
19 with the members of the board formerly submitted  
20 this testimony to the Department of City Planning  
21 to demonstrate the overwhelming community support  
22 for CB10's application to call Weisebroad, Director  
23 of New York City Planning. Today we are delighted  
24 to have received the unanimous support of the  
25

1 members of the city planning commission and  
2 appreciate the opportunity to present this to the  
3 New York City subcommittee on Land Use today. We  
4 welcome support from the broader city council and  
5 we welcome the opportunity to listen to public  
6 comments and answer any questions that you may have  
7 this morning. Thank you.

9 CHAIRPERSON RICHARDS: Thank you. And  
10 we'll ask Steven Harrison to go next since he's  
11 representing the community board. Just make sure  
12 you hit your button sir.

13 STEVEN HARRISON: Good morning. My name  
14 is Steven Harrison and I'm a lifelong citizen of  
15 Brooklyn and a resident of Community Board 10. I  
16 come here to speak in support. I'm a past chair of  
17 Community Board 10 and I have been the chair of a  
18 zoning and land use committee for more than 10  
19 years in total. I was a leading proponent during  
20 our long fight for rezoning in the early 2000s.  
21 I've long advocated for the elimination of the  
22 special permit before you. I believe it is the  
23 antithesis of good zoning and for that reason I  
24 heartily endorse Community Board 10's application  
25 now before you. The original driving concept behind

1 the special permit never really made much sense to  
2 me. The purpose was to allow young home owners who  
3 are already entrenched in their homes and  
4 communities to make modest non-conforming  
5 enlargements to accommodate growing families. But  
6 the only real restriction on the enlargement was  
7 that it conformed to community character. Community  
8 Character is in a... subjective term and it's  
9 undefined in the zoning resolution. It's the  
10 functional equivalent of saying that the  
11 enlargement should be beautiful or it should be  
12 gorgeous or it should be really neat looking. In  
13 short it means absolutely nothing. It has no effect  
14 what's so ever. And because it means nothing the  
15 Board of Standards and because it means nothing the  
16 Board of Standards and Appeals has never once  
17 applied that standard probably because they can't  
18 agree on what community character means any more  
19 than we can. It just grants all the applications  
20 essentially making it as of right. The result has  
21 been a bit bizarre in our community. The effect has  
22 not been to give a helping hand to growing families  
23 to allow them to stay in their homes through  
24 minimal zoning relief. Instead the effect has  
25



1 really been to nullify our... rezoning in the  
2 applicable zoning districts. What's the point  
3 requiring 34 foot yards in our main zoning if you  
4 can go to 20 feet just for asking under the special  
5 permit. Same with the floor area ratio. What's the  
6 point of an absolute limit in the principle zoning  
7 if you can bypass that just for the asking and  
8 remember the Board of Standards and Appeals has  
9 never said no to one of these special permits. So  
10 the people who have benefitted are not the  
11 struggling masses. The beneficiaries are those with  
12 ample means, those who simply want more luxurious  
13 accommodations. Now that's not wrong. The  
14 applicants are welcome in our community. They are  
15 productive members of our community and they are  
16 within their rights under this special permit but  
17 it's not what was intended when the permit was  
18 added to our zoning. And despite the hoops and the  
19 hollers of our neighbor... of the neighbors who are  
20 unfairly and unexpectedly have to have their light  
21 and air cut off we at Community Board 10 are  
22 powerless to stop it in the face of a non-adaptable  
23 BSA. There are other ways for enlargements but  
24 these devices as of right enlargements, variances,  
25

1  
2 and a variety of other special permits all come  
3 with very meaningful controls and restrictions. We  
4 will not miss this one out of control special  
5 permit. I thank you for your time.

6 CHAIRPERSON RICHARDS: Thank you for  
7 your testimony.

8 ROBERT CASSARA: Good morning Mr.  
9 Chairman, Council Members. I am Bobby Cassara, a  
10 lifelong resident of Dyker Heights and Bay Ridge  
11 and president of the Brooklyn Housing Preservation  
12 Alliance. On behalf of our offices I would like to  
13 state our support for Community Board 10's request  
14 for repeal of Community District ZR Section 73-622  
15 special permit. Bay Ridge and Dyker Height zoning  
16 is set up and designed to protect the character and  
17 charm of our community. In mid-2000s the community  
18 board along with its elected officials lobbied the  
19 city to downzone CB10 because of the as of right  
20 abuses that we saw happening to our community.  
21 Single family homes were being torn down and  
22 replaced with much larger out of scale and out of  
23 character multi-family buildings. We work  
24 successful an agreement was reached with the city  
25 and most of our community was downzoned. Based on

1 what I have learned there have not been that many  
2 requests, approximately 20 for home enlargement in  
3 Community Board 10 and just a few have been given  
4 permission to increase the size of buildings in our  
5 community by the community board. However, in spite  
6 of our, in spite of our community board's diligence  
7 in safeguarding the community the Board of  
8 Standards and Appeals proved all applications  
9 despite instances where the Community Board 10  
10 members raised objections that the expansion  
11 projects did not conform to the intentions of the  
12 statute and adversely affected community character.  
13 In many of these cases where ZR73-622 permit  
14 applications were approved the result is that it  
15 doesn't reflect the initial intent of the special  
16 permit but resulted in many... excuse me, many  
17 enlargements, applications for luxury expansions,  
18 speculative purchases or legalizations. Now we are  
19 faced with still another and even greater  
20 challenge. Our community is under siege by  
21 unscrupulous developers and investors who are  
22 illegally converting our predominately one and two  
23 family residence into SROs. This in turn is causing  
24 overcrowding of our schools, 170%, health hazards,  
25

1 strains on our sanitation services, and risks to  
2 our first responders. These developers are  
3 illegally converting them under our very noses and  
4 those of the Department of Buildings. The DOB  
5 should be preventing this illegal behavior but they  
6 and other agencies have been unable to stop it. If  
7 left unchecked in time it will break our zoning.  
8 The developers and investors will seek to enlarge  
9 their property in order to make SROs that contain  
10 even more units. I fear that the special permit ZR  
11 Section 73-622 will only give these opportunists  
12 the as of right ability to cause even more  
13 destruction to our community thus changing its very  
14 character for good and eliminate the reasons why so  
15 many of us for so long have called this place home.  
16 Once the tipping point is reached our community  
17 will be changed forever and will not be a place  
18 that any of us recognize or wish to continue to  
19 live in. ...I support our Councilman, Vincent  
20 Gentile, and our community board's request for the  
21 special permit 73622 to be rescinded. Thank you  
22 very much.

23  
24 CHAIRPERSON RICHARDS: Thank you. Jordan  
25 you'll go last.

MATTHEW KUCERA: Good morning everyone.

It's a pleasure to be here. I'm Matt Kucera. I'll be providing testimony for Fran Vella-Marrone, President of the Dyker Heights Civic Association. On behalf of the officers and members of the Dyker Heights Civic Association I would like to state our support for Community Board 10's request for appeal of Community District 10 from ZR Section 7362 special permit. In 2005 and 2007 Barrage and Dyker Heights sought and successfully obtained contextual zoning in order to stop and prevent further increase in density which was having an adverse effect on the character and stability of these communities. The Dyker Height's Civic Association was proud to play a role in support of this effort. Once again we are lending our voice to a zoning matter affecting our community. The special permit ZR73622 was originally approved by Community Board 10 in 1997 in an effort to accommodate growing families so that they would not have to leave the community because their family had increased and their home no longer afforded them the space they needed. However, over the years the special permit has been abused and used instead for luxury

1 expansions, speculative purchases or legalizations.

2 Each special permit request that came before

3 community board 10 was reviewed individually on its

4 merits. In some cases, the community board approved

5 the applications and in some cases they were not

6 approved. However regardless of the recommendations

7 of the community board the board of standards and

8 appeals had approved all the applications, ZR73622

9 mandates that the alterations made pursuant to the

10 special permit must be in line with the character

11 and nature of the surrounding area. Each time the

12 community board would state that the application

13 was not in compliance with the character of the

14 surrounding community and as such should not be

15 approved, the Board of Standards and Appeals would

16 approve it anyway. Which entity is more equipped to

17 judge the character of the community. I dare to say

18 that which is closest to it. In this case<sup>4</sup> that

19 would be the community board, not the Board of

20 Standards and Appeals. The Community Board

21 repeatedly asked the Board of Standards and Appeals

22 as well as the Department of City Planning for

23 their definition of community character but receive

24 no such definition. How can the Board of Standards

1  
2 and Appeals decide on community character if they  
3 are unable to provide a definition of such? Dyker  
4 Heights has been the victim of illegal home  
5 conversions that are draining city resources,  
6 strain the infrastructure creating substandard  
7 housing that is dangerous to inhabitants as well as  
8 the surrounding residents and altering the  
9 character of the community. This is an illegal end  
10 run around the contextual zoning that our community  
11 fought so hard to implement. In many cases the  
12 special permit has been used to increase density  
13 and legalize illegal conversions. We cannot afford  
14 to have this... ZR73622 was initially submitted to  
15 the Department...

16 CHAIRPERSON RICHARDS: Ask you to wrap  
17 up...

18 MATTHEW KUCERA: ZR73622 was initially  
19 submitted to the Department of City Planning for  
20 application citywide but ultimately limited to  
21 seven zoning districts. They were Brooklyn  
22 Community Districts 10, 11, 12, 14, 15, and Staten  
23 Island Community Districts 1 and 2. The Staten  
24 Island Districts were ultimately removed from  
25 consideration leaving only the aforementioned

1  
2 Brooklyn community districts applicable. It seems  
3 to me that initially the zoning resolution was not  
4 viewed in a positive light otherwise it would have  
5 been implemented citywide with other communities  
6 asking for it. It is also important to note that in  
7 2000 the city planning commission approved the  
8 removal of Brooklyn Community District 12 from  
9 applicability and thus Community Board 10's request  
10 is not without precedence. Other options will still  
11 exist for those who wish to expand beyond what is  
12 as of right which are available citywide such as a  
13 varying score special permit under ZR7361. It is  
14 important to note that ZR73621. It is important to  
15 note that ZR73621 limits additions to no larger  
16 than 10% which can be seen as a more reasonable  
17 expansion.

18 CHAIRPERSON RICHARDS: I'm going to ask  
19 you to wrap up Sir.

20 MATTHEW KUCERA: Yes. Community Board  
21 10's initial support of the ZR73622 1997 was with  
22 the understanding that it was to be used for modest  
23 expansions for families who wanted to remain in the  
24 community and that the city's mandate that all  
25 alterations made under the provisions of the



1 special permit must be in line with the character  
2 and that the nature of the surrounding area would  
3 protect and maintain the character of the  
4 community. However, due to abuse, lack of  
5 definition of a community character in the Board of  
6 Standards and Appeals complete lack of regard for  
7 Community Board 10's recommendations is time for  
8 the removal Brooklyn Community District 10 from  
9 ZR73622. Thank you.

11 CHAIRPERSON RICHARDS: Thank you. Yes,  
12 ma'am.

13 VICTORIA HOFMO: Good morning. I'm  
14 Victoria Hofmo. I'm the founder of the Bay Ridge  
15 Conservancy and as to revoking the special permit  
16 in Community District 10 all I can say is  
17 Hallelujah it is about time. In 1997 when the New  
18 York City Planning Department offered each  
19 community district the opportunity to vote on the  
20 special permit text amendment I spoke at an  
21 opposition on behalf of the BRC. The board's  
22 intentions were good as I wanted residents to be  
23 able to make minor alterations such as bumping out  
24 a kitchen and to encourage homeowner stability. But  
25 the VRC was still concerned that it would be

1  
2 misused. And as we feared that is exactly what has  
3 happened. Since that time, we have been trying to  
4 have a special permit result. I have been at the  
5 Board of Standards and Appeals close to a dozen  
6 times trying to prevent onerous construction  
7 projects that far exceed minor alterations and have  
8 instead change the entire shape, bulk, and  
9 character of a home and a block. One can only  
10 object to these proposed alterations in terms of  
11 criteria set by the zoning resolution which is  
12 solely based on character inappropriateness. So I  
13 took many many pictures to prove the point but this  
14 did not work also. The last time I went to testify  
15 at BSA was 213 on behalf of Mr. Zwalsh [sp?].  
16 Councilman Gentile, CB10 Chair Josephine Beckmann,  
17 and many residents were there to support Mrs.  
18 Walsh. Unbeknownst to us there was another group  
19 from Dyker Heights testify yet another special  
20 permit application in opposition. To our surprise  
21 the estate Chair Srinivasan suggested that we  
22 revoke the special permit. Since we were testifying  
23 against so many applications. And I concur with the  
24 commissioner. Since the implementation of the  
25 special permit far exceeds what CB10... expected it

1 needs to be revoked. And since a special permit is  
2 being used in projects that are in conflict with  
3 our rezoning thus weakening our contextual zoning  
4 it needs to be revoked. And since the CTs... sorry  
5 621 special permit already allows for minor  
6 alterations thus fulfilling CB10's original reason  
7 for voting for special permit it needs to be  
8 revoked. The Bay Ridge Conservancy as well as the  
9 majority of our community realized that the special  
10 permit is not in the community's best interest and  
11 that we should follow the advice of former Chairman  
12 Srinivasan to revoke it. We ask that this committee  
13 support that decision. Thank you.

14  
15 CHAIRPERSON RICHARDS: Thank you. Mr.  
16 Moss. Stand on this side of the table during this  
17 discussion.

18 JORDAN MOSS: So I... I'm here on behalf  
19 of... really on behalf of just several home owners.  
20 I've been involved in this process for a long time  
21 sort of following along with Community Board 10.  
22 While as a land use practitioner we will of course  
23 miss the 73-622 special permit's applicability in  
24 community board 10. But really what I'm here today  
25 is, is express you know that we're grateful for the

1 vesting provision that appears to not be included  
2 which will allow several parties, home owners in  
3 CB10 to continue in good faith to pursue their  
4 respective special permit actions which were  
5 commenced long before public awareness of the  
6 contemplated removal of the special permit from its  
7 applicability in CB10. So that's really... we're here  
8 to just express our gratefulness and thanks to  
9 Councilman Gentile's Office and CB10 for their  
10 general openness and receptiveness to the  
11 grandfathering provision or vesting provision that  
12 seems to be, that should be in place shortly.

14 CHAIRPERSON RICHARDS: Thank you. We're  
15 going to get you to agree with us that everything  
16 should be downzoned in New York City one day.  
17 You're getting closer.

18 JORDAN MOSS: ...how I get to bear the  
19 burden but okay.

20 CHAIRPERSON RICHARDS: We've had our fun  
21 in the past. That's why I can say that he's a  
22 friend and I don't want to think... Just... I don't  
23 know if Vincent has any questions. Just one  
24 question. So how many... and this is for the district  
25 manager of Community Board 10. How many

1 applications would, would you say have come through  
2 for the special permit over your tenor at the  
3 community board? And how many of them were  
4 approved...

5 JOSEPHINE BECKMANN: Over...

6 CHAIRPERSON RICHARDS: ...at the...

7 JOSEPHINE BECKMANN: Since its adoption  
8 about 21 since I've been district manager I would  
9 say about seven or eight.  
10

11 CHAIRPERSON RICHARDS: Seven eight have  
12 been approved out of the...

13 JOSEPHINE BECKMANN: Oh I'm sorry 21...

14 CHAIRPERSON RICHARDS: Oh since you've  
15 been district manager...

16 JOSEPHINE BECKMANN: ...since I've been  
17 district manager.

18 CHAIRPERSON RICHARDS: Okay.

19 JOSEPHINE BECKMANN: 21 in total. And  
20 half were approved. About 10 were approved and 11  
21 disapproved.

22 COUNCIL MEMBER GENTILE: Okay. But BSA  
23 approved all of...

24 JOSEPHINE BECKMANN: But BSA approved  
25 all.

CHAIRPERSON RICHARDS: Right.

COUNCIL MEMBER GENTILE: Okay great.

JOSEPHINE BECKMANN: Thank you.

CHAIRPERSON RICHARDS: And Council Member Reynoso. Also I just want to acknowledge we've been joined by Council Member Garodnick and I know Wills popped in here for a second.

COUNCIL MEMBER REYNOSO: Hi. Thank you guys so much for your testimony today. It's good to see the community out here you know doing what they can to, to make sure that their voices can be heard. For how long was the BSA approving these applications after you guys found out that they were being improperly used.

JOSEPHINE BECKMANN: Yeah, I mean it's been about yeah, 19 years.

COUNCIL MEMBER REYNOSO: 19 years, okay. So for 19 years BSA approved all community board contended applications regarding this... [cross-talk]

JOSEPHINE BECKMANN: Yes.

COUNCIL MEMBER REYNOSO: Okay, so it seems like the systems that are in place are limiting community input but also in this case CB10 was left to move forward with a process whose

1  
2 outcome was already determined long before they're  
3 participating in it.

4 JOSEPHINE BECKMANN: Yeah.

5 COUNCIL MEMBER REYNOSO: It seems like  
6 the city of New York has processes in place that  
7 make it so that your voices are not valuable. And  
8 those processes sometimes take 19 years to rectify.  
9 And we have to be very careful about what we're  
10 doing as a city when we're discouraging those  
11 voices from mattering or being heard and actually  
12 allowing for developers to move forward as they see  
13 fit because of bad processes. It's something that I  
14 think should really be a thing we talk about here  
15 in this division or in this committee where  
16 processes continue to damper the comments I guess  
17 or the voices of the communities. But thank you  
18 guys so much for being here and I'm going to be  
19 supporting your, your request 100... [cross-talk]

20 JOSEPHINE BECKMANN: Thank you  
21 Councilman... [cross-talk]

22 CHAIRPERSON RICHARDS: Well I'll just  
23 add to that. And we're going to be looking... I know  
24 the Council in particular is definitely going to be  
25 taking a closer look at the BSA. Eventually we have

1 a huge interest in doing that and I think you know  
2 unfortunately today a lot of damage has been done  
3 but we're here to rectify that thanks to the work  
4 of Councilmember Gentile and the new city council  
5 who's really looking at these things a little bit  
6 further. So I'll go to Chair Greenfield who had  
7 some questions.

9 COUNCIL MEMBER GREENFIELD: Thank you  
10 very much. I, I want to thank all of you for coming  
11 out here and for your testimony today. I think this  
12 is in fact what we do in the city so well,  
13 especially in the city council which is we do  
14 contextual zoning by neighborhood and different  
15 neighborhoods, different needs. And obviously your  
16 needs are different. I, I don't... You know I'm  
17 always happy to beat up on the BSA but I do just  
18 want to get some clarity on, on, on the issues. I  
19 think it is important. The 21, so there are 21  
20 applications over 19 years that were approved. Is  
21 that correct?

