

CITY COUNCIL
CITY OF NEW YORK

-----X

TRANSCRIPT OF THE MINUTES

of the

SUBCOMMITTEE ON ZONING AND FRANCHISES

-----X

June 4, 2013
Start: 10:09 a.m.
Recess: 1:22 p.m.

HELD AT: Council Chambers
City Hall

B E F O R E:
MARK S. WEPRIN
Chairperson

COUNCIL MEMBERS:

Leroy G. Comrie, Jr.
Daniel R. Garodnick
Robert Jackson
Jessica S. Lappin
Diana Reyna
Joel Rivera
James Vacca
Albert Vann
Vincent M. Ignizio
Ruben Wills

A P P E A R A N C E S

Robert Callahan
Representative
Rosemary's

Howard Goldman
Representative
Metro Storage New York

Richard Lobel
Sheldon Lobel, P.C.

Carolyn Grossman
Director of Government Affairs
NYC Department of City Planning

Richard Suarez
NYC Department of City Planning

Jed Wolentis
Principal
Two Trees Management Company

Ray Levin
Two Trees Management Company

James Karss

Carol Lee Fink
Office of the Mayor

Mabel Bernstein
New York City Economic Development Corporation

Joe Coletti
New York City Economic Development Corporation

Terry Moore
Business Manager
Metal Lathers Union Local 46

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

Melissa Shetler
Laborers, Local 79 and 79

Peter Bray
Park Slope Civic Council

Michael White
Citizens Defending Libraries

Karen Brooks Hopkins
President
Brooklyn Academy of Music

Carlo Scissura
President and CEO
Brooklyn Chamber of Commerce

Linda Johnson
CEO and President
Brooklyn Public Library

Alan Fishman
Chairman of the Board
Brooklyn Academy of Music

Diti Sen
SEIU Local 32 BJ

Deborah Howard
Pratt Area Community Council

Leslie Schultz
Downtown Brooklyn Arts Alliance

James Caldwell
77 Precinct Community Council

Danny Simmons
Concerned Citizen

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

Conrad Walker
Berkeley College

Dominique Bravo
Cumbrae Dance

Ginny Loloudis
Executive Director
Alliance of Resident Theaters New York

Philip Kellogg
Executive Director
Fulton Area Business Alliance

Doreen Sevaris
Director of Development and Special Projects
Crescent Consulting Associates

Aaron McKinney
Associate Producer
651 Arts

Jackie Bush
Mark Morris Dance Group

1
2 CHAIRPERSON WEPRIN: Okay. We are
3 going to get started. Ladies and gentlemen, if we
4 could have some quiet please. My name is Mark
5 Weprin. I am chair of the Zoning and Franchises
6 Subcommittee, and I am joined today by the
7 following members of the Subcommittee: Robert
8 Jackson, Leroy Comrie, Al Vann, Joel Rivera,
9 Vincent Ignizio. That is everyone, right? That
10 is everyone who is here so far. We have a number
11 of items - - today, so we are going to ask for
12 some patience here. We are going to hold the BAM
13 South [phonetic] project 'till the end the last
14 one because it's got the most people here. We
15 will get to that; it will be the longest one. We
16 will try to move very quickly through the rest of
17 the agenda. So without further ado, I just want
18 to state that Land Use number 821, which is the
19 telecommunications authorization resolution is
20 laid over. We have a couple of cafes, and we have
21 people here who have to get back to their
22 businesses that were asked to be called up. I'd
23 like to call up the first one is Rosemary's, Land
24 Use number 827. That is in Speaker Quinn's
25 district, Robert Callahan [phonetic] is here. Mr.

1
2 Callahan, if you could please state your
3 application. I understand you have been in
4 consultation with the Speaker's office, and
5 everything has been hunky dory.

6 ROBERT CALLAHAN: My name is Robert
7 Callahan. We had previously submitted a letter of
8 agreement to the Council. I will just read from
9 that letter. Dear Council Member Quinn, this
10 letter serves as our agreement with the Chair,
11 Council Member Mark Weprin and the encompassing
12 members of the Subcommittee on Zoning and
13 Franchises, that we will commit to the following:
14 number one, the use of sandwich boards will be
15 terminated, number two, the use of benches will be
16 terminated, number three, we will remove all
17 planters from within the sidewalk café and from
18 the sidewalk, number four, we will reconfigure the
19 sidewalk café to have one set of two top tables at
20 each end of the café replacing the current
21 arrangement of two single two top tables. This
22 will be done while maintaining eight tables and 16
23 seats and reducing the length of the café at the
24 southern end. These changes will be reflected in
25 revised plans submitted to the New York City

1
2 Department of Consumer Affairs. If there are any
3 questions, please call my office. Sincerely,
4 Carlos Suarez [phonetic], Managing Member.