22 JOSEPHINE BECKMANN: Correct.

23 COUNCIL MEMBER GREENFIELD: Okay. And  
24 the feedback that you gave, none of it was  
25 considered? Or it was just that it was approved, it



1 was approved regardless in the end? I just... for  
2 clarity's sake I'm just trying to understand.

3 JOSEPHINE BECKMANN: Yeah, well  
4 oppositions were based on community character and,  
5 and that is not defined in the zoning text.

6 COUNCIL MEMBER GREENFIELD: Sure.

7 JOSEPHINE BECKMANN: But yet it's  
8 written in this section as a, it's mentioned within  
9 the specific section. It mentions community  
10 character. And sadly because it wasn't defined the  
11 BSA whenever I went to testify essentially told us  
12 that because it's not defined it was not being  
13 considered and, and pretty much the applications  
14 were all treated as as of right applications. And  
15 no consideration of what the community board.  
16 Again, we didn't receive 21 applications and we  
17 looked at each individual application individually  
18 and objected to half. And not once was that every  
19 considered by the Board of Standards and Appeals so  
20 no.

21 COUNCIL MEMBER GREENFIELD: My question  
22 I guess then is were, were the applications  
23 tweaked? Because I know that in many cases the  
24 Board of Standards and Appeal will, will take some  
25

1 of the recommendations right. The community boards  
2 have recommendations but to be fair ultimately it  
3 is at the decision of the Board of Standards and  
4 Appeal. That's the way the legislation is actually  
5 written. So I don't want... and I, I know for those,  
6 those folks who serve with me, they know, I'm going  
7 to sound like a broken record but I don't want  
8 folks at home to think that somehow the BSA was  
9 subverting the law. The law is that the cap.. the  
10 community boards get advisory recommendations. My  
11 question is that the Board of Standards and  
12 Appeals, did they actually tweak any of those 21  
13 applications or were they all approved exactly as  
14 they were originally submitted.

16 JOSEPHINE BECKMANN: No. They, they were  
17 approved as submitted. If there was any tweaking  
18 that took place it was prior to submission and, and  
19 the majority that I worked on I could, I could  
20 share with you if the applicant was willing to make  
21 some changes at our recommendation sometimes they  
22 were small but most of the time that was not the  
23 case. And in the later years it, it really didn't  
24 have to be done because they knew at the end the  
25 BSA would support it. And pretty much you know

1 that, that was the message that was sent to us at  
2 the board.

3  
4 COUNCIL MEMBER GREENFIELD: Great. So I  
5 want to thank you for coming out here today. I did,  
6 I did just want to clarify which I think is  
7 important does not to beat up on the BSA that the  
8 way the special permit was written essentially  
9 granted a special permit if you met certain  
10 criteria and therefore the BSA was doing that. And  
11 clearly in New York community that doesn't make  
12 sense considering that you've downzoned your  
13 neighborhood twice over the last 10 or so years and  
14 you obviously want a different character. And so  
15 this is an old vestige that just hasn't caught up  
16 with the recent rezonings. But in other  
17 neighborhoods for example I know that the special  
18 permits are very popular. And so I just wanted to  
19 clarify that point and certainly I want to, I don't  
20 want to beat up on an agency even though as the  
21 chair pointed out we're probably going to beat up  
22 on them in future hearings but on this particular  
23 point the law was, was clear in this case that if  
24 you met those criterias they gave you the special  
25 permit. But I do want to recognize the work that

1  
2 you've done and I want to tell you that it's, it's  
3 extraordinary and if not for Council Member  
4 Gentile's steadfast, steadfast encouragement and  
5 hard work on this we wouldn't be making this change  
6 today. And so I want to congratulate you for your  
7 advocacy and I, I think the system works in the end  
8 when we're able to make the necessary changes. So  
9 thank you all and congratulations.

10 JOSEPHINE BECKMANN: Thank you  
11 Councilman Greenfield.

12 CHAIRPERSON RICHARDS: Thank you.  
13 Alrighty, thank you all for your testimony. Are  
14 there any other members of the public who wish to  
15 testify on this issue? Alrighty, seeing none we  
16 will now close the public hearing on Land Use  
17 number 489. Thank you for your testimony everyone.  
18 We will now move on to Land Use Item number 477 and  
19 478; an application for a zoning special permit and  
20 related zoning text amendment to allow for a... or  
21 street parking garage on the ground floor of a  
22 proposed mixed use development. This application is  
23 located in Council Member Johnson's district and I  
24 will now open the public hearing for Land Use  
25 numbers 477 and 478. And we'll call... at this time

1 call, Colin Leary Ironstate Development, David West  
2 Architects Ironstate, Darata, I'm going to mess up  
3 your last name so Ironstate Development Developer,  
4 Michael Barry Ironstate, and also Nancy Dome, Doom,  
5 DHB.  
6

7 MICHAEL BARRY: Good morning. Should I,  
8 should I begin?

9 CHAIRPERSON RICHARDS: And before you  
10 testify you can just say who you are and who you're  
11 representing on the record, anyone who's going to  
12 speak.

13 MICHAEL BARRY: Absolutely.

14 CHAIRPERSON RICHARDS: Thank you.

15 MICHAEL BARRY: Just wanted to make sure  
16 we're ready to start. So good morning. Thank you.  
17 I'm here today on behalf of 217 West 29<sup>th</sup> Street. I  
18 am Michael Barry. I'm the Founder and Principal of  
19 Ironstate Development with offices here in  
20 Manhattan at 110 Green Street. Ironstate  
21 Development, my company, is a developer of  
22 residential, mixed use, and hospitality projects in  
23 New York City in both Manhattan, Brooklyn, and  
24 Staten Island, and also northern New Jersey. We  
25 develop mixed use residential projects including

1 residences with retail, with hospitality, and those  
2 residential projects include both market rate  
3 housing and affordable housing. Recent developments  
4 include here in Manhattan 10 Bond Street, 71 Reed  
5 Street, 211 East 13<sup>th</sup> Street, 200 East 39<sup>th</sup> Street,  
6 and 210 East 39<sup>th</sup> Street, the last two being  
7 apartment buildings recently constructed with 80/20  
8 both market rate<sup>3</sup> and affordable residential units,  
9 apartment units. Those two projects combined were  
10 150 units with 30 units of affordable. In Brooklyn  
11 I have a hotel nearing completion; 626 Driggs  
12 corner of Metropolitan and Driggs. In Staten Island  
13 a large scale multi-family mixed use project  
14 including 571 apartment units, again 80/20. 476 of  
15 those are market rate and it's 115 affordable in  
16 that particular project. Today we're here to  
17 discuss 217 221 West 29<sup>th</sup> Street. It's a 79,000  
18 square foot, 21 story, mixed use building currently  
19 under construction on 29<sup>th</sup> Street between 7<sup>th</sup> and 8<sup>th</sup>  
20 Avenues. It includes 721 square feet of retail on  
21 29<sup>th</sup> Street. It also includes 95 apartment units.  
22 Again it's an 80/20 building. That means 76 market  
23 rate units, 19 affordable units. That is under the  
24 421A tax abatement program. It also includes  
25

1 inclusionary housing so the units are affordable  
2 for the near term and affordable for in perpetuity,  
3 the life of project. This project has within it a  
4 45 space parking garage. That's what we're here to  
5 discuss today. 19 spaces as of right. It's a lot  
6 that, a surface lot that dates back to the 60s with  
7 a New York Department of Community Affairs,  
8 approval for 48 spaces previously before we started  
9 construction, 48 spaces on this particular lot and  
10 our application is for 45 spaces on that site in a  
11 attended sublevel parking garage structure. Just  
12 one second. As you see the site is on 29<sup>th</sup> Street  
13 bound by 7<sup>th</sup> and 8<sup>th</sup> Avenues. Its frontage is 69  
14 feet and 10 inches, just shy of 70 feet. The, the  
15 building is located mid-block as you can see. It's  
16 been designed by the New York firm of Goldstein,  
17 Hill, and West. I have with me today our  
18 architects, environmental consultants, and, and of  
19 course our lawyer to answer any questions that  
20 might come up... or, or any of the other more  
21 technical questions. With respect I'll just finish  
22 on the surface parking. I think I, I, I mentioned  
23 most of it though. It was a surface parking lot  
24 dating back to the 60s. The current operator, I'm

1  
2 sorry the prior operator will also be the future  
3 operator, Little Man Parking, and they own and  
4 operate roughly 22 garages throughout the, the  
5 region. With respect to the technicalities of what  
6 we're here for I'm going to turn it over now to  
7 Deirdre Carson.

8 DEIRDRE CARSON: Good afternoon Mr.  
9 Chairman and members of the committee. I'm Deirdre  
10 Carson from Greenberg Traurig and we are the Land  
11 Use attorneys for Ironstate on this application. As  
12 Michael's described in some detail for you the  
13 first of the two actions actually that we're here  
14 to discuss with you today is a proposed special  
15 permit to increase the permitted number of  
16 accessory parking spaces on this site from the 19  
17 that's as of right to a total of 45. The addition  
18 would be 26 spaces. We were, as we went through the  
19 approval process the community board did vote in  
20 favor of this application. The city planning  
21 commission of course approved it as well. The  
22 conditions on this block are somewhat unique in  
23 that there were historically four parking lots  
24 accessible on 28<sup>th</sup> Street. All of them have been  
25 taken out of service or are being taken out of



1 service. And in one case replacement parking will  
2 be provided but not at the level that it was  
3 previously provided. And in the case of our lot we  
4 have some historical data that was included in the  
5 study done of the, of the district when the M16D  
6 district was created in 19, in 2011 and that showed  
7 that we had a very high utilization rate and that  
8 up to 50, and according to our operator up to 50  
9 percent of the spaces have historically been used  
10 by monthly parkers. It's the very same population  
11 that we're proposing to serve in the garage that we  
12 propose for this location. The net loss of spaces  
13 on the block is in the vicinity of 290 spaces as a  
14 result of the various elements of construction that  
15 have gone on. And we believe that adding back the  
16 26 that this application seeks will provide a  
17 service to the community and the community board's  
18 resolution in favor recognized that fact. The  
19 second action that we're talking about is a zoning  
20 text amendment. This is LU480 and this is a text  
21 amendment that would authorize the modification of  
22 the streetscape text in the M160 district that was  
23 created in 2011. That text requires that 50 percent  
24 of the frontage of a building within the district  
25

1 having a frontage greater than 50 feet be, be  
2 provided in certain retail uses. What we discovered  
3 and what city planning agreed with us was  
4 problematic was that if you were going to have  
5 parking in a building that was less than 75 feet in  
6 frontage you couldn't accommodate parking and all  
7 of the retail use that was required by the  
8 streetscape requirements and a reasonably adequate  
9 residential lobby. So these design constraints have  
10 then been formulated into a new text that allows  
11 the commission to wave or modify the requirements  
12 in the case of buildings having frontage between 50  
13 and 75 feet. That was a very small population of  
14 buildings in the M160 district. In fact, we  
15 identified only three sites where that was a  
16 potential problem, ours being one of them. That's  
17 never a guarantee that that's how it's going to  
18 play out but that was what the study showed at the  
19 time we initiated this application. Without the  
20 exemption that we're seeking here the lobby, the  
21 residential lobby for this project would have to  
22 be... I think we can move on... the residential lobby  
23 would have to be significantly reduced so that it  
24 would only be four to five feet in width, and, to  
25

1 still be able to accommodate the parking. And the  
2 parking, city planning has said, was not intended  
3 to be excluded from the district, it was intended  
4 that it would be permitted and in this case in  
5 order to accommodate the various uses the  
6 modification of the streetscape would be necessary.  
7 And we believe that the frontage that's remaining  
8 would be perfectly adequate to house a vibrant and  
9 vital contribution to the neighborhood. Our survey  
10 indicated that retail and, and similar uses that  
11 were part of the life of the street within the M160  
12 district were a, consisted in large measure of  
13 street fronts or store fronts that were only 26  
14 feet or less in width. So that's not characteristic  
15 of everything in the district but it was  
16 characteristic of much in the district. Partly  
17 that's a function for the fact that these are side  
18 streets. They've not characteristically been  
19 historically high demand retail streets. And so  
20 that many of the establishments that seek to locate  
21 there are not looking for the larger type of retail  
22 facility.

23  
24 CHAIRPERSON RICHARDS: Okay well... We're  
25 going to ask you to just wrap it up.

2 DEIRDRE CARSON: Okay, thank you. Would  
3 you get... go to the... So that's, those are the  
4 actions that we're seeking today. There was a, an  
5 authorization. When city planning approved the text  
6 it also approved an authorization for this  
7 building. We appreciate the opportunity to present  
8 this material to you today. We do have some  
9 pictures of renderings of the proposed frontage so  
10 that... why don't you go to the next one...

11 CHAIRPERSON RICHARDS: Well I want to  
12 commend you for a good project; retail, affordable  
13 housing which is very important to this council,  
14 and also for really addressing the parking issue  
15 being that it was a parking garage and, and, and  
16 serving the community. You know. So I think that  
17 this is, is a great model of a good project that  
18 Council Member Johnson obviously supports and we  
19 look forward to voting on it. So I want to thank  
20 you. If there are no questions from my colleagues...  
21 I just want to say we've been joined by Council  
22 Member Williams and also Wills. But thank you.

23 DEIRDRE CARSON: Thank you very much.

24 CHAIRPERSON RICHARDS: Thank you. Are  
25 there any other...

2 MICHAEL BARRY: Thank you.

3 CHAIRPERSON RICHARDS: ...members of the  
4 public here who wish to testify on this issue.  
5 Alright, seeing none we will now close the hearing  
6 on Land Use items 477 and 478. We will now move  
7 onto Land Use numbers 480 and 481, an application  
8 for a zoning map amendment and related zoning text  
9 amendment to facilitate the development of a four  
10 story hotel in Council Member Ulrich's district.  
11 The rezoning action would establish an R6A/C25  
12 zoning district in place of the existing RFIB/C1-3  
13 district to allow for an increase of commercial  
14 floor area to facilitate hotel development. The  
15 text amendment would apply the MIH program to the  
16 site to ensure affordable housing is provided in  
17 the event the site is developed as residential.  
18 Council Member Ulrich supports, approves of this  
19 application. I will now open the public hearing for  
20 Land Use numbers 480 and 481. Dan Trubridy from the  
21 Rockaways. And so we'll ask everyone to identify  
22 themselves and I'm sorry to hear about the  
23 emergency... [cross-talk]

24 LISA ORRANTIA: Good morning. Lisa  
25 Orrantia from Akerman LLP.

CHAIRPERSON RICHARDS: If you can just pull your mic closer.

LISA ORRANTIA: Lisa Orrantia from Akerman LLP, Land Use Counsel to the applicant. The applicant proposes to rezone the project area from an existing R5B with C13 overlay to a R6A C25, district to facilitate the construction of a boutique hotel. The proposed action includes a text amendment to designate the rezoning area as an MIH designated area and the existing C13 Commercial Overlay does not permit a hotel use as of right. The community has expressed support for this application and we're happy to answer any questions you may have.

DAN TUBRIDY: Dan Tubridy representing In Good Company Hospitality and the Rockaway Beach Hotel LLC.

CHAIRPERSON RICHARDS: Great. So thank you Dan and you're a valued member of the Rockaways. And then we certainly appreciate you doing something innovative to really bring new commercial opportunities to the peninsula. Can you just speak on parking quick and what's your strategy around parking?

1 DAN TUBRIDY: The plan...

2 CHAIRPERSON RICHARDS: Because that  
3 seems to always be an issue.

4 DAN TUBRIDY: The plan right now is to  
5 have parking underneath because we're going to have  
6 to raise it for the flood zones. I'm not much on  
7 the development, I'm more on the operations but I  
8 believe there's 23 parking spots as of now with the  
9 hopes of potentially getting stackers to increase  
10 that.

11 CHAIRPERSON RICHARDS: And were there  
12 any concerns raised with the community board on  
13 this.

14 DAN TUBRIDY: Just hurry up and do it.

15 CHAIRPERSON RICHARDS: Say it again?

16 DAN TUBRIDY: No concerns, just hurry up  
17 and get it done.

18 CHAIRPERSON RICHARDS: That is unique  
19 for a community board to...

20 DAN TUBRIDY: Yes.

21 CHAIRPERSON RICHARDS: Okay. Alrighty  
22 we're going to go to Council Member Williams who  
23 has a question in particular on this. But I want to  
24 congratulate you on a good project and you're a  
25

1  
2 Rockaway Resident and I know Eric definitely is  
3 happy to see this happen.

4 DAN TUBRIDY: Thank you.

5 CHAIRPERSON RICHARDS: Council Member  
6 Williams.

7 COUNCIL MEMBER WILLIAMS: Thank you Mr.  
8 Chair. I just want to know what, what was on the  
9 site beforehand?

10 DAN TUBRIDY: Right now on the site  
11 there's a, an abandoned building since Sandy. It  
12 was a, it was a restaurant and bar about 25 years  
13 ago and then there were... I guess it was an SRO but  
14 it's been abandoned since Hurricane Sandy so it's  
15 just a, a real disgusting building that people want  
16 torn down.

17 COUNCIL MEMBER WILLIAMS: Before... before  
18 Sandy there were people living there?

19 DAN TUBRIDY: There were I believe three  
20 people in, in single rooms that, yeah that haven't  
21 been there because the building hasn't been fixed.

22 COUNCIL MEMBER WILLIAMS: Was it used as  
23 an SRO before, beforehand?

24 DAN TUBRIDY: I don't, I don't... I really  
25 don't know to be honest with you. Wasn't, it was



1 really just vacant and used as a storage facility  
2 for the, the owner.

3  
4 COUNCIL MEMBER WILLIAMS: And this is  
5 just going to be pure hotel. There's going to be no  
6 apartment, no living spaces?

7 DAN TUBRIDY: Pure hotel. It's a small  
8 boutique 33 room hotel that just is going to I  
9 believe help revitalize that area and give a space  
10 for people to utilize the beachfront of New York  
11 City really that is very underutilized right now.

12 COUNCIL MEMBER WILLIAMS: Thank you.

13 DAN TUBRIDY: Thank you.

14 CHAIRPERSON RICHARDS: And just getting  
15 on the local hiring piece, what organization will  
16 you be working with? I know that there's  
17 opportunity for construction jobs so what...

18 DAN TUBRIDY: Yeah, well it's going to  
19 be an open bid thing... process for the developers. I  
20 really am not part of that. I just...

21 CHAIRPERSON RICHARDS: So...

22 DAN TUBRIDY: Go ahead.

23 CHAIRPERSON RICHARDS: So I'll just add  
24 there's a Workforce 1 Center, a new Workforce 1  
25 Center we opened up in Rockaways so it'd be great

1 if we could sort of figure out a way to work with  
2 them to ensure that local people are actually...

3  
4 DAN TUBRIDY: Absolutely.

5 CHAIRPERSON RICHARDS: ...getting hired on  
6 this project.

7 DAN TUBRIDY: We're designing this just  
8 for the community to, to work, to work after we're  
9 open. This is, this is all about the betterment of  
10 Rockaway.

11 CHAIRPERSON RICHARDS: Okay. So I look  
12 forward to continued conversation on that..

13 DAN TUBRIDY: As do I.

14 CHAIRPERSON RICHARDS: Council Member  
15 Wills.

16 COUNCIL MEMBER WILLS: Good morning. I  
17 want to ask a couple of questions and I don't want  
18 this to be something personal towards you. But  
19 there has been a proliferation of smaller hotels in  
20 Southeast Queens. And if this question was already  
21 asked I was outside having a conversation with  
22 Council Member Miller, I mean Williams, so I might  
23 have missed it. And the communities in Southeast  
24 Queens are beginning to have a justified fear that  
25 these smaller hotels that are being built will then

1  
2 be used as shelters if they can't make their market  
3 place. So what I wanted to know is what are, what  
4 do you, what are you saying towards that? Because  
5 Far Rockaway is becoming extremely attractive  
6 because of the work of Council Member Donovan  
7 Richards. He's done tremendous work out there and  
8 we notice it becoming an economic boom area. So  
9 what would that, what would stop this from becoming  
10 a shelter?

11 DAN TUBRIDY: I live in the area as  
12 opposed to many of the other developers. I live one  
13 mile from this location. I have another business 18  
14 blocks away. I want to be able to live there the  
15 rest of my life. I, I, we, we cannot do that. That,  
16 that's absolutely never going happen in this  
17 location. I have enough family to turn this into a  
18 beach club for us if we have to do it that way.  
19 That's a concern and that's an understandable  
20 concern but the, the way we can do this is, is how  
21 we operate our restaurant. We go from 120 employees  
22 in the summer to roughly 25. You have to deal with  
23 the seasonality. I've dealt with the seasonality  
24 for the last 10 years as an operator. And to, to,  
25 to make it profitable we need to really crush it in

1 the summer. And with the ferry service being one  
2 block away, the beach being the other block away  
3 we're, we're in prime location to really succeed  
4 there.

5  
6 COUNCIL MEMBER WILLS: Okay thank you  
7 very much.

8 CHAIRPERSON RICHARDS: Well I want to  
9 thank you and the Tubridy Family is a very... is a  
10 valued family in the Rockaways. And to those who  
11 knew what this site was before, in particular for  
12 those who are from Rockaway who actually know what  
13 the, the abandonment and the particular housing  
14 even if they were... hope that those people found  
15 living space but to, to live in those conditions  
16 was something that they did not deserve. And, and  
17 with the housing boom we're having out in the  
18 Rockaways we certainly look forward to working to  
19 ensure that those families find a place. But I just  
20 want to put on the record that you're a trusted  
21 member of the community and the community board  
22 would never approve a hotel in Rockaway if they did  
23 not trust you. Anybody who knows community board  
24 14... So thank you for cleaning up the blight in  
25 particular in this particular neighborhood.

1 DAN TUBRIDY: Thank you.

2 CHAIRPERSON RICHARDS: And we look  
3 forward to...

4 DAN TUBRIDY: Working...

5 CHAIRPERSON RICHARDS: God willing I'll  
6 come hop in the pool one time.

7 DAN TUBRIDY: Yes, please do.

8 CHAIRPERSON RICHARDS: Alrighty Thank  
9 you Mr. Tubridy. Thank you.

10 DAN TUBRIDY: Thank you everyone.

11 CHAIRPERSON RICHARDS: Alrighty are  
12 there any members here from the public who wish to  
13 testify on this issue? Alright, if not we will now  
14 close the public hearing on Land Use number 480 and  
15 481 and we will now move on to a Land Use to a LA,  
16 to LU 490, an application for a zoning map  
17 amendment to extend an existing C15 Commercial  
18 Overlay in order to legalize an existing  
19 supermarket. This application is located in the  
20 Speaker's district and she supports approval. I  
21 will now open the public hearing for Land Use Item  
22 number 490 and we'll have Richard Lobel come up and  
23 Azam Mohammad from 1966 2<sup>nd</sup> Avenue, 2<sup>nd</sup> Avenue  
24 Realty LLC, 1968, I'm sorry.

RICHARD LOBEL: Chair Richards, Council Members, good morning. Again, my name is Richard Lobel. I'm from the Lawfirm of Sheldon Lobel PC. I'm joined today by Azam Mohammad who is a member of the Ownership Group of 1968 2<sup>nd</sup> Avenue. And quite simply what we have here is a well supported application for what amounts to a minor rezoning but will result in a, a huge change for this community or more specifically the ability to retain a supermarket which is heavily used by the local dense residential population. So the origin of this application, and again I'll do this very briefly considering the wide spread support that we have. But the origin of the application is that the owner inherited a building which was built without proper permits. They purchased this building in 2004/2005. And upon ownership of the building and inspection of the building they determine that there were two zoning nonconformance and noncompliances of the building. The building is used as a supermarket. It's a ground floor supermarket. It's a ground floor supermarket. It's within an R8A district. And although there is a commercial district overlaying 100 feet of the

1 property this district in order to legalize this  
2 building needs to be extended to 155 feet. So the  
3 two zoning nonconformance and noncompliances are  
4 such... first of all the use extends for the entirety  
5 of the 125-foot lot on the ground floor. And so the  
6 commercial use needs this zoning district boundary  
7 extension in order to legitimize that use. And  
8 second, there is a loading dock within a 25-foot-  
9 wide swath of the adjacent R7A district. So in  
10 order to allow this loading... to remain in the  
11 property the commercial district needs to be  
12 extended to such that it does not directly boarder  
13 the residential district. The community board voted  
14 overwhelmingly in favor of this application and  
15 community board 11 cited the fact that in this area  
16 with many housing projects in the area there was  
17 very few grocery stores. And in fact if you go and  
18 Azam tells me that from 96<sup>th</sup> Street to 125<sup>th</sup> Street  
19 on 2<sup>nd</sup> Avenue you will find no other grocery  
20 stores. This is well documented within the city for  
21 there was a study done by the Department of City  
22 Planning which looked at specifically fresh foods  
23 and the fresh foods initiative. And so there are in  
24 this area a shortage of these types of  
25

1 institutions. And of course the health benefits  
2 provided by fresh foods were cited in the study and  
3 this was cited as somewhat of a food desert in the  
4 inavailability of fresh produce, dairy, and other  
5 goods. So the community board did overwhelmingly  
6 approve us, the Manhattan Borough President did as  
7 well and the city planning commission approved this  
8 application as well. Again this is merely to move a  
9 C15 district overlay 55 feet. There will be no  
10 change in the bulk of the building that will be  
11 engendered by this zoning district boundary  
12 amendment and indeed the sole practical result of  
13 this will be to establish this grocery store which  
14 has already been at the site in various forms for  
15 the last 30 years and the local community hopes  
16 will remain here for many years more. And I'm happy  
17 to answer any specific questions.

18  
19 CHAIRPERSON RICHARDS: Thank you so  
20 much. And I, I think what you said is right on  
21 point. This community and many communities around  
22 the city are losing supermarkets and it's something  
23 that we're, we're certainly looking at. And are you  
24 a fresh site? Is this a fresh...



2 RICHARD LOBEL: It's not certified as a  
3 fresh site but would qualify likely given the, the  
4 square footage and the..

5 CHAIRPERSON RICHARDS: Okay. Okay I was  
6 going to tell you to look at that in particular.  
7 But I think... Are there any questions now? I don't  
8 think there are any questions on this so it's a no  
9 brainer.

10 RICHARD LOBEL: Thanks Chair. I want to  
11 hear that more often.

12 CHAIRPERSON RICHARDS: We want to keep  
13 supermarkets in Manhattan and in other places so  
14 thank you and thank you for your work for the local  
15 community.

16 RICHARD LOBEL: Thanks again.

17 CHAIRPERSON RICHARDS: Thank you. Any..  
18 Are there any other members of the public who wish  
19 to testify on this issue? Alrighty, seeing none I  
20 will now close the public hearing on Land Use  
21 number 490. We will now move onto Land Use items  
22 number 491 and 492; two zoning map amendments to  
23 facilitate the development of two sites with 27  
24 units of housing and 11,443 square feet of retail  
25 space. These actions would establish a C1-3

1 commercial overlay on both sites and change an  
2 existing R41 district to R5 on one of the sites. I  
3 will now open the public hearing for Land Use items  
4 number 491 and 492 and I'm very happy to see this  
5 application which is in my district. We're starting  
6 to see some development happening in the Rockaways  
7 so... Two, two actually applications today. Thank you  
8 just hit your mic.  
9

10 PAUL PREW: So we're here on behalf of  
11 Clayton Realty Associates, the owner of two  
12 properties identified on the maps here both of  
13 which are currently zoned residential. The...

14 CHAIRPERSON RICHARDS: Did you say your  
15 name on the record and your organization.

16 PAUL PREW: I did not sorry. This is  
17 Paul Prew from Holland and Knight on behalf of  
18 Clayton Realty Associates.

19 CHAIRPERSON RICHARDS: Alright. And pull  
20 your mic closer.

21 PAUL PREW: Thank you.

22 CHAIRPERSON RICHARDS: Alright, there  
23 you go.

24 PAUL PREW: So the proposed actions here  
25 are both to activate two vacant properties on

1  
2 Sieger Boulevard in the Rockaway Peninsula. And the  
3 zoning map amendments would specifically establish  
4 a C13 overlay on Block 15-620 on the left and a C13  
5 overlay and an increase from the R41 zoning to R5  
6 on block 15-784 on the left. The two actions were  
7 presented to the community board. The action on the  
8 left which is known as Fernside Boulevard for the  
9 cross street at Sieger was approved unanimously  
10 with letters of support from the Deer Field Civic  
11 Association and Assemblyman Phillip Goldfeder. The  
12 application on the left was also approved but only  
13 after a second meeting where we had a chance to  
14 reach out to community members to discuss some of  
15 their concerns relating specifically to quality of  
16 life issues, crime, graffiti, noise, trash,  
17 traffic, the type of things that people are  
18 concerned about when a residential district becomes  
19 commercial. Based on the applicant's history in the  
20 neighborhood and their long ownership of other  
21 commercial units in the neighborhood the community  
22 was convinced that this would be something they  
23 could work with. And we have also written letters  
24 to your office as you know Chair Richards  
25 committing to keep the community and some of the

1  
2 groups involved in that community up to date on our  
3 progress there. We've also recently committed to a  
4 local hiring practice for both sites and we'll have  
5 further documentation of that commitment for you  
6 shortly.

7 CHAIRPERSON RICHARDS: Thank you.

8 Alrighty, just a few questions. Just wanted to put  
9 this on the record for those who may be watching in  
10 the Rockaways. So can you just go through the  
11 particular sort of retail you're going to be  
12 targeting for the local community?

13 PAUL PREW: Sure. At Fernside Place we  
14 have in consultation with the Deerfield Civic  
15 Association agreed to try and reach out to catering  
16 facilities or other operators that might do some  
17 sort of food haul or some sort of restaurant for,  
18 you know for families. At the Beach 13 site we have  
19 in consultation with some of the local groups  
20 agreed to do a kosher deli if we can. And we'll  
21 reach out to other operators in the region that,  
22 that operate similar restaurants and, and delis.

23 CHAIRPERSON RICHARDS: And there was  
24 concerns regarding I guess your, your business  
25 would interface with the residential community and

1 the Yoshiva [sp?] across the street in particular  
2 from, from the commercial spot on 13... So can you  
3 just go through your strategy to make sure garbage  
4 and vandalism and...

5  
6 PAUL PREW: Mm-hmm.

7 CHAIRPERSON RICHARDS: ...all of the  
8 particular things that were raised during  
9 discussions are...

10 PAUL PREW: Sure.

11 CHAIRPERSON RICHARDS: ...going to be  
12 dealt with.

13 PAUL PREW: Yeah, for the record we have  
14 agreed to do a very sensitive lighting plan that  
15 would not provide too much outside glare to the  
16 surrounding area. We've agreed to a knee wall or  
17 some sort of fencing along the edge of the property  
18 on the north side and that would ideally offer some  
19 sort of buffering between the commercial and  
20 residential uses. We will use graffiti proof paint  
21 on the outside walls. We'll address the disposal of  
22 waste in sort of capacity in the building as  
23 opposed to outside of the building. And we'll try  
24 to address appropriate clothing and sensitive just  
25

1 behavior on the site in general with our tenants  
2 and any sort of developers that we contract with.

3  
4 CHAIRPERSON RICHARDS: And on the 13<sup>th</sup>  
5 strike... 13... the Fern size place, location can you  
6 just go through... So you're doing 27 units in, what  
7 AMIs are you targeting?

8 PAUL PREW: Yeah so on...

9 CHAIRPERSON RICHARDS: And, and can you  
10 go through parking in particular on that as well?

11 PAUL PREW: Mm-hmm. On Fern side is...  
12 scenario that we studied is a 27-unit residential  
13 building with parking beneath it and a 56 hundred  
14 square foot retail facility with parking for 29  
15 cars residentially and 14 cars in the commercial  
16 space. We have, you know we expect to operate the  
17 commercial spaces but not necessarily the  
18 residential. We would contract with a developer or  
19 do a joint venture to develop the residential  
20 building. And the residential building would likely  
21 be developed under market conditions because there  
22 is no mandatory inclusionary housing or 421A  
23 currently in affect. The AMI for the neighborhood  
24 we have estimated is about 100 percent of the AMI  
25 is the, it is the AMI. And we would expect that the

1 market rates would then reflect that or you know  
2 just below that.

3  
4 CHAIRPERSON RICHARDS: Okay. So as we  
5 continue conversations on the residential side  
6 would love to continue that conversation. But I  
7 think that this is an area, someone who lived  
8 across the street who knows about the blight in  
9 particular in the neighborhood and the need for  
10 more commercial development in particular on both  
11 sites, in particular these, these sites have been  
12 probably abandoned for a little bit over a decade  
13 to 20 years right? So I think that this, you know  
14 the significant progress and really trying to move  
15 this neighborhood forward and get more commercial  
16 development in a waterfront beachfront community so  
17 I applaud you for your application today and look  
18 forward to continuing to work with you on the  
19 quality of life and also the employment piece as  
20 well.

21 PAUL PREW: Thank you very much. On  
22 behalf of the applicant the feeling is mutual.

23 CHAIRPERSON RICHARDS: Tell, tell I said  
24 hello. Alright, thank you. Are there any other  
25 members who wish to testify on Land Use... number 490

1 and four... oh sorry 491 and 492? Alrighty, seeing  
2 none, we will now close the public hearing on Land  
3 Use items number 491 and 492. We will now move on  
4 to Land Use items number 475 and 476, an  
5 application for a zoning map amendment and related  
6 zoning text amendment to facilitate the development  
7 of 12 story, of a 12 story, 165-unit residential  
8 building in the speaker's district. This  
9 development will be entirely affordable housing  
10 with units reserved for incomes in between 20... 27  
11 percent AMI and 90 percent of the area median  
12 income. The speaker supports approval of these  
13 applications with a modification to replace  
14 mandatory inclusionary housing option to with  
15 deeper affordability option that would require 20  
16 percent of the units to be provided at an average  
17 of 40 percent of the area median income. I will now  
18 open a public hearing for Land Use number 475 and  
19 476 and I think that this is a great project and is  
20 all... there's been a lot of dialogue on if the  
21 council supports affordable housing and sort of  
22 concerns about applications coming before us. And  
23 this is a prime example of a good application  
24 that's really going to help address affordable  
25



housing in particular in the city of New York and..

Thank you. I'll ask you to hit your mic..

LISA ORRANTIA: Good morning.

CHAIRPERSON RICHARDS: And then you'll identify yourself for the record and who you're representing and then you may begin.

LISA ORRANTIA: Lisa Orrantia from Akerman LLP, Land Use Counsel to the applicant MLK Plaza LLC. And we're here on a rezoning in Mont Haven on the north and south sides of East 147 Street between Southern Boulevard and Austin Place and designation as mandatory inclusionary housing area. The rezoning changes from an M12, an M13 to an R7X with a C14 overlay along southern boulevard. Rezoning area covers 17 tax lots and will facilitate the construction of 100 percent affordable housing building on four of the tax slots. And the rezoning of the larger area is expected to spur neighborhood growth. Building is a new 12-story. It will contain 167 dwelling units with a mix of sizes; studio, one, two, and three bedrooms. It includes a laundry room, community room, a gym, high quality finishes, green roofs and landscaping, and will be designed to meet lead gold

standards. The rezoning and the proposed development were well received by the neighborhood, the community board, the borough president's office. Joined by Daniel Rad for the applicant and Joseph Moyer from the architects.

JOSEPH MOYER: Good morning. My name is Joseph Moyer. I'm representing Magnusson Architecture and Planning and I'm here to answer any technical questions you may have on the project.

CHAIRPERSON RICHARDS: Thank you. So currently this district is zone mapped M12 right?

LISA ORRANTIA: M12 and M13.

CHAIRPERSON RICHARDS: And you're going to an R71?

LISA ORRANTIA: R7X.

CHAIRPERSON RICHARDS: Oh, R7X, okay. How many units in particular?

LISA ORRANTIA: 167 dwelling...

CHAIRPERSON RICHARDS: And can you just go through the AMIs in particular on the units?

LISA ORRANTIA: Yeah, the 33 units are at 27 percent AMI, 8 units at 37 percent AMI, 8 at 47 percent AMI, 87 units at 57 percent AMI, 30

1 units at 90 percent AMI, and there's an additional  
2 two bedroom supers unit at 57 percent AMI.

3  
4 CHAIRPERSON RICHARDS: ...going to be  
5 amenities in the building so can you just go  
6 through that... everyone will have access to that  
7 correct?

8 JOSEPH MOYER: That's correct. On the  
9 kind of basement level there's two recreation  
10 spaces. The first floor there's a community room  
11 and an additional two recreation spaces and the  
12 laundry room. And then on the 7<sup>th</sup> floor we have a  
13 outdoor recreation space and a gym, all of which  
14 are free to all of the tenants living in the  
15 building.

16 CHAIRPERSON RICHARDS: Okay, great. Any  
17 questions from my colleagues? Seeing none, okay I  
18 think we have... okay thank you for your testimony. I  
19 think there's one other person here to testify I  
20 believe on this issue in opposition. So we'll...  
21 Thank you. Thank you.

22 LISA ORRANTIA: Thank you.

23 CHAIRPERSON RICHARDS: You're finished.  
24 Richard Lobel in opposition.

2 RICHARD LOBEL: Richard Lobel of Sheldon  
3 Lobel PC. Good morning again Chair. I know there  
4 was an earlier comment about our office and whether  
5 or not we would ever participate in a downzoning.  
6 Indeed, here we are actually asking to be excluded  
7 from an upzoning Chair so we do have that going for  
8 us. So Chair...

9 CHAIRPERSON RICHARDS: And why is that?

10 RICHARD LOBEL: Well there's, there's a  
11 good reason for it. This rezoning as you can take a  
12 look at the area within the dotted lines  
13 encompasses the frontage of four blocks and close  
14 to 20 lots are included in this rezoning. My client  
15 owns lot 96 which I'll point to right now. So in  
16 late May 2016 I received a call at the office from  
17 the owners of 860 East 147<sup>th</sup> Street. They were in  
18 somewhat of a panic because they had recently found  
19 out that this rezoning was going to take place and  
20 they were going to be rezoned from the existing M13  
21 district to an R7X district... [cross-talk]

22 CHAIRPERSON RICHARDS: ...they a  
23 manufacture... Do they do manufacturing?

24 RICHARD LOBEL: They do not do  
25 manufacturing. However, they purchased the site

1 approximately two and a half years ago and in 2014  
2 received a letter from Choice Hotels International,  
3 a nationally recognized hotel franchise which  
4 includes Days Inn as well as Mainstays Suites and  
5 so asked to be excluded from this rezoning and are  
6 so asking the council because this in essence  
7 obliterates their, their development plans and  
8 plans which have been in process since 2014.  
9 Indeed, in 2014 upon a routine application the  
10 Bronx Borough President's Office for a, for a  
11 street address number they were asked by the  
12 borough president what was intended here and so  
13 they presented to the borough president despite the  
14 fact that this is a non-discretionary application  
15 at the time, they presented evidence of the fact  
16 that this nationally recognized hotel chain was  
17 going to set up a franchise at this property and  
18 that this was something which after three years of  
19 market research in the area they determined that  
20 this was going to be a thriving location for a  
21 hotel use and indeed we submitted that evidence to  
22 the Land Use division. And so in May I attended  
23 Community Board 1's hearing and spoke not against  
24 the rezoning but against the inclusion of my  
25

1 client's property in the rezoning because there are  
2 several reasons why they should be excluded. Number  
3 one, it's always been a main principle within the  
4 Department of City Planning not to rezone  
5 properties which are going to negatively impact or  
6 hurt an included property owner. And so while there  
7 are citywide zoning amendments which rezone wide  
8 swaths of, of properties. This is a relatively  
9 small localized rezoning which merely affects these  
10 four block fronts. It's a private rezoning. And my  
11 client after receiving little to no notice of the  
12 application asked us in May to come out and speak  
13 against being included. This is, this is not  
14 against the rezoning. This has no effect on the  
15 proposed affordable housing development which is  
16 going to be on the block to the north and there  
17 really is very little rational which can be  
18 enunciated against why you would want to hurt an  
19 individual property owner and include them in this  
20 rezoning. So Community Board 1 in essence without  
21 really being told about this and without being  
22 instructed as far as how Department of City  
23 Planning conducts rezoning voted to exclude this  
24 property from the rezoning. They voted to exclude  
25

1 this lot, lot 96 as well as a portion of the  
2 adjacent lot 89. So we now are before the council  
3 and we've been trying to bring forth the evidence  
4 as to why we shouldn't be included in this rezoning  
5 for some time now. But sadly city planning chose to  
6 include this for the main point that they felt that  
7 the rezoning was contextual and that this would add  
8 to the affordable housing of this city. And while  
9 we view that as a, a worthwhile goal and indeed  
10 while our office is involved in dozens of rezonings  
11 which accomplish the same goal we don't do these  
12 rezonings to hurt other owners. And so I would  
13 finally add this. There's our lot over here which  
14 is lot 96. The adjacent lot, lot 89 is actually to  
15 the South of that with a small triangle adjacent to  
16 our property. That triangle after this rezoning  
17 because of the fact that only the frontage of East  
18 147<sup>th</sup> Street is being rezoned will actually end up  
19 to be a, an outlying parcel. It will not be able to  
20 take advantage of the M zoning and the R zoning  
21 will result in an odd shaped triangular  
22 development. And again even as city planning has  
23 always said they don't want to do rezonings to hurt  
24 other people not only are we hurt by this rezoning  
25

1  
2 but also the adjacent owner who has a triangular  
3 property which will be basically unable to be  
4 utilized is also hurt as well. We would simply ask  
5 the council to respect the wishes of the community  
6 board and to vote to exclude these one parcel and  
7 this piece of this other parcel from the rezoning.

8 CHAIRPERSON RICHARDS: Thank you for  
9 your testimony. And we certainly heard your  
10 concerns. And I think that you made... you had some  
11 valid points and I think that this is a community  
12 like many communities I think one of my colleagues  
13 raised it, that has seen a proliferation of hotels  
14 coming in and so there is a concern within the  
15 local community about more hotels in particular  
16 coming into this particular community. And I think  
17 the speaker you know knows her district very well  
18 and certainly wanted to make sure that this was a  
19 concern that would also be addressed within the  
20 rezoning but there is an affordable housing crisis  
21 that we're, we're trying to get through and, and  
22 this rezoning will actually help to do this. So we  
23 may not end up on the same side of the coin here.  
24 We definitely hear your concerns but we also know  
25 that there are concerns about oversaturation and



1 communities as well. We're going to go to Chair  
2 Greenfield.  
3

4 COUNCIL MEMBER GREENFIELD: Thank you  
5 Mr. Chairman. Counsellor, one quick question. So  
6 the property that you're advocating for, for  
7 exclusion out of this rezoning, how far along are  
8 they in the hotel building process? What point in  
9 the process are they in? How much have they  
10 invested? What kind of plans do they have? What can  
11 you share with... share with us about that?

12 RICHARD LOBEL: They have, they have  
13 established and drawn up plans for the development  
14 of a hotel. They're in the Department of Buildings.  
15 While they do not have final approval on the hotel  
16 which is a 10 story hotel they have submitted  
17 zoning diagrams and indeed have demolition and  
18 foundation plans in effect. So they are...

19 COUNCIL MEMBER GREENFIELD: I'm sorry  
20 has the demolition and foundation work actually  
21 begun or... [cross-talk]

22 RICHARD LOBEL: It has begun. It has  
23 begun.

24 COUNCIL MEMBER GREENFIELD: Okay.  
25

2 RICHARD LOBEL: At the community board  
3 hearing the, those in favor of the rezoning, the  
4 applicant for the rezoning actually cited to us and  
5 said well why don't you start building now. You can  
6 get your foundations in the ground and indeed there  
7 is a process by which you can vest those  
8 foundations. The point of that point was that in  
9 order to vest you're basically involved in an  
10 application which is hurried along. You need to  
11 establish a certain minimum amount of foundations  
12 in the ground. You need to, to start pouring.  
13 There's work that's done in a hurried manner we  
14 felt that was not appropriate for this site when we  
15 can indeed be relatively simply excluded from the  
16 rezoning with no harm occurring to the proposed  
17 residential development.

18 COUNCIL MEMBER GREENFIELD: So what are  
19 the details of this hotel? What's the... the hotel,  
20 how many rooms, what are the details?

21 RICHARD LOBEL: 10 story hotel. There  
22 are 100 rooms at the hotel. Again it's a Choice  
23 Inn, at least that's the current arrangement. There  
24 is a cellar for accessory parking. Very straight  
25

1 forward building and building design. And I did  
2 submit those materials to the Land Use Division.

3  
4 COUNCIL MEMBER GREENFIELD: Thank you.

5 RICHARD LOBEL: Thank you...

6 CHAIRPERSON RICHARDS: Thank you for  
7 your testimony. Anyone else here to testify in  
8 particular on this item? Alright, seeing none,  
9 we'll not close public hearing on Land Use number  
10 475...

11 RICHARD LOBEL: Thank you Chair.

12 CHAIRPERSON RICHARDS: ...and 476.  
13 Alright, we're going to take a five minute break  
14 and then come back.

15 [pause]

16 CHAIRPERSON RICHARDS: Alrighty,  
17 alrighty, alrighty we're getting.. Alright we're  
18 going to ask everybody to take their seats and..  
19 alrighty. Alright so now we.. we are now going to  
20 take a vote on applications we've considered so  
21 far. We will be voting to approve Land Use items  
22 number 477, 478, 480, 481, 490, 491, and 492. We  
23 will also be voting to modify Land Use items number  
24 475 and 476 the East 147<sup>th</sup> Street application and  
25 Land Use item number 489, the Brooklyn CB10 text

1 amendment. Modification to Land Use Item number 489  
2 will still remove Community Board 10 from the  
3 special permits applicability provisions but we  
4 will modify it to grandfather three currently  
5 pending special permit applications. This will  
6 allow these applicants to continue their special  
7 permit applications at the Board of Standard and  
8 Appeals or the Department of Buildings. All of the  
9 Grandfathered applicants were filed with BSA prior  
10 to the date of referral of this zoning text  
11 amendment by the city planning commission into the  
12 public review process. Our modification to Land Use  
13 item number 475 and 476 would be to change the MIH  
14 options that are available and the MIH area being  
15 established. Instead of MIH Option 2 a modification  
16 would establish the deep affordability option on  
17 the site. So we're here we're passing affordable  
18 housing today. Any questions or remarks from  
19 subcommittee members on any of these items? Alright  
20 we'll... any questions? Alright going once, going  
21 twice, okay. If, seeing none, I will couple Land  
22 Use items number 477, 478, 480, 481, 490, 491, and  
23 492 on a vote to approve and Land Use items number  
24 475, 476, and 489 for a vote to approve with above  
25

1 mentioned modifications. Counsel we will ask you to  
2 now please call the role.

3 COMMITTEE COUNSEL: Chair Richards.

4 CHAIRPERSON RICHARDS: I vote aye on  
5 all.

6 COMMITTEE COUNSEL: Council Member  
7 Gentile.

8 COUNCIL MEMBER GENTILE: Vote aye on  
9 all.

10 COMMITTEE COUNSEL: Council Member  
11 Garodnick.

12 COUNCIL MEMBER GARODNICK: Aye.

13 COMMITTEE COUNSEL: Council Member  
14 Williams. Council Member Wills.

15 COUNCIL MEMBER WILLS: [off mic] Aye.

16 COMMITTEE COUNSEL: Council Member  
17 Reynoso.

18 COUNCIL MEMBER REYNOSO: I vote aye.

19 COMMITTEE COUNSEL: Council Member  
20 Torres.

21 COUNCIL MEMBER TORRES: I vote aye.

22 COMMITTEE COUNSEL: By a vote of seven  
23 in the affirmative, zero in the negative, and zero  
24 abstentions Land Use items 477, 478, 480, 481, 490,  
25

1  
2 491, 492 are approved and Land Use items 475, 476,  
3 and 489 are approved with modifications and all  
4 items are referred to the full Land Use Committee.

5 CHAIRPERSON RICHARDS: Thank you role...  
6 General Counsel I meant. I called you the role, I'm  
7 sorry. It's been a long morning. We will now move  
8 on to our last hearing today on Land Use items  
9 number 472, 473, and 474. These applications are  
10 for a zoning map amendment, zoning text amendment,  
11 and change to the city map. Approval of these  
12 actions would facilitate the development of a  
13 370,000 square foot 577-foot-tall mixed use  
14 development at 141 Willoughby Street in downtown  
15 Brooklyn. This development would include retail,  
16 commercial, and residential space including an  
17 estimated 81 units of affordable housing. The  
18 zoning actions would establish a new C6-6 district  
19 in downtown Brooklyn that would permit a maximum of  
20 18FAR. The amendment to the city map would allow  
21 for the sale of development rights from a section  
22 of city owned land adjacent to the development site  
23 and established of, and establish a public open  
24 space in this area. This application is located in  
25 Council Member Levin's district and I will let him

1 say a few words if he's here. Oh he's here. Hey.  
2  
3 Before we start this hearing. Council Member Levin.

4 COUNCIL MEMBER LEVIN: Thank you very  
5 much. Good morning Chair Richards, members of the  
6 subcommittee and to my constituents in attendance  
7 today. I'd like to start of by acknowledging the  
8 nearly 400 people who have contacted our office  
9 recently directly or by petition to raise their  
10 voices about this project. I'd also like to thank  
11 Community Board 2, Borough President Eric Adams,  
12 the City Planning Commission, and the applicant for  
13 their work on this matter. And I take everybody's  
14 position under advisement and look forward to  
15 working collaboratively with everybody moving  
16 forward from this hearing today. Finally I'd like  
17 to extend my gratitude to our council land use  
18 staff and to my staff who have spent many hours  
19 reviewing this application. I am pleased that this  
20 application seeks to address two distinct policy  
21 goals. Affordable housing and needed office space  
22 in downtown Brooklyn. That being said I do have  
23 concerns about the existing infrastructure to  
24 support such a project especially with regard to  
25 adequate school seats and public health facilities.

1  
2 Further I am concerned about the impact that a 49  
3 story 18FAR building would have on the character  
4 and quality of the downtown Brooklyn area and the  
5 precedent that it would set for future development  
6 in that area. Today I look forward to a robust  
7 conversation with the developers and the public in  
8 order to determine the next steps to take on this  
9 application. I also want to thank the city and EDC  
10 for their work on this project as well. And thank  
11 you very much Mr. Chair. Look forward to hearing  
12 from the applicant.

13 CHAIRPERSON RICHARDS: Thank you. So  
14 I'll just ask for anyone testifying to state your  
15 name for the record, who you're representing, and  
16 then you may begin.

17 EDWARD WALLACE: My name is Ed Wallace.  
18 I'm the Co-Chair of the New York Office of  
19 Greenberg Traurig, Counsel to Savanna who is the  
20 developer applicant. I'm accompanied by Jay Siegel  
21 who chairs our Land Use Group and of course Chris  
22 Schlanko is the principal and owner of Savanna. In  
23 addition, from EDC to my right is Jeff Nelson, an  
24 executive vice president for EDC and Allison  
25 Schwartz from the Architectural Firm of Marsa



1 Jommie [sp?]. Subcommittee Chair Richards and  
2 Committee Chair Greenfield, Council Member Levin,  
3 and members of the committee I'm here just for a  
4 brief kind of introduction of the group and to say  
5 how privileged I feel to appear before the body in  
6 which I served over 30 years ago we are here with  
7 the utmost respect for. The council, it's power and  
8 prerogative and hope that through this process we  
9 can achieve something that is good for the city of  
10 the people of New York, the council's interest as a  
11 whole as well as viable from an economic point of  
12 view for our client. Jay is going to lead you  
13 through the discussion. Chris will follow, and then  
14 EDC is here sort of independent of us but joining  
15 us to answer any questions and hopefully be  
16 responsive and start a dialogue that will lead to  
17 hopefully an affirmative vote of the council. Jay?

18  
19 CHAIRPERSON RICHARDS: Hit your mic.

20 JAY SIEGEL: This better? Thank you. 141  
21 Willoughby is in the middle of the screen. In the,  
22 the red triangle around it, it is directly north of  
23 city point on the north side of Willoughby between  
24 Flatbush and gold. It's catty corner to Willoughby  
25 Square and it's directly East of MetroTech.

1 Willoughby project is in yellow. It is zoned C61  
2 and the reason that it's zoned C61 is because when  
3 the downtown Brooklyn rezoning occurred in 2004 the  
4 owner was a not for profit the institute of design  
5 and construction it asked to be kept out of the  
6 proposed C6-4.5 zoning which would have increased  
7 it to 12FAR. The best we can determine it's a  
8 little bit odd to asked to be kept out of zoning  
9 but it was because it had students and the students  
10 might have not enrolled in the institute if they  
11 thought it was a redevelopment opportunity so  
12 that's the best reason we can come up with as to  
13 why the institute asked out of being rezoned to 12.  
14 Okay. So this is a blow up of the block. Savanna  
15 owns lots 1 and 4. They total about 18,000 square  
16 feet. The lot 8 on the top is a city owned parcel  
17 that has 2651 square feet. That parcel is currently  
18 zoned for 10FAR. 1 and 4 i8s currently zoned C61.  
19 C61 allows 3.44FAR for residential up to 6.5FAR if  
20 there's some community facility in it. 6 for  
21 commercial and up to 6.5 with some community  
22 facility. And with a plaza bonus it can go up to  
23 7.8FAR. When Savanna purchased the property more  
24 than 2 years ago it began discussions with City  
25

1 Planning about an upzoning. Savanna was well aware  
2 that with the 12FA... let's go back one, back two,  
3 12FAR zone immediately to the south, what most  
4 people had done was built one to two stories of  
5 commercial and the rest was essentially  
6 residential. So what you had, and the borough  
7 president put out a report early this year was...  
8 noted that they expected about 1.3 million square  
9 feet of commercial in downtown Brooklyn and they  
10 got 4.6 million. They expected 900,000 square feet  
11 of residential and they got almost 10 million  
12 square feet of residential so something wasn't  
13 working. People were building residential because  
14 that's where the money was. And they weren't  
15 building offices. So Savanna entered into  
16 conversations with city planning with EDC, with  
17 HPD, about a zoning district that would allow it to  
18 do a multiple of things... go forward with it. It's  
19 proposed as you heard actually described, the C6...  
20 district which would allow 18FAR. Of course it  
21 would be MIH and there were some modifications to  
22 the envelope that applies to the district that  
23 would allow it to fit in both the office and the  
24 residential. And demapping the city owned property  
25

1 is a little bit confusing as to whether the city  
2 owned property which is almost entirely of land was  
3 still a street was demapped so that the development  
4 rights could be sold to Savanna. As it turns out  
5 eventually the city asked us to buy the strip, to  
6 buy the city owned land although there's all kinds  
7 of legal documents and coherence agreeing that it  
8 would be approved, maintained for the general  
9 public. It would facilitate the matter and enable  
10 the city to best ensure itself that Savanna would  
11 improve it and maintain it for the life of the  
12 property if it were actually sold to Savanna. Okay  
13 what you see there is a comparison between the  
14 current zoning assuming the plaza bonus at 7.8FAR  
15 and the proposed zoning. Here's the difference.  
16 Under the current zoning and proposed zoning you  
17 would both have two stories of retail. That's the  
18 blue on the bottom. Under the proposed zoning since  
19 the residential FAR was only 3.44 Savanna was  
20 proposing 70 market rate units and the base of the  
21 building was going to be a hotel about 60,000  
22 square feet. Under the proposed rezoning the total  
23 number of increased units is 200. Of the 200 unit  
24 increase 81 would be affordable and 119 would be  
25

1 market. So in essence because of the rezoning there  
2 would be more of the affordable units than the... and  
3 there could be market units today. And the  
4 effective affordable rate of the rezoning would be  
5 40 percent even though we're proposing 30 percent  
6 affordable at 80 percent AMI. Just doing to the  
7 math and comparing the as of right we can do in the  
8 current zoning 70 market units to the 270 that we  
9 could do with the rezoning means that the extra 200  
10 units, 40, little over 40 percent would be  
11 affordable. And the second big benefit would be  
12 instead of the 60,000 square foot hotel there would  
13 be 94,000 square feet of offices. Okay the building  
14 would not be out of scale with its neighbors. Not  
15 surprisingly we're, we are the one in red and there  
16 were a number of buildings that are, will be taller  
17 than us. Directly to... if you look on the right hand  
18 side where 141 Willoughby, 138 Willoughby is  
19 directly across the street. It will be 115 feet  
20 taller than we are and it will have 10 extra  
21 stories and a bigger floor play [phonetic]. And  
22 there are other buildings in this area that you can  
23 see putting aside the kind of outlier building, the  
24 1,000 foot building. There are several of the  
25

1 buildings that will still be taller than us  
2 including the one I just mentioned which is  
3 directly across the street. Now, we are aware of  
4 the concern that Council Member Levin expressed and  
5 that others have expressed about precedent. We  
6 think that the city planning commission report,  
7 approving this does talk about some unique  
8 characteristics of this side. It is on its own  
9 block it has three street frontages, two of which  
10 are wide. And at 18FAR it is still shorter than  
11 surrounding buildings and it has a smaller floor  
12 play. So it fits into the area. We understand that  
13 there may be other 18FAR proposals that don't have  
14 those characteristics that don't fit into the area.  
15 But we think that this building is a good proposal  
16 because it does address two major concerns  
17 providing the 81 affordable units and nearly  
18 100,000 square feet of office and fitting into the  
19 area and we request that the council approve this  
20 application and not reject it because the next  
21 application or application that comes before it may  
22 not have those characteristics especially if the  
23 council if they conclude that an application comes  
24 through it without those characteristics can reject  
25

1 the future application. So we hope you approve a  
2 good application, not... concern that a bad  
3 application will come before you. Thank you.

4 CHAIRPERSON RICHARDS: Thank you.

5 CHRISTOPHER SCHLANK: Oh, good morning.  
6 My name is Christopher Schlank. I am the co-... I'm  
7 the founder and the co-managing partner of a New  
8 York City based real estate development and  
9 operating company. Savanna's been in business for  
10 25 years. I started in 1992. I grew up in New York  
11 City and currently live in New York City.

12 CHAIRPERSON RICHARDS: Wow, that was a  
13 great brief testimony.

14 CHRISTOPHER SCHLANK: Okay. As Jay...

15 CHAIRPERSON RICHARDS: You don't have to  
16 be long winded if you don't...

17 CHRISTOPHER SCHLANK: Yeah, no as, no as  
18 Jay discussed this is, this is a property..

19 CHAIRPERSON RICHARDS: That was the best  
20 testimony we've heard.

21 CHRIS: Yeah we, we, we... we bought this  
22 site two years ago. We entered into a sale lease  
23 back with the owners. As Jay mentioned before it's,  
24 it is and was the Institute for Construction and  
25

1 Design. That's where men and women would go and get  
2 their certificates for architecture and  
3 engineering. The business has been owned by a  
4 family, the Batista [sp?] family. Vinny Batista and  
5 his daughter Elizabeth have run it over... Vinny's  
6 run it for the past 50 years and Elizabeth's been  
7 running with, for him and with him for the past 10.  
8 With the advent of the internet their business  
9 started to slow down. You could get your  
10 certificate over the internet now and not have to  
11 actually physically to a school. And as such their  
12 business was winding down. Their 50C31, 50C3 and so  
13 what we did is in order for them to monetize the  
14 site they were going to close down anyway. We  
15 bought the site. We allowed them to stay there for  
16 two years as they orderly wound down their  
17 business. And as Jay mentioned before as part of  
18 our purchase when... after discussing with Vinny the  
19 fact that this was 6FAR zone and they had been kind  
20 of opted out of the rezoning. We agreed with Vinny  
21 that we would go to city planning and look for an  
22 upzoning. We agreed with Vinny that any additional  
23 FAR that we got above the purchase price he would  
24 participate. He was in a sense our partner. He  
25



1 would participate on a per square foot additional  
2 payment for additional square footage. And that was  
3 our way our way of sort of letting him sort of feel  
4 not so silly for having opted out in the past. So  
5 we're here before you and I think there's obviously  
6 two sides of every story but I think what we've  
7 designed here, what Morris and his team have  
8 designed is, is a, is a great building. It's a  
9 large building but what I think it's done and  
10 having spent the past two years talking to  
11 community groups, the borough president, city  
12 planning I think what we are trying to do and  
13 having listened to different constituencies is to  
14 I, try to design a building that accomplishes as  
15 many goals as we can. The goals being affordable  
16 housing and also Class A office space which as a  
17 real estate developer in New York City I real... I  
18 know that downtown Brooklyn is... good office space.  
19 And just the last thing I would say. I think we're  
20 in this site I think does lend itself well to, to  
21 this type of a building. I think this is probably  
22 one of the last sites that has the unique qualities  
23 that you know will, will allow something of this  
24 size.  
25

1  
2 CHAIRPERSON RICHARDS: Alrighty. Well  
3 thank you for your, your testimony today. And I  
4 think you came here... we saw a lot of applications  
5 today that, that were definitely unique in  
6 themselves and I'll just point to Council Member  
7 Gentile's special permit issue in which there were  
8 a lot of unintended consequences with that special  
9 permit. So I think some of the concerns that have  
10 been raised especially allowing you to do 18FAR  
11 are, are legitimate because with that can come  
12 unintended consequences. If we say you're special  
13 then the next applicant that comes you know we may  
14 have to say they're special too, they deserve this  
15 as well so...

16 CHRISTOPHER SCHLANK: Well my mom told  
17 me I was special.

18 CHAIRPERSON RICHARDS: It's like having  
19 two kids right? If you give one a lollypop you  
20 gotta [phonetic] give the other one a lollypop. You  
21 can't say one is special and the other is not. So  
22 can you just get, go into your thinking on why  
23 18FAR when and... and can you just speak to the  
24 surrounding area in particular? Pretty much  
25 everything else is 12FAR. So what, what is the

1 thinking around going up to 18FAR? And EDC can join  
2 the crowd if they... [cross-talk] you know if they,  
3 if they wish.

4  
5 JEFF NELSON: ...statement as well. Prefer  
6 that we provide it now or... address that question?

7 CHAIRPERSON RICHARDS: ...statement you  
8 wanted to read? Okay sure.

9 JEFF NELSON: If I may.

10 CHAIRPERSON RICHARDS: Chris, Chris was  
11 so brief I think I can still...

12 CHAIRPERSON RICHARDS: Sure.

13 JEFF NELSON: ...into the...

14 CHAIRPERSON RICHARDS: Yes, please make  
15 it briefer than a lot of the commissioners who have  
16 come.

17 JEFF NELSON: Chair Richards, Chair  
18 Greenfield, Council Member Levin, Jeff Nelson,  
19 Executive Vice President of EDC.

20 CHAIRPERSON RICHARDS: Speak into your  
21 mic a little bit more.

22 JEFF NELSON: How's that? At EDC our  
23 mission is to create shared property across the  
24 five boroughs by strengthening neighborhoods and  
25 growing good jobs. And that's why I'm here speaking

1 today in support of this application for the sale  
2 of 2600 square feet of civic property to Savanna  
3 which is developing this mixed use building at 141...  
4 1 Willoughby Street. EDC and Savanna signed the  
5 contract in May 2016. For the contract Savanna will  
6 construct a project that accomplishes key  
7 administration goals. The development programs adds  
8 much needed commercial office space to downtown  
9 Brooklyn, helps address the city's affordable  
10 crisis by delivering an MIH compliant program,  
11 delivers ground floor retail and provides an  
12 enhanced publicly accessible and permanently  
13 accessible public open space which will provide an  
14 active and vibrant street life along one of  
15 Brooklyn's major corridors. I'd like to briefly  
16 touch on each of these elements in greater depth.  
17 So first, just on office space which is an  
18 important component here. So in recent years  
19 downtown Brooklyn and the surrounding area has  
20 solidified as a thriving cultural scene and a  
21 growing, you know there's a growing tech and  
22 creative cluster. But the area's growth as a mixed  
23 use of has been slowed by the lack of available  
24 office space and particularly new construction  
25

1 despite strong demand. In February of this year  
2 borough president Adams released a report that  
3 noted the area's vacancy rate for offices as low as  
4 3.4 percent. That compares to 10 percent in lower  
5 Manhattan, six percent in Midtown. And that report  
6 called on the city to use its zoning tools to  
7 increase the amount of commercial space in downtown  
8 Brooklyn. At EDC we support the borough president's  
9 recommendation. Earlier this year we released our  
10 own analysis that projected that citywide demand  
11 for office space would be as high as 60 million  
12 square feet over the next decade. But despite low  
13 vacancy rates in downtown Brooklyn you still have a  
14 particularly challenging market due to competing  
15 economic demands, residential versus commercial,  
16 the lack of anchor tenants. These all make it  
17 difficult to deliver new space. 141 Willoughby is  
18 an innovated mixed use model and it can meet the  
19 needs of this community not only on the affordable  
20 housing side but also on the commercial office  
21 side. In terms of the affordable housing we're  
22 obviously pleased that this application would  
23 provide for 81 new units of permanently affordable  
24 housing through the MIH program. As you're all  
25

1 aware the administration is committed to addressing  
2 the city's affordable housing crisis. You know we  
3 have a goal of 200,000 units of housing built or  
4 preserved and this is an important piece of that  
5 plan. And then finally just in terms of, of the  
6 open space, you know Savanna will transform an  
7 uninvited open space undertaking a redesign that  
8 includes improved landscaping, furniture and  
9 lighting. And once completed Savanna will maintain  
10 that space in perpetuity thus reducing an  
11 obligation of the city's. While Savanna will own  
12 the property a permanent access agreement will  
13 ensure that it remains available to the public. I'd  
14 say in conclusion we're pleased to support the  
15 application which we believe achieves our shared  
16 goals of providing downtown Brooklyn with  
17 additional commercial space and affordable housing  
18 and enlivening a corner of, of downtown Brooklyn  
19 that is in need of, of redevelopment. Thank you.

21 CHAIRPERSON RICHARDS: Thank you so much  
22 for your testimony. And alright so we could stay  
23 with you. So you did this as a joint application?  
24 It seems like we always get the controversial joint  
25 applications coming to our committee. What was the

1 thinking of doing this as a joint application? And  
2 it's, it's a pretty significant jump. So you're  
3 talking 12FAR to an 18FAR. So can you just speak to  
4 why such a significant jump in particular at this  
5 site. And, and, and do you foresee unintended  
6 consequences here? Can others also after we change,  
7 make this change, well do you foresee others coming  
8 back and saying we want 18FAR?  
9

10 JEFF NELSON: Sure. So when you look at  
11 this site and think about the goals that I just  
12 articulated in my testimony of delivering the  
13 office space, delivering the affordable housing.  
14 You have a site here that's uniquely situated to  
15 accommodate this kind of application. It is a joint  
16 application because we are selling a piece of city  
17 property as part of it. But you know I think as the  
18 Planning Commission articulated in its report given  
19 the transit access, given the location, given the  
20 unique characteristics of this site the, the  
21 rezoning application to a C66 is appropriate. As to  
22 future applications and the question of whether  
23 those would be appropriate or not just as with this  
24 application it is fully within the planning  
25 commission's purview and the council's purview to

1 consider the merits of that application. And we  
2 would hope they would do so in, in the future,  
3 another application were to arise.

4  
5 CHAIRPERSON RICHARDS: So why... and can  
6 someone just go into why a jump to C6-6 from... you  
7 were doing a C... so existing C61, why not a C65, so  
8 can you just speak a little bit more to the  
9 strategy around that?

10 JEFF NELSON: Well I mean I... before  
11 turning over to Jay I, I'd start by saying you know  
12 you, you need to have a critical mass of FAR  
13 available to deliver an office product. So the, the  
14 base of the building will be a retail program. You  
15 know in terms of, of delivering..

16 CHAIRPERSON RICHARDS: And, and I'm  
17 saying that and I know the answer to it but it just  
18 seems that you're trying to squeeze a lot into this  
19 one space so and, and we certainly share your goals  
20 in affordable, in building more affordable housing  
21 retail. And if I'm correct okay the original  
22 proposal had a hotel in it so why did we move away  
23 from the hotel at this site?

24 CHRISTOPHER SCHLANK: To answer the, the  
25 question about why go from a 12 to an 18 again



1 because... not only do we feel it's appropriate and I  
2 don't want to... when I say feel it's appropriate I  
3 don't want to speak, you know I don't live in  
4 downtown Brooklyn. I did my, my thesis on MetroTech  
5 so I know downtown Brooklyn. That was 25 years ago...

7 CHAIRPERSON RICHARDS: We want you to  
8 come back home.

9 CHRISTOPHER SCHLANK: But I can tell you  
10 for us that you, and you pointed out a very good  
11 point. We're trying to do a lot of things in one  
12 site. But if you look at the nature of the site...  
13 it's a triangle, it's an island, it's a beacon/this  
14 is actually a pretty good opportunity. And I was an  
15 urban studies... I don't want to get sappy, I was an  
16 urban studies major so I under... I love Urban  
17 Studies, I love cities. And you think about  
18 opportunities and opportunities missed. We feel  
19 like this is a great opportunity to do something  
20 special and a great opportunity to try to bring  
21 some, some, some really good office and, and great  
22 retail we can... we'll show you some renderings of,  
23 of the retail and the building we have. And also  
24 it'll give some affordability. And if we went to a  
25 12 we would basically only have about 34,000 square

1 feet of office. And in a site this small to do a  
2 34,000 square foot dedicated office which is two  
3 and a half to three floors of this it's awkward. It  
4 takes up a lot of elevator space... dedicated  
5 elevator... You really don't accomplish that much  
6 with 30,000 square feet, 34,000 square feet. You're  
7 not helping anybody.  
8

9 CHAIRPERSON RICHARDS: Yeah, and I see  
10 your hotel was going to be 62,392 square feet so  
11 the office space is obviously... and I hear the  
12 Brooklyn borough president... saw the report on the  
13 need for more office space and we, we definitely  
14 respect that but...

15 JAY SIEGEL: Council Member Richards  
16 just want to correct...

17 ...at 12FAR we have no office.

18 CHRIS: Sorry.

19 JAY SIEGEL: Chris was talking about at...

20 CHRISTOPHER SCHLANK: 15, sorry...

21 CHAIRPERSON RICHARDS: So if we  
22 eliminated, if we kept it at 12FAR it would...  
23 [cross-talk] be no office space but you would build  
24 out the residential, the retail and no hotel?

25 CHRISTOPHER SCHLANK: No hotel.

1 CHAIRPERSON RICHARDS: No hotel? So you  
2 would just do residential and retail.

3 JAY SIEGEL: Right and it, it... at FAR  
4 for example, that's what Chris was talking about it  
5 would be 12FAR residential...

6 CHAIRPERSON RICHARDS: Speak a little  
7 closer into your mic clearer, thank you.

8 JAY SIEGEL: Okay...

9 CHAIRPERSON RICHARDS: I'm having a  
10 hard... Maybe it's my ears.

11 JAY SIEGEL: No, sure it's my voice. At,  
12 at FAR 12 would be residential, one and a half  
13 would be retail and one and a half with the office  
14 the site's 20,500 square feet so one and a half,  
15 little over 30,000 square feet of office.

16 CHAIRPERSON RICHARDS: So pretty much we  
17 would just eliminate the commercial space... [cross-  
18 talk]

19 JAY SIEGEL: I mean there's a reason why  
20 right the, the people have built 10 million square  
21 feet of residential and 1.3 million of commercial  
22 in downtown Brooklyn. That's the economic  
23 feasibility of it all. That's what people have  
24 done.  
25

1  
2 CHAIRPERSON RICHARDS: And you haven't  
3 thought about limiting the residential portion of  
4 the project at all?

5 JAY SIEGEL: Of limiting the  
6 residential? I'm sorry is that what you said?

7 CHAIRPERSON RICHARDS: The limiting. So...

8 JAY SIEGEL: Oh.

9 CHAIRPERSON RICHARDS: ...if you had to  
10 squeeze... so if this was a perfect world and we said  
11 18 is out the window you know, I'm not saying that  
12 Council Member Levin will certainly make that  
13 determination but what would we see in the project?  
14 And, and if we scaled it down to 12 what would we  
15 see in the project?

16 JAY SIEGEL: We would certainly have to  
17 think long and hard about it...

18 CHAIRPERSON RICHARDS: Alright so let's,  
19 let's do it this way. So go through 12, what would  
20 you have, and go through 15, and go through 18.  
21 Well 18 we know but...

22 JAY SIEGEL: We're going to have to sit  
23 around a table and talk and crunch numbers and do  
24 all of that. We know that one competing interest is  
25 when we lower the residential we're lowering

1  
2 affordability. So we know that's a concern. So we'd  
3 have to sit there and talk to competing concerns  
4 and where we'd come out.

5 CHAIRPERSON RICHARDS: Okay. I'm going  
6 to go to Council Member Levin for questions.

7 COUNCIL MEMBER LEVIN: Thank you very  
8 much Mr. Chair. First off I just want to actually...  
9 specific about the presentation. Jay maybe you can  
10 speak to this. On page 7 which is... gives the side  
11 by side comparisons. So in these two renderings the  
12 as of right currently has some community facility  
13 space? Is that right?

14 JAY SIEGEL: Councilman I didn't hear  
15 that...

16 COUNCIL MEMBER LEVIN: Sorry.

17 JAY SIEGEL: I didn't hear what you  
18 said.

19 COUNCIL MEMBER LEVIN: Oh the... the, the  
20 as of right has community facility space, is that  
21 right?

22 JAY SIEGEL: Yeah that's, that's the  
23 little space in the bottom of the first floor of...

24 COUNCIL MEMBER LEVIN: So 1,000... 1,055  
25 square feet?

JAY SIEGEL: Yeah, yes.

COUNCIL MEMBER LEVIN: Is that, is that... does the as of right get a bonus for the community facility or is...

JAY SIEGEL: It's a bonus for the plaza. You know in other words is... a community facility having some space allows you to go from six to six and a half FAR and the plaza's 20 percent of the six and half which is 1.3. And the 1.3 and the 6-5 and the 7.8. So yes it's a little community facility space allows you then to go from six to six and a half... then with your requisite side plaza from six and a half to 7.8.

COUNCIL MEMBER LEVIN: And the, but the, the proposed one does... there's no community facility at all because there's no bonus from the community facility, is that right?

JAY SIEGEL: Yeah. That's correct. It's that once you get to the higher FARs from 10, 10FAR, 12FAR, anything like that there's no more of a community facility bump.

COUNCIL MEMBER LEVIN: Okay so that's, that's one then, one difference between the two, the two proposals is that it's just... it, going from

1  
2 1,000 square feet of community facility to, to  
3 none.

4 JAY SIEGEL: Yes the, the way the zoning  
5 resolution works is if you have any community  
6 facility the max goes up to six and a half.

7 COUNCIL MEMBER LEVIN: I see.

8 JAY SIEGEL: So people... the commercial  
9 essentially gets the, a benefit...

10 COUNCIL MEMBER LEVIN: In your  
11 environmental analysis you looked at the impact on  
12 schools?

13 JAY SIEGEL: Yes the, they, the  
14 environmental review concluded that the amount of  
15 additional residential units would not kick a  
16 threshold that required further review.

17 COUNCIL MEMBER LEVIN: Okay. Have you... I  
18 mean have... you've done an analysis or Savanna's  
19 done an analysis of the elementary school situation  
20 in downtown Brooklyn? I mean outside of either  
21 just, just what was required by the, your  
22 environmental review?

23 JAY SIEGEL: Well certainly the  
24 environmentally review was the baseline. And we  
25 became aware of the concern about the lack of

1  
2 enough elementary and middle school seats from our  
3 conversations with the community board, the borough  
4 president and with your office.

5 COUNCIL MEMBER LEVIN: Mm-hmm.

6 JAY SIEGEL: And we did look at a school  
7 in our site. We were open to putting a school in  
8 our site but the SEA told us that our site wasn't a  
9 suitable site. The district manager of the  
10 community board testified at the borough  
11 president's hearing that he personally spoke to 3  
12 SA architects who told him that our site wasn't an  
13 appropriate site for a school and we confirmed on  
14 our own conversations with the SEA. But we  
15 definitely, we are aware of the need for school  
16 seats in the district certainly.

17 COUNCIL MEMBER LEVIN: So the concern  
18 that I have... this is, if you want to take a big  
19 step back here... as you indicated in your testimony  
20 the, the 2004 rezoning missed the mark in several  
21 ways. So it missed the mark in terms of  
22 anticipating what the development market would be  
23 in downtown Brooklyn. And even when it became  
24 apparent that the trend was going to be towards  
25 residential... before the recession you had three



1  
2 development sites go up in the downtown Brooklyn  
3 rezoned area. Avalon, Oro, and Torren [sp?]. And  
4 anybody that was watching it was pretty clear that  
5 the trend was going to be towards residential... that  
6 was 2006 2007. We still as a city did not do what  
7 we needed to do to address basic infrastructure, in  
8 particular elementary, in elementary school.  
9 There's no elementary school in downtown Brooklyn.  
10 That's what we're talking about here. Know what...  
11 the... just to be clear the elementary school zone is  
12 for, for PS 287 which is a lovely good, good  
13 school. It is up by the navy yard, physically  
14 located up by the navy yard, so across Hillary,  
15 across Flatbush, adjacent to the navy yard, navy  
16 street. And it is, it's a, by any measure it's a  
17 large zone for an elementary school physically. The  
18 reason why it was a large zone originally for an  
19 elementary school was that there was nobody living  
20 in, not nobody but very few people living in  
21 downtown Brooklyn in 2004 and before. And as people  
22 have moved into downtown Brooklyn, to move into  
23 properties where there, as a result of new  
24 development, as a result of the rezoning and also  
25 some adaptive reuse, the bell tell loss building..

1 That has not been... there, there hasn't been... the  
2 city has not been adapted to that influx of people  
3 so, so we... we essentially we, we rezoned, we gave  
4 everybody this option to build residential. We  
5 don't have a lot of affordable housing out of the  
6 downtown Brooklyn rezoning of 2004. And we have not  
7 kept up with the residential trends so then in  
8 recent years the school construction authority has  
9 identified working with our office and we've been  
10 talking about this now for five years. They've  
11 identified the need for the seats right? They've  
12 funded the need for the seats and they funded the  
13 seats. There's, there are, there are 18 hundred new  
14 seats funded in downtown Brooklyn in the SEA  
15 capital budget. However, there's no place to put  
16 them. And because the 2005, 4 rezoning zoned up to  
17 12FAR there's no, there's nothing, there's no,  
18 there's no bonus left to give anybody to put a  
19 school in there. So this has left us with a current  
20 development scenario, an as of right development  
21 scenario where there's, there's no incentive for a  
22 developer to add school space. The land is so  
23 expensive that SEA can't just buy the land to build  
24 a school. They have the seats funded but they have  
25

1 no place to put them. And this is going to continue  
2 to self-perpetuate and my concern is that by... it's  
3 not necessarily just the impact of this rezoning...  
4 As you said this is an individual, you know this is  
5 a private application. It's, it's discreet in its  
6 own way, you know it's, it's, it has its... but if,  
7 but everybody's going to look at it. And every,  
8 every other property owner that has... that owns a  
9 soft site in downtown Brooklyn is going to see what  
10 we do here, is going to point to city planning's  
11 actions on this site and say we want, we want that.  
12 And there's still not, there's still no elementary  
13 school in downtown Brooklyn and no opportunity  
14 other than to, to put it into a... you know to... as  
15 part of an upzoning scenario. And you can see why  
16 this causes concern. And, and so... I mean I... that's,  
17 that's just a... you don't have to necessarily answer  
18 every point in that but why do you believe that  
19 other owners would... why wouldn't the owners of the  
20 junior site, development site come back and say we  
21 want what they have? I mean they're already  
22 proposing a 1,000-foot building. Why aren't they  
23 going to go for an 18FAR as well?  
24

2 JAY SIEGEL: Well at least with the last  
3 part... easy one to answer that I think going from  
4 1,000 feet to 1500 feet I mean you would say that  
5 it doesn't fit in with the area. Because as you'd  
6 probably would have liked to say 1,000 feet didn't  
7 fit into the area all that well. I understand the  
8 question about school is a very serious question  
9 and I understand why it's an important question and  
10 why you've been looking into it for some time. And  
11 that question I was going to... EDC knows a lot more  
12 about the prospects of finding locations for the  
13 funded school seats than I do and I wanted to ask  
14 Jeff to address that question.

15 COUNCIL MEMBER LEVIN: I mean just, just  
16 to be clear my concern is that the only option that  
17 I've really seen because we're... it doesn't seem to  
18 be... still can't... you know under the status quo we  
19 can't find a site, is we're going to have to upzone  
20 and create an incentive for a developer to add  
21 space for a school. And that to me is just  
22 problematic because it's already a fairly dense  
23 zoning district to begin with.

24 JEFF NELSON: Council Member, we've  
25 obviously had ongoing conversations about this

1 issue and with respect to this site you know we  
2 spent quite some time with Savanna seeing if we  
3 could get a school to work at this site in  
4 conversations with SEA and it didn't work. I think...  
5 there's no way that I could articulate better than  
6 you have what the challenges are in downtown  
7 Brooklyn in siting schools. And you know we are  
8 committed as we have been to, at every property we  
9 look at every project we look at seeing if we can  
10 accommodate a school. There are not many city sites  
11 in downtown Brooklyn. It is a challenging issue  
12 that we are facing and we will have to continue to  
13 work together on solutions to, to resolve it.

14  
15 COUNCIL MEMBER LEVIN: Does... In some  
16 ways this, this proposal represents to me trying to  
17 do too many things with one site. So we're trying  
18 to address you know our affordable housing needs.  
19 We're trying to address our needs for commercial  
20 space in downtown Brooklyn. If you were to be able  
21 to fit a school site into here we would be trying  
22 to address that need as well. Is it, is, is it the  
23 city's perspective that every site in downtown  
24 Brooklyn should be trying to address all of these  
25 needs or... Is it possible that, that we could be

1 looking at long term at coming back to the downtown  
2 Brooklyn rezoning plan and reevaluating what, what  
3 the zoning tools should be doing down there and not  
4 necessarily maybe looking at each site as trying to  
5 address every need.  
6

7 JEFF NELSON: Well I, I can't speak for  
8 city planning in terms of revisiting the downtown  
9 Brooklyn plan. But I'd say with respect to the site  
10 you know I would again turn to... there are a series  
11 of policy objectives, they are good objectives  
12 delivering commercial space and jobs in downtown  
13 Brooklyn, delivering affordable housing. These are  
14 solutions that address some of the challenges that  
15 were presented by the original downtown Brooklyn  
16 plan and what we've all seen happen. And on each  
17 site, and right now we're talking about 141  
18 Willoughby, on each site you know the city, the  
19 planning commission, and the council consider the  
20 unique characteristics of the site and see if it's  
21 appropriate.

22 COUNCIL MEMBER LEVIN: The downtown  
23 Brooklyn partnership is putting together or has put  
24 together a, you know an assessment of  
25 infrastructure needs in downtown Brooklyn. Has,

1  
2 have you guys seen that? Has EDC or the applicants  
3 seen that proposal or that, that assessment?

4 JAY SIEGEL: Question is... we saw the  
5 proposal at our community board hearing you know  
6 after we were certified when the community... our  
7 case... downtown Brooklyn presented the result of, of  
8 their findings. So certainly nothing that they had  
9 presented is in any analysis we did. We already  
10 certified..

11 COUNCIL MEMBER LEVIN: Has EDC... you know  
12 has EDC been looking at what the infrastructure  
13 needs of downtown Brooklyn are long term? I mean  
14 obviously EDC right now is identified downtown  
15 Brooklyn as an opportunity for, for new office  
16 development and EDC has an interest in what's going  
17 on in downtown Brooklyn. Has, has EDC either  
18 working with the partner... downtown Brooklyn  
19 partnership on their infrastructure analysis or  
20 conducting your own infrastructure analysis and  
21 identifying what type of infrastructure we are  
22 going to need over the next generation in downtown  
23 Brooklyn to make, to make it a successful downtown  
24 area?

2 JEFF NELSON: I'd say generally there's  
3 always a constant and continuing dialogue with the  
4 partnership and others in downtown Brooklyn. As to  
5 the specific report I haven't read the report but  
6 you know I'm...

7 COUNCIL MEMBER LEVIN: In terms of  
8 infrastructure... downtown Brooklyn what, what has  
9 EDC identified as areas where there is going to  
10 need to be improvement over the coming years?

11 JEFF NELSON: Well I think first and  
12 foremost what you articulated which is there needs  
13 to be a solution to the need for new school seats.  
14 The city has budgeted north of 300 million dollars  
15 to locate schools in districts 13 and 15. Finding  
16 sites is challenging. Finding sites on terms that  
17 makes sense is very challenging. And that... you know  
18 on the real estate side of EDC when we look at  
19 projects in districts 13 and 15 throughout downtown  
20 Brooklyn the first question we are asking ourselves  
21 is could we put a school here. And even in sites  
22 where we are not involved we make sure that  
23 developers with whom we have ongoing conversations  
24 about their projects you know are aware of the  
25 specs that SEA has for schools, what they need in



1 terms of the requirements, you know four plates and  
2 so on so that those connections are being made.

3  
4 COUNCIL MEMBER LEVIN: What options  
5 actually exist? I'm just going back to that  
6 question like... what options exist for an as of  
7 right development, for EDC to, to... or, or SEA to  
8 work with the developer to get school... I mean how  
9 does that even... they have an as of right  
10 development site, they can build out to a 12FAR  
11 with very little affordable housing. It's a pretty  
12 good development scenario, that's why everybody's  
13 doing it down there. What, what mechanism does EDC  
14 even have or SEA even have right now to work with  
15 those private developers on building as of right  
16 development scenarios?

17 JEFF NELSON: Well EDC doesn't  
18 necessarily have a mechanism per say but the SEA  
19 has a budget and they're constantly evaluating  
20 sites and trying to find deals. You, you note a  
21 challenging piece of the equation and downtown  
22 Brooklyn is that school would be taking up FAR that  
23 would otherwise be available for residential or  
24 retail or commercial use. And so one would expect  
25 that a developer wants to be compensated for you

1 know that change in use. And that is an expensive  
2 proposition.  
3

4 COUNCIL MEMBER LEVIN: So that's... there...  
5 I mean it... there's no... it's not... it's not  
6 considered... there's no community facility bonus in  
7 the... in, in downtown Brooklyn rezoning that, that  
8 they're able to get additional FAR through a  
9 community facility bonus or that, because that's  
10 maxed out already?

11 JEFF NELSON: Jay can probably answer  
12 this question better than I can general...

13 JAY SIEGEL: No, there's no community  
14 facility bonus in any zoning district from 10 or  
15 higher.

16 COUNCIL MEMBER LEVIN: Right. So then  
17 there's just no mechanism... within the current as of  
18 right zoning framework to, to incentivize the  
19 developer to, to put a school in the, in the  
20 development site, is that right?

21 JAY SIEGEL: There is none... as city  
22 planning in, in other boroughs is looking at the  
23 possibility of not counting a school as floor area...

24 COUNCIL MEMBER LEVIN: Uh-huh.  
25

1 JAY SIEGEL: ...in zoning districts that  
2 are at least 10FAR. So that would...

3 COUNCIL MEMBER LEVIN: That would  
4 require a citywide zoning text change or what...

5 JAY SIEGEL: It depends... the... they're  
6 considering it in, in Long Island City special  
7 district so it would necessarily require citywide  
8 amendment. It could be an amendment to that special  
9 district.  
10

11 COUNCIL MEMBER LEVIN: But then if, if  
12 that, okay so... but the status quo being what it is...  
13 if this site... you mentioned that you know you,  
14 you're... as a... that your client Savanna would  
15 consider this as a, as a school site if, if the, if  
16 the lot were larger and were to comply with SEA's  
17 requirements how would that have even worked under...  
18 with, with you guys?

19 JAY SIEGEL: Well if, if a larger site  
20 came before the council and it was in the downtown  
21 Brooklyn district there are text amendments that  
22 would allow it not to be considered floor area that  
23 you could enact. And that would be some incentive  
24 to divide... it still costs money to build and  
25

1 maintain. But that could allow... come into the  
2 consideration about the cost to the developer.  
3

4 COUNCIL MEMBER LEVIN: This proposal had  
5 multiple iterations. Is that right? This was not  
6 the, this was not the iteration of it.

7 JAY SIEGEL: Yes.

8 COUNCIL MEMBER LEVIN: So do you, can  
9 you just quickly just run down what the, what the  
10 previous iterations were?

11 JAY SIEGEL: Well the first thing we  
12 thought about was the 12FAR in which what we would  
13 have constructed was what you've heard... one and a  
14 half of retail and 10 and a half of residential.  
15 When we became aware of the need for offices we did  
16 look for a while at the 15 FAR scenario which would  
17 have been as I... 12FAR residential one and a half of  
18 retail and one and a half of offices, that's the 30  
19 to 32,000 that Chris mentioned..

20 COUNCIL MEMBER LEVIN: Mm-hmm.

21 JAY SIEGEL: And it didn't seem to have  
22 much of a critical mass for offices... needed as  
23 Chris... explain a separate core, a separate  
24 entrance, separate lobby. So that's when it ended  
25

1 up at, at 18. Those are the three different  
2 alternatives that we consider.

3  
4 COUNCIL MEMBER LEVIN: Did you explore  
5 a, a... getting to the critical mass of commercial of  
6 6FAR of commercial, between commercial and retail  
7 and, and, and a lower number of FAR for  
8 residential?

9 JAY SIEGEL: We, we did not. It seemed...  
10 and we started... the first mandate was affordability  
11 when we started and...

12 COUNCIL MEMBER LEVIN: Mm-hmm.

13 JAY SIEGEL: ...go backwards and I don't  
14 mean it in a negative way but we were always  
15 looking as to what we had on top of the  
16 affordability but we could certainly go back and  
17 look at other things. We just haven't done it yet.

18 COUNCIL MEMBER LEVIN: Okay. So those  
19 are all my questions for now. It, you know  
20 obviously this is an ongoing process here. And so  
21 you can be assured I'll be available over the next  
22 couple of weeks and I look forward to, to  
23 continuing this conversation. What I... what I would  
24 ask is that you know we have gotten you know as I  
25 said in my opening statement over 400 people have,

1  
2 have reached out to our office just in recent  
3 weeks. There's been a fair amount of community  
4 concern about, about this proposal and its  
5 potential impact and precedent. And so I would  
6 encourage you to stay for the public testimony so  
7 that you can hear very clearly what folks have to  
8 say.

9 JAY SIEGEL: Of course.

10 COUNCIL MEMBER LEVIN: Those that are  
11 here. And then we'll continue to have our  
12 conversations over the, the coming days.

13 JAY SIEGEL: Of course I just would say  
14 thank you Council Member Levin. Having been doing  
15 this for a few years in general I could appreciate  
16 that precedent, the council considers every  
17 application on its own and I've made arguments  
18 about precedent trying to get an application  
19 approved and I was looked at strangely to say that  
20 we're looking at yours and it's different from the  
21 last one so tough so I think the council certainly  
22 is well capable as it has in the past and will in  
23 the future of turning down an application that says  
24 precedents...

25 COUNCIL MEMBER LEVIN: Right but...

2 CHAIRPERSON RICHARDS: Did you just use  
3 the words turn down an application...

4 COUNCIL MEMBER LEVIN: But I, I just...  
5 just to counter that for a second here... you know  
6 when it, when it comes to the council it's a fairly  
7 extraordinary thing for us to turn down an  
8 application that has been certified and gone  
9 through the rest of the ULERP process. It, it's, it  
10 happens. It is, it is a, I would say it's an, an  
11 unusual occurrence. And re... it's, it's what I... if  
12 this were to go forward in its current form it  
13 would encourage other applicants to go to city  
14 planning with a similar application. If that  
15 application meets the technical criteria it then  
16 gets certified. It enters into... I don't want to be  
17 in a position where I'm sitting here in the coming  
18 years being forced to turn down application after  
19 application after application in downtown Brooklyn  
20 and everybody saying well you did it for 141,  
21 you're not doing it for us. You know, what gives...  
22 And, and, and I don't want to create... I'm, I'm, I'm  
23 concerned about creating that expectation whether  
24 it is meeting all of the standards of legally of a  
25 precedent I don't know but it certainly would

1 encourage other applicants to go forward with the  
2 process. And you know after a while if I'm... you  
3 know I don't want to be in a position of having to  
4 turn down an application where every soft site in  
5 downtown Brooklyn and everybody saying well you did  
6 it for 141 Willoughby, why is not good enough for  
7 us. So just want to put that out there that that's  
8 what I'm concerned about. Yes, we maintain the  
9 discretion. Absolutely. And we take that role very  
10 seriously here and that's why we have our review.  
11 But it's, you know it's, it's a... it's, it's... I, I'm  
12 looking ahead and I'm concerned.

14 JAY SIEGEL: I understand.

15 EDWARD WALLACE: Council Member can I  
16 just close on a note of hope. We hear you loud and  
17 clearly. There is time left to find a way that the  
18 precedent, if it is that could be a very good  
19 precedent meaning that there is enough offered in  
20 this project that if anyone came along and said I  
21 want what he had you, you might say if the design  
22 works because design is paramount, it's not just  
23 the word FAR. It's how it looks, how it fits, how  
24 it goes in scale... if the contribution to the  
25 community, if the jobs that it creates, the



1 families that will live there, if all of those  
2 criteria can be met and we're happy to have that  
3 dialogue with you we are hopeful that it can be  
4 this project to the degree it's a precedent is it  
5 difficult in one for someone else to replicate  
6 without doing a lot of good for the community?

8 COUNCIL MEMBER LEVIN: Okay I, what I  
9 would say is that in... if that were to ever come to  
10 pass where the rest of downtown Brooklyn has an  
11 18FAR that, that prospect requires an extensive  
12 community based planning that is not just a you  
13 know case by case basis where one project gets its  
14 foot in the door and it's, you know it's just kind  
15 of each one then subsequently goes for a private  
16 application without any comprehensive planning.  
17 That, I mean it represents a 50 percent increase in  
18 FAR over what is this significantly dense area to  
19 begin with and I'm sensitive to the difference  
20 between residential FAR and commercial FAR but they  
21 have their unique impacts. And that's the type of  
22 thing that when you look at it on a larger scale  
23 cries out for true community based planning. I  
24 wouldn't be doing my job and I wouldn't be  
25 representing my constituents if I did not insist

1 that you know that's something... I don't know  
2 whether we all have the appetite for a large scale  
3 community based planning process to reexamine  
4 downtown Brooklyn, maybe we do. But the, the way to  
5 do it is, is got to be ground up an it's got to  
6 have the support of the surrounding communities and  
7 it can't just be you know one project you know  
8 getting its, its foot in the door and everybody  
9 else following suite. So...

11 CHRISTOPHER SCHLANK: Thank you for your  
12 concern and we look forward to talking to you about  
13 this project...

14 COUNCIL MEMBER LEVIN: Thanks.

15 CHAIRPERSON RICHARDS: Thank you Council  
16 Member Levin. It, think your points were certainly  
17 valid and I'll, I'll definitely say this to EEC and  
18 city planning if there are other joint  
19 applications, city owned sites you're looking at in  
20 particular and I think... we don't want to look at  
21 this just through the microscopal [phonetic] lens  
22 of downtown Brooklyn, anywhere in the city where  
23 president will be set. We want to know these things  
24 in advance. And I think that this could have been  
25 rolled out much better than, than sort of us doing

1 a joint application and it's sort of being forced  
2 down the council's throat in one sense to say we  
3 need to make exceptions here and nowhere else. So I  
4 would hope that if there are other joint  
5 applications that are similar that are going to  
6 come before this committee and through, to land use  
7 that we're having those conversations much earlier  
8 with members because there is a legitimate need for  
9 school eats. It's been identified I think through  
10 EIS and other mechanisms in downtown Brooklyn. But  
11 it would have been nice to have that conversation  
12 even before we talked about adding, you know  
13 turning this into a C6-6. You know we could have  
14 been ahead of the ball here and sort of try to  
15 solve some of the community needs that were here  
16 all together rather than seeing the joint  
17 application and you know it's just moving forward  
18 with the plan that's already halfway baked. Does  
19 that make sense EDC?

20  
21 JEFF NELSON: Understood.

22 CHAIRPERSON RICHARDS: Alright thank you  
23 all. Look forward to continuing to work with you.  
24 Okay so we're going to call up the first panel Toba  
25 Potosky, Cadman Towers, Senada Velmonte [phonetic]..

1 Velmanette, sorry I'm not from Brooklyn I'll mess  
2 it up, I'm just a lonely Queens guy, district  
3 senate 25, Peter Bray Brooklyn Heights Association,  
4 and Assembly member Walter Mosley's Office and I  
5 believe this is Aileen Doyery? Daughtery, okay I  
6 know a Daughtery from Assemblywoman Jo Ann Simon's  
7 Office. Alright we'll ask whoever's going to begin.  
8 And we're going to put two minutes on the time  
9 clock and we'll ask you to begin. State, state your  
10 name, who you're representing and you may begin,  
11 whoever's going to go first. Don't be shy. Alright,  
12 do we got to go in seniority? Alrighty who's the  
13 senior member? Alrighty the... that's a good point,  
14 chivalry is not dead, ladies first. Turn your mic  
15 on.  
16

17 AILEEN DAUGHTERY: On? Can you hear me  
18 now?

19 CHAIRPERSON RICHARDS: Yeah.

20 AILEEN DAUGHTERY: Yeah, thank you.

21 CHAIRPERSON RICHARDS: We want to make  
22 sure the state gets these type of mics too.

23 AILEEN DAUGHTERY: Thank you. So my name  
24 is Aileen Daughtery and I'm here to represent  
25 Assemblywoman Jo Ann Simon of the district 52<sup>nd</sup>

1  
2 Assembly district in Brooklyn. And she'd asked me  
3 to read a letter that she wrote to Borough  
4 President Eric Adams earlier this year. She goes  
5 Dear Borough President Adams. I write to share with  
6 you my profound concerns regarding the proposed  
7 building at 141 Willoughby. I write informed by my  
8 experience residing in neighboring... since 1983 as  
9 an involved community leader coordinating the  
10 response of 10 community groups to the downtown  
11 Brooklyn plan as a small business owner in downtown  
12 Brooklyn since 1997 and now as the member of the  
13 assembly representing downtown Brooklyn. As I  
14 understand it the developer Savanna seeks a text  
15 amendment to establish a maximum FAR within the  
16 special downtown Brooklyn district of 18 and the  
17 zoning map amendment to rezone the project site at  
18 141 Willoughby to C66 and to further text amendment  
19 to establish special height and setback controls  
20 for the project site. As you know the downtown  
21 Brooklyn plan significantly upzoned the area after  
22 significant study and investment a mere 12 years  
23 ago to an afar of 12 which already allows for  
24 extremely tall buildings. The issue of height alone  
25 however is not my primary concern rather it's the

1  
2 utter failure of the city to consider the  
3 cumulative impacts of such a rezoning which require  
4 compliance in the New York state and city  
5 environmental quality or review status and all that  
6 entails. Recently my office conducted a survey of  
7 residence and businesses seeking their input  
8 regarding the development of downtown Brooklyn. We  
9 received 574 responses, nearly 92 percent of which...  
10 agreed that the development in downtown Brooklyn  
11 needs a fresh look and a new approach that better  
12 ensures community needs are addressed. As you may  
13 recall downtown Brooklyn plan... vision a total of  
14 5.3 million square feet of new development of which  
15 five... 4.2 was anticipated to be commercial.  
16 Further, it is an environmental impact study...  
17 impact space on anticipated 973 residential units.  
18 Already over 10,500 units been built and an  
19 estimated 7,000 or more on deck. ...development that  
20 has taken place under the downtown plan is the  
21 opposite of that... by city planning and plans  
22 proponents. And I think my time is running out that  
23 I just wanted to basically submit the rest of the  
24 letter into the record. But overall Assemblywoman  
25 Simon rejects... wishes that this proposal be

1 rejected in its current form. And final... and  
2 finally she wishes to note Community Board 2<sup>nd</sup> has  
3 recommended disapproval of this... It is right to  
4 note that a public has already paid for the  
5 increased density in downtown Brooklyn. Development  
6 community... received enormous profits from building  
7 residential space and the area has rebounded from  
8 the sleep commercial... district to a vibrant area  
9 soon to be struggling not to fall victim to its own  
10 success. We need your leadership to work together  
11 to ensure that the gains are not lost. Thank you.

12 CHAIRPERSON RICHARDS: Thank you.

13 JOSEPH YANUS: Good afternoon. My name  
14 is Joseph Yanus. I'm here from State Assemblyman  
15 Walter Mosley's office. Assemblyman Mosley  
16 represents the neighborhoods of Fort Green and  
17 Clinton Hill directly adjacent to the project. Due  
18 to the nature and similarity of the letters our  
19 office along with State Senator Velmanette  
20 Montgomery sent to Carl Wesbrock [sp?] over the  
21 summer I'm going to spend the rest of my time to my  
22 colleague from Senator Montgomery's Office to read  
23 the testimony. Thank you.

1 OSEAR JONAS: Hello, my name is Oscar  
2 Jonas. I'm representing State Senator Velmanette  
3 Montgomery. I have here a letter that was submitted  
4 to the New York City Planning Commission addressed  
5 to specifically to Chairman Weisebroad and the rest  
6 of the commissioners. Dear Chairman Weisebroad and  
7 members of the New York City Planning Commission.  
8 I'm writing to urge you to sustain Brooklyn  
9 Community Board 2's rejection of a ULERP  
10 application by the development firm Savannah to  
11 dramatically increase the allowable FAR from 6 to  
12 18 at a, at a site, at 141 Willoughby Street within  
13 the special downtown Brooklyn district. This would,  
14 this would set a precedent for other development  
15 that would dramatically change the allowable  
16 heights and densities for construction within a  
17 district that was studied three years before its  
18 creation in 2001 and its modification in 2004.  
19 There are two proposals before you. One increase  
20 the maximum FAR within the special downtown  
21 Brooklyn district to 18, the 2<sup>nd</sup>'s proposed zoning  
22 map amendment to permit FAR18 and establish a  
23 special height and set back controls for the  
24 project site at 141 Willoughby. The proposal would  
25



1  
2 create the city's first C6-6 zone with a base FAR  
3 of 18 outside Manhattan and the only zone in  
4 Brooklyn with an FAR in excess of 12. Unlike the  
5 painstaking and public, and public planning process  
6 has preceded the creation of the special downtown  
7 Brooklyn district. In this instance there has been  
8 no such study, no environmental impact statement,  
9 no study of impacts of infrastructure, no pro, no  
10 provisions for additional school seats and  
11 transportation or any of the other considerations  
12 of the impact that such massive and tall building  
13 at 141 Willoughby would have on the surrounding  
14 area. Moreover, allowing this rezoning to go  
15 forward would act as an incentive for other  
16 developers to similarly seek FAR 18 development on  
17 other soft sites in downtown Brooklyn without the  
18 kind of careful consideration of the impact that  
19 occurred before the creation of a special district..  
20 I have a paragraph and a half, may I conclude sir?

21 CHAIRPERSON RICHARDS: Yes, Sir.

22 OSEAR JONAS: Okay, thank you. Sorry  
23 ...special district... With several million square feet  
24 of office space already planned or under  
25 construction in downtown Brooklyn without this

1 change it is hard to understand the city's rational  
2 for pushing ahead with it. The city's argument that  
3 increasing the FAR is a means to increase the  
4 supply of affordable housing is similarly suspect  
5 since the 18 FAR permits, no more allowable  
6 residential floor area than the adjacent 12FAR.

7 Excuse me one sec. I apologize. I should know how  
8 to use this by now. Okay. The failure to conduct  
9 even minimal studies of the broader impact of such  
10 dramatic upzoning on the area at 141 Willoughby  
11 constitutes a lack of compliance with both the  
12 state and city environmental quality review acts  
13 and its variants with the city's past practice with  
14 respect to prior rezonings that it is done in the  
15 other boroughs. Compliance with both the letter and  
16 spirit of SECRA and SECRA would have man... would  
17 have mandated the completion of an environmental  
18 impact statement analyzing other soft sites in the  
19 downtown Brooklyn special district being rezoned to  
20 18FAR. Failure to conduct those studies should in  
21 and of itself prevent the lawful approval of these  
22 proposed actions. I support Community Board 2's  
23 position and share their concerns on this project.  
24  
25

1 Sincerely state senator Velmanette Montgomery, 25<sup>th</sup>  
2 District.  
3

4 CHAIRPERSON RICHARDS: Tell her I said  
5 hello. Thank you.

6 PETER BRAY: Sure. My name's Peter Bray.  
7 I'm the Executive Director of the Brooklyn Heights  
8 Association and I appreciate this opportunity to  
9 speak for the 20,000 residents of Brooklyn Heights  
10 in opposing this rezoning action. The city needs  
11 more below market rate housing, office space  
12 options and well maintained open space. But  
13 regardless of the specific merits of this project  
14 it cannot and should not be evaluated independent  
15 of its consequences for downtown Brooklyn and  
16 nearby neighborhoods for if this application is  
17 approved it will set a precedent to similarly  
18 upzone throughout this are and lead to a 50 percent  
19 increase in its allowable densities. It is the  
20 BHA's position that this rezoning application must  
21 be considered in a broader context. As you know the  
22 2004 rezoning of downtown Brooklyn was intended to  
23 make it a third central business district. Only  
24 1,000... 1,000 housing units were expected over 10  
25 years but according to a recent Brooklyn borough

1 president study 11,000 units have been built or in  
2 the pipeline. The report found that quote the gap  
3 between what was assumed and what has been  
4 developed warrants a fresh look at how to  
5 accommodate past and future growth and capital  
6 budget investment, unquote and that the city should  
7 explore a zoning text amendment to encourage more  
8 commercial development coupled with an assessment  
9 of the area's infrastructure needs. Most  
10 importantly it also posits that quote each instance  
11 of a discretionary land use action in the rezoned  
12 area should include recommendations for additional  
13 school seats and infrastructure, unquote. The  
14 rezoning of 141 Willoughby does not involve a fresh  
15 look, assessment, or recommendation but is more of  
16 a build first mitigate later approach. But  
17 mitigation is not always possible. The city now  
18 cannot find a single location for a downtown school  
19 despite the recognized need for 3,000 new school  
20 seats. This action before you is not a solution to  
21 a problem but a recipe for more and more  
22 dysfunction. We deserve a serious planning effort.  
23 Accordingly, the BHAS subcommittee to reject this  
24 rezoning application. Finally, I just want to again  
25

1  
2 thank the subcommittee for this opportunity and I  
3 want to particularly thank my colleagues and our  
4 council member Steve Levin for meeting with the  
5 neighborhood and meeting with a coalition of  
6 neighborhood groups to hear our concerns and to  
7 articulate those concerns today.

8 TOBA POTOSKY: Yeah you spend a couple  
9 of... a week or so trying to craft all the right  
10 words and now it sounds like... [cross-talk] I can  
11 hear my high school teacher saying that I copied  
12 off of everybody. Okay. Good afternoon Council  
13 Members. Thank you for giving me an opportunity to  
14 speak to you today. My name is Toba Potosky. I am  
15 the president of the Board of Directors at Cadman  
16 Towers which is a Mitchell Lama Co-op located in  
17 downtown Brooklyn. First I would like to submit  
18 which I have here signatures of more than 238  
19 Cadman Towers residents urging our council member  
20 Steve Levin and the council's Land Use Committee to  
21 reject the rezoning application by the development  
22 firm Savanna that would dramatically increase the  
23 allowable FAR beyond 12 at 141 Willoughby Street. I  
24 am joined by my neighbors from other co-ops who are  
25 sitting over here in the downtown Brooklyn in

1  
2 opposition to this request. They have also  
3 collected signatures from their neighbors. We are  
4 supported in our effort as you've heard from  
5 Borough President Eric Adams and State Senator  
6 Montgomery and Mosley, Assembly member Jo Ann  
7 Simon, Community Board 2, and the Brooklyn Heights  
8 Association. Together we represent thousands of  
9 downtown Brooklyn residents who unfortunately could  
10 not be here today however I'm here to urge you to  
11 join us in rejecting Savanna's request. Savanna's  
12 request if approved would set a precedent that  
13 would dramatically change the allowable height and  
14 densities for construction within a special  
15 district that was studied for three years before  
16 its creation in 2001 and its ULERP approval in  
17 2004. Unlike in the past in this instance there has  
18 been no independent environmental impact statement  
19 that I'm aware of, no impact, no study of the  
20 impact of infrastructure provisions for additional  
21 school seats as we've been talking about or  
22 transportation or any other considerations of the  
23 impact that's such a massive new complex at 141  
24 Willoughby street would have on the surrounding  
25 community. The failure to conduct even minimal

1 impact studies on such a dramatic upzoning on the  
2 area of 140... around 141 Willoughby constitutes a  
3 lack of compliance of both the state and city  
4 environmental quality re4view acts and it's...  
5 consistent with the city's past practices. Failure  
6 to conduct these studies should in and of itself  
7 prevent the law... the lawful approval of the  
8 proposed request. I've got three more paragraphs,  
9 three short paragraphs?  
10

11 CHAIRPERSON RICHARDS: Sure.

12 TOBA POTOSKY: Okay, thank you.  
13 Moreover, allowing the rezoning to go forward would  
14 act as an incentive for other developers to seek  
15 FAR18 on other sites in downtown Brooklyn without  
16 the careful consideration of environmental impact  
17 survey...

18 CHAIRPERSON RICHARDS: I do want to say  
19 it's four paragraphs though...

20 TOBA POTOSKY: You, you are...

21 CHAIRPERSON RICHARDS: I'm just messing  
22 with you...

23 TOBAH POTOSKY: ...you're correct. I'm  
24 going to skip that next one. Okay for those here I  
25 deliberated on this, I asked my wife, for those of

1  
2 you who remember your geography or the 1970s TV  
3 show "Welcome Back, Kotter" in the opening segment  
4 it said; welcome to Brooklyn, the fourth largest  
5 city in America if it was a city. Meanwhile,  
6 meaning, we have plenty of space to build  
7 affordable housing but without overcrowding an  
8 already overburdened area. If my neighbors were  
9 here in person today they would want you all to  
10 know that the number of overcrowded subway trains  
11 during rush hour that they have to leg go before  
12 they can find a space for themselves or as  
13 previously mentioned, one elementary school in  
14 District 13 with a waiting list and a lottery for  
15 Kindergarten or the space where Long Island College  
16 Hospital once stood and will soon be replaced by  
17 four high rise towers. We are not against  
18 development. We're, we're supportive of development  
19 but we want the right development. I hope you  
20 listen to our request and to the request of our  
21 elected officials and reject the rezoning  
22 application by Savanna for the project site at 141  
23 Willoughby Street in downtown Brooklyn. Thank you,  
24 thank you, thank you very much.



2 CHAIRPERSON RICHARDS: Thank you all for  
3 your testimony. I'm going to go to Council Member  
4 Levin.

5 COUNCIL MEMBER LEVIN: I want to thank  
6 this panel for your very thoughtful testimony and  
7 your thoughtful advocacy you know as well as your  
8 willingness to take on this comprehensive issue. It  
9 would be just as easy for, for you all to look at  
10 this and say well it's not my problem or it's not  
11 in Brooklyn Heights so it's not Brooklyn Heights'  
12 problem or it's not Cadman's problem. But I think  
13 that you've taken a look at this and, and said this  
14 needs to be addressed there are serious  
15 infrastructure needs that were left out of the 2004  
16 rezoning that we need to collectively take  
17 responsibility for. So I just want to thank you  
18 very much for using this opportunity to express  
19 your concerns and make sure that those are here on  
20 the record and holding your public officials  
21 accountable for addressing those concerns. And I  
22 just want to thank you very much for taking the  
23 time for your very thoughtful testimony today.  
24 Thank you to the elected officials as well.

2 CHAIRPERSON RICHARDS: Thank you all for  
3 your testimony. Okay we're going to go to the next  
4 panel. Alan Washington, 1 MetroTech Center,  
5 downtown Brooklyn Partnership, Andrew Hone Brooklyn  
6 Chamber of Commerce, Lynn Parkinson Brooklyn  
7 Ballet. Are there any others who wish to... in favor,  
8 in favor of the application? In favor? I'm messing  
9 with you. Alrighty. Alright we have one more panel  
10 after this, just wanted to make sure we got  
11 everybody. Okay, thank you. Sure. How are you Sir?  
12 How are you? You may begin.

13 VARUN SANYAL: Good afternoon Chair  
14 Richards and Subcommittee members. My name is Varun  
15 Sanyal and I'm Director of Economic Development  
16 Policy at the Brooklyn Chamber of Commerce speaking  
17 on behalf of Carlo A. Scissura Presidency of the  
18 Brooklyn Chamber of Commerce in full support of the  
19 development at 141 Willoughby Street. The Brooklyn  
20 Chamber of Commerce is a membership based business  
21 assistance organization that represents the  
22 interest of its member businesses as well as other  
23 businesses across the borough of Brooklyn. The  
24 Brooklyn alliance is a non-for-profit economic  
25 development arm of the chamber which works to

1 address the needs of businesses through direct  
2 business advocacy instance. The project for the  
3 development of the mixed use site at 141 Willoughby  
4 Street by Savanna Real Estate fund is a much  
5 welcome addition to downtown Brooklyn bringing much  
6 needed affordable residential units, ground floor  
7 retail, office space, as well as a renovated  
8 permanently maintained park. There's a lack of  
9 class A Office space in downtown Brooklyn. If  
10 approved this project would provide approximately  
11 98,000 square feet of such critically needed office  
12 space. In addition, inclusion of 30 percent of the  
13 total units as affordable will help address a  
14 shortage of affordable housing that the community  
15 desperately needs. The preservation, renovation,  
16 and maintenance of park land which is lot 8, as per  
17 the deed restriction that the developer has agreed  
18 to abide by is part of the proposal. As the area  
19 increases in residential and employment usage the  
20 perpetual maintenance of parkland is key to  
21 addressing the shortage of open space that workers  
22 and residents need alike. The current zoning allows  
23 residential and retail use as of right. The  
24 developers are seeking to allow for more affordable  
25

1 housing and office space... not for this ULERP item  
2 we would not see the development of 30 percent  
3 affordable housing or the... parkland, added retail,  
4 and desperately needed office space. We believe  
5 that this proposal will create a balanced  
6 development and a pedestrian and transit heavy  
7 downtown corridor. The Brooklyn Chamber of Commerce  
8 shares the community board, borough president's  
9 office, the city council members' views that  
10 schools are critically needed in downtown Brooklyn.  
11 And we agree with the SEA opinion on that matter  
12 that this location may not be ideally situated or  
13 configured for such but we have worked in  
14 partnership with stakeholder and met with the SEA  
15 and were pleased that funds have already been  
16 allocated for school seats in Downtown Brooklyn.  
17 Siting the need of school facilities at an  
18 appropriate location that will produce the best  
19 possible space for children should be a priority  
20 for all of us. We are in full support of this  
21 calendar item on behalf of Savanna Fund Real  
22 Estate. Thank you.

23  
24 CHAIRPERSON RICHARDS: Thank you. Good  
25 to see you on the other side.

ALAN WASHINGTON: Good afternoon Chair

Richards, Council Member Levin, Subcommittee

members. I'm Alan Washington, Managing Director of

Real Estate and Economic Development at the

Downtown Brooklyn Partnership and on behalf of DBP

I would like to voice our strong support for

Savanna's panned mixed use project at 141

Willoughby. As a non-for-profit economic

development organization for downtown Brooklyn we

advocate for projects that offer multiple needed

improvements to our neighborhood, particularly

those that address the diverse goals of the 2004

rezoning. To that end, the 141 Willoughby project

is a tremendous example of a true mixed use project

offering much needed retail housing and office

space to downtown Brooklyn. First, we support the

270 proposed apartments in the project. New York

City's population growth is expected to add one

million residents by 2030. This means that New York

City can expect over 5,000 new residents per month

for the next 16 years underscoring the immediate

need for housing. We are particularly pleased that

the 30, that 30 percent of the apartments in the

project will be set aside as affordable, one of the

1 largest percentages in downtown Brooklyn. Second,  
2 over the last few years downtown Brooklyn has  
3 experienced tremendous growth and demand for office  
4 space. The emergency of downtown Brooklyn, Dumbo,  
5 and the Brooklyn Navy Yard as an entrepreneurial  
6 hub has created tremendous demand for additional  
7 office space in downtown Brooklyn. Having seen a 22  
8 percent increase in the number of innovation firms  
9 alone with not enough office space planned to meet  
10 the future growth projects and an incredibly low  
11 commercial office vacancy rate of three percent we  
12 are facing a space crisis that threatens to halt  
13 the incredible momentum therefore the additional  
14 98,000 square feet of commercial office space at  
15 141 Willoughby will help foster the innovation and  
16 economic engine that is taking off in Brooklyn.  
17 Finally given the multiple uses proposed for the  
18 project the building's location within the core of  
19 an urban environment on Flatbush Avenue, the  
20 proximity to similarly dense buildings and the  
21 strength of the infrastructure in the vicinity,  
22 particularly transit we believe that the scale and  
23 design of the proposed building is most appropriate  
24 for the site's location in the heart of downtown  
25

1  
2 Brooklyn. This is an example of smart density and  
3 we urge you to move forward in support of this  
4 project. Thank you for your time and consideration..

5 CHAIRPERSON RICHARDS: Great. Thank you  
6 so much for your testimony. Can you just speak to,  
7 I don't know if the chamber can, so there seems to  
8 be according to this report a shortage and a need  
9 for more office space in downtown Brooklyn. So can  
10 you just speak to that a little bit more?

11 VARUN SANYAL: Sure. Although there's  
12 been a plethora of new residential development in  
13 the downtown area there is still a... office space. I  
14 mean we have the MetroTech facility you know which  
15 was built two or three decades ago. So we're seeing  
16 as more residents are moving and more industries  
17 moving to the borough there's a... of class A office  
18 space especially in the downtown area.

19 CHAIRPERSON RICHARDS: And what sort of  
20 industry is primarily... I don't know if you can  
21 answer this question, ...are you starting to see come  
22 in downtown?

23 VARUN SANYAL: Well a lot of... companies,  
24 industries that are moving from Manhattan such as  
25 Time Inc and such... moving to Brooklyn now. So it...

1  
2 infrastructure in terms of office space to support  
3 that.

4 CHAIRPERSON RICHARDS: I don't know if  
5 the partnership you want to chime in here

6 ALAN WASHINGTON: Sure. I'll elaborate  
7 on that. So downtown Brooklyn has a core of about  
8 17 million square feet of office space, recently  
9 there have been a number of projects that have been  
10 announced to increase that office space in the tune  
11 of about two million square feet, by our  
12 calculations it's about four million square feet  
13 that... of office space that is needed currently  
14 today. So even if these projects start say in the  
15 next six months it's still a while before we're  
16 going to be able to meet that need. In terms of  
17 your second question about what sort of industries  
18 are looking for space, you know the innovation  
19 economy is very strong in Brooklyn but that doesn't  
20 necessarily mean just tech. It's any sort of  
21 organization that's doing innovative things. We're  
22 also seeing an uptick in terms of healthcare,  
23 organizations and companies looking for space in  
24 the downtown... [cross-talk]

25 CHAIRPERSON RICHARDS: Said healthcare?



2 ALAN WASHINGTON: Healthcare.

3 CHAIRPERSON RICHARDS: Okay.

4 ALAN WASHINGTON: Looking for space in  
5 the downtown Brooklyn area.

6 CHAIRPERSON RICHARDS: Alright thank you  
7 both for coming out. Thank you for your testimony.  
8 Okay, thank you. Alright we'll... I believe this is  
9 the last panel. Alrighty, so we're going to call  
10 Roger, Vanett Adler, Richard Landy Cabin Plaza  
11 North, Tedd Vellan Cadman Plaza North, Alan Rosen,  
12 and Roberto. Alrighty I'll say these... Anyone else  
13 here who wishes to testify on this issue? Okay, now  
14 is your time, if not forever hold your peace, not  
15 forever but hold your peace. Roger Vanett Adler,  
16 Richard Landy, Tedd Vellan, Valond, Alen Rosen,  
17 Roberta... okay, great. Okay. So I'll ask you to just  
18 state your name on the record and who you're  
19 representing today and then you may begin your  
20 testimony. You'll hit your button, your mic, there  
21 you go.

22 ROGER: My name is Roger Vanett Adler. I  
23 live in Brooklyn Heights. I'm a practicing  
24 attorney. I do not represent anybody financially  
25 interested in the matter before the council. I

1 appear before this committee as a long time  
2 Brooklyn resident. I have lived in Brooklyn Heights  
3 since 1973 following graduation from Brooklyn law  
4 school when my father owned the bar and grill on  
5 Nevin Street opposite the old Fox Theatre on  
6 Flatbush Avenue. Accordingly, I am from Brooklyn as  
7 they say before it got cool. Like the ancient  
8 Hebrews worshiping the golden calf at Mount Sinai  
9 the de Blasio administration worships at the idol  
10 of affordable housing. Real estate developers have  
11 apparently learned that where they agree to provide  
12 affordable housing such concerns as project density  
13 needed off street parking, employing union  
14 employees, access to neighborhood schools, pre-k  
15 and elementary and middle school as my council  
16 Steve Levin has credibly reported, and the  
17 existence of and overtaxing the water, sewer, and  
18 utility systems are simply ignored. Disturbingly  
19 the city planning commission in considering the  
20 Savanna development application not merely ignored  
21 the concerns of the local community planning board  
22 it was made prior to course then posed on the city  
23 the tax abatements, school construction, and  
24 providing necessary hookups to utilities were  
25

1  
2 costed out. It also appears that at some point in  
3 the development process the city sold existing air  
4 rights over the Department of Health building on  
5 Flatbush Avenue. It is unknown if the city was  
6 adequately compensated that the legal right, had  
7 the legal right to sell it or this is another  
8 Irvington Street situation ready to explode. This  
9 project sadly reveals a let's say fair attitude in  
10 which we delegate to real estate developers to  
11 shape the downtown Brooklyn landscape driven by the  
12 siren song of financial gain but scrupulously  
13 avoiding accepting responsibility to provide  
14 municipal services for the local residents much  
15 like manufacturers who produce their products and  
16 then proceed to dump their waste, we're left with  
17 their results. Because of the lateness of the hour  
18 I... you have my statement and I'll yield to my  
19 colleagues who are here.

20 CHAIRPERSON RICHARDS: Thank you Sir.

21 ALAN ROSEN: Good afternoon. My name is  
22 Alan Rosen. I've been a Brooklyn Heights Resident  
23 for more than 20 years. I live at 75 Henry Street  
24 also known as Whitman owner co-op with more than  
25 350 residential units and commercial spaces. Some

1  
2 of you might remember that our co-op who  
3 shareholders... who's in support of our neighbors and  
4 community turned down a developer's office in the  
5 range of 100 million dollars for a piece of our  
6 property. Had we sold this land our co-op and  
7 shareholders would have been in a financially  
8 enviable position for many years to come. My  
9 apartment faces downtown Brooklyn. And from my  
10 window and balcony I have an excellent view of most  
11 of the new developments arising in our community. I  
12 totally understand and agree with Mayor de Blasio's  
13 vision for more affordable housing in our city. I  
14 support the 200... 2004 rezoning of downtown Brooklyn  
15 to allow for additional commercial space and more  
16 affordable living units. It is my understanding  
17 that the maximum floor to area ratio for most of  
18 downtown Brooklyn is 12 assuming, that includes  
19 commercial space and affordable housing. I disagree  
20 though with Savanna's request to rezone 141  
21 Willoughby Street to a floor to area ratio of 18.  
22 Additionally, from my building alone 77 residents  
23 have signed petitions against this project. On the  
24 surface it may seem like it's no big deal. 149  
25 story mixed use tower with approximately 80

1  
2 affordable apartments. However, the precedent that  
3 this could set would likely destroy the livability  
4 of our community. If you approve an exception for  
5 one developer what stops other developers from  
6 using this rezoning for additional properties. They  
7 have the financial and political resources to make  
8 this exception work for them. Please consider that  
9 this precedent could add one-third more to the  
10 height of new developments in downtown Brooklyn  
11 without addressing the borough services and  
12 infrastructure. Schools, busses, subways, and other  
13 services cannot address the huge influx of  
14 residents to our area. The skyline of downtown  
15 Brooklyn could look like that of Hong Kong or  
16 Dubai. I respectfully ask that you reject Savanna's  
17 request to rezone the property at 141 Willoughby  
18 Street. Thank you.

19 CHAIRPERSON RICHARDS: Thank you.

20 TED VALAND: Good afternoon. Thank you  
21 for the opportunity. My name is Ted Valand. I'm the  
22 President of the Board of Directors of Cadman Plaza  
23 North Inc. which is a Mitchell Lama Co-op of 250  
24 units located at 140 Cadman Plaza west. We're  
25 submitting today a petition in opposition to the

1  
2 Savanna proposal that contains 113 voter names. And  
3 we hope that you take that into consideration as  
4 you move forward on this particular request. We're...  
5 for two overarching reasons. This is just a  
6 reiteration of everything that you've heard up to  
7 this particular point in time. The first is that  
8 we're opposed to the over development of the area  
9 with minimal research and concern for the impact on  
10 the community as a whole particularly on the, on  
11 the school, on the education, the transportation,  
12 the sanitation, the utilities, the water needs of  
13 an expanding environment down there. The second  
14 overarching reason is the procedural issue that  
15 establishes a precedent and we're concerned with  
16 that precedent, the presidential nature of the  
17 request. The bottom line is that the unrestrained  
18 hyper development benefits no one in the community  
19 except for real estate developers. Thank you for  
20 your time and we hope you take this into  
21 consideration as you move forward.

22 CHAIRPERSON RICHARDS: We're going to go  
23 to Chair Greenfield for a question.

24 COUNCIL MEMBER GREENFIELD: Thank you  
25 panel for coming out here and sharing with us your

1 perspective. Did I lose someone there? Guess so. My  
2 question, my question for you is as a panel a lot  
3 has been spoken about the housing in particular.  
4 What do you think of the office proposal. It seems  
5 like there is a clear need for office space  
6 downtown. So from that, on that piece of it do you  
7 have an opinion on the office piece of the  
8 proposal? Either one of you, please.

10 UNIDENTIFIED: You know in terms of the,  
11 in terms of the need for an expansion of space, of  
12 commercial space, of residential space it's, this  
13 is not an opposition to that. What we're looking  
14 forward to is, is the common sensical [phonetic]  
15 development of the area. Clearly there's a need for  
16 additional jobs in the area. There's clearly a need  
17 for additional supportive environments, supportive,  
18 supportive environment for the area. The issue is  
19 this specific project. And we think that this is a,  
20 a camel's nose... tent. You let this happen and the  
21 overdevelopment is going to continue. This hyper  
22 development... area which is clear. My gut,  
23 personally, is that this is an overbuild situation  
24 in the area as a whole but that's just a personal  
25 view. The issue is what are you going to do here

1 with a precedent, a potentially precedent setting  
2 decision that you have to make. And we think that  
3 you should oppose it.  
4

5 COUNCIL MEMBER GREENFIELD: Okay so just  
6 to be..

7 UNIDENTIFIED: Bottom line.

8 COUNCIL MEMBER GREENFIELD: ..just to be  
9 clear. So this particular proposal would, would  
10 bring 100,000, roughly 100,000 square feet of  
11 office space where currently there would be no  
12 office space on the as of right proposal. You're  
13 not opposed to the 100,000 square feet of office  
14 space right? So what you're saying is you're  
15 opposed to the potential precedent which was  
16 discussed here before at the committee in terms of  
17 what the rest of downtown would look like, is that..

18 [cross-talk]

19 UNIDENTIFIED: No the opposition, the  
20 opposition is to the development without a look at  
21 the, the supporting needs of that development. And  
22 that includes the, the residential environment that  
23 currently exists there and the way in which the  
24 commercial development will take place in terms of  
25 the, the required infrastructure that's associated



1 with transportation to and from which is now  
2 overtaxed to begin with if you've ever spent time  
3 in the, in the for example the train stations down  
4 there. It's a problem. And it probably will only be  
5 addressed if it's addressed as a, as a community  
6 based problem, a community development planning  
7 problem, not as an individual, an individual  
8 petition for rezoning.  
9

10 COUNCIL MEMBER GREENFIELD: Got it. Sir,  
11 do you want to add anything?

12 UNIDENTIFIED 2: I mean I think that  
13 this is a huge precedent and what's to stop future  
14 developers from taking advantage of it and really  
15 destroying our community. It's not that we're  
16 against office space. I'm sure that within the  
17 zoning other developers can also develop office  
18 space. But this one precedent is, is huge for our  
19 community and that's why we oppose it.

20 COUNCIL MEMBER GREENFIELD: So you're  
21 opposed to the precedent. Okay, thank you.

22 CHAIRPERSON RICHARDS: Thank you so much  
23 for your testimony. Thank you for coming out today.  
24 I want to thank everyone for coming out. Is there  
25 anyone else who wishes to testify on this issue?

1  
2 Okay, seeing none, we're going to begin to close  
3 this hearing out. I just want to add..

4 COUNCIL MEMBER LEVIN: Oh, thank you. I  
5 just want to thank this panel for your testimony  
6 and for your advocacy and for being involved in  
7 this project and for, and for continuing to express  
8 those considerations. We look forward to working  
9 with you over the coming weeks.

10 CHAIRPERSON RICHARDS: And I want to  
11 acknowledge we've been joined by our Public  
12 Advocate Letitia James who I actually used to  
13 represent.

14 PUBLIC ADVOCATE JAMES: Thank you. So I..  
15 as most of you know I formerly represented this  
16 part of the district and was involved in the  
17 rezoning and I do know this building which was  
18 carved out of the rezoning in downtown Brooklyn.  
19 And as most of you know when we did the rezoning we  
20 were, we at that point in time the argument for the  
21 rezoning that it was going to create nothing but  
22 commercial space but in reality it was all  
23 converted to residential. And so I too have my  
24 concerns and just wanted to come by and express  
25 them.

CHAIRPERSON RICHARDS: Thank you so much  
Public Advocate James. That was well said. And we  
look forward to continuing the dialogue with all in  
particular on this application. I want to thank all  
the applicants who came out this morning to the  
public for coming out. And I want to thank Council  
Member Levin in particular for his leadership on  
this application now and, and on the days that come  
and we look forward to continuing to move this  
forward. So with that being said we will now close  
the public hearing on Land Use items number 472,  
473, and 474. We're going to lay these items over  
into the next regularly scheduled subcommittee  
meeting. Meeting adjourned.

[gavel]

C E R T I F I C A T E

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



Date October 27, 2016