5 CHAIRPERSON WEPRIN: Thank you, Mr.
6 Callahan. In consultation I know with the
7 Speaker's Office, these agreements were agreed to
8 by the Speaker's Office and with discussions with
9 the community, so members, any questions on this?
10 Seeing none, we are going to close that hearing.
11 Mr. Callahan, stay where you are because I
12 understand you are also representing Land Use
13 number 836, which is 44&X Hells Kitchen. I am not
14 sure exactly... roman numeral ten or is that an X?
15 I don't know, but before I have you speak, Mr.
16 Callahan, I just want to say we have been joined
17 by our east side colleagues, Jessica Lappin and
18 Dan Garodnick. Go ahead, Mr. Callahan on the next
19 item, and you can tell me how to pronounce it.

20 ROBERT CALLAHAN: Yes, this is 44
21 by X, actually Roman numeral ten, 10th Avenue Group
22 Inc. Again, we previously submitted a letter to
23 the Council. I'll read from that letter. Dear
24 Council Member Quinn, this letter serves as our
25 agreement with the Chair, Council Member Mark

1 Weprin and the encompassing members of the
2 Subcommittee on Zoning and Franchises that we will
3 commit to the following: number one, we will
4 shorten all four topped tables to 42 inches from
5 48 inches and shorten two top tables to 21 inches
6 from 24 inches to allow for increased clearance,
7 number two, we will arrange our sidewalk cafe
8 tables and chairs according to the plans on file
9 with the New York City Department of Consumer
10 Affairs and ensure a three foot water service
11 aisle is in place, number three, we will ensure
12 the appropriate sidewalk café license is clearly
13 posted, number four, we will revise and submit
14 plans to the New York City Department of Consumer
15 Affairs in order to reflect the presence of muni
16 meter, planters and smaller table size, number
17 five, the use of waiter station within the
18 sidewalk café will be terminated and number six,
19 we will ensure that all sidewalk café furniture is
20 stored nightly. If there are any questions,
21 please call my office. Sincerely, Bruce Horowitz
22 [phonetic], President.

24 CHAIRPERSON WEPRIN: Thank you very
25 much, and once again, this is in Speaker Quinn's

1
2 district and in consultation with the Speaker and
3 the community, they have agreed to these changes
4 and reductions. Any questions from the panel? I
5 see none. I thank you Mr. Callahan.

6 ROBERT CALLAHAN: Thank you, Mr.
7 Chair.

8 CHAIRPERSON WEPRIN: You are
9 excused, and we appreciate your time. I know on
10 Land Use number 828, which is RYU, there is a
11 motion to file, and we will not be considering
12 that today. Mr. Callahan, also if you could just
13 remember to send us a copy of the plans - - .
14 Okay. Thank you. Okay. We are now going to move
15 on to... we are going to do Land Use number 832,
16 which is the Knapp Street project in Council
17 Member Fidler's district. I'd like to call up
18 Howard Goldman, representing Metro Storage New
19 York. Mr. Goldman, whenever you are ready, please
20 make sure to state your names when you speak if
21 more than one person is speaking especially, and
22 whenever you are ready.

23 HOWARD GOLDMAN: Okay. Howard
24 Goldman, representing Metro Storage. This is an
25 application to cancel a restrictive declaration

1
2 that was imposed in 1984 on a piece of property in
3 Sheepshead Bay in connection with a retail project
4 that was never built. The site is vacant. It has
5 been 30 years. There have been several proposals
6 to develop this site, but none have going forward.
7 The property is located due south of the Coney
8 Island sewage treatment plant, and this
9 cancellation will allow the development of a four
10 story self-storage facility. We have been working
11 in consultation with Council Member Fidler's
12 office on this. We have agreed to a number of
13 limitations on development and landscaping
14 improvements, which will be recorded against the
15 property and will bind the future development of
16 the storage facility. You have just been handled
17 a package of material, including some photographs
18 and site plans and elevations of the facility, so
19 I would be happy to answer any questions.

20 CHAIRPERSON WEPRIN: Thank you very
21 much, I actually have a copy of a letter from
22 Council Member Fidler, which I will read into the
23 record. It is a little lengthy, so I will try to
24 do it as quickly as possible with some of those
25 changes that you had discussed, so without further

1
2 ado dear Chairman Weprin, on behalf of the
3 community, I have had discussions with the
4 applicants Knapp Street Metro Storage this land
5 use application to remove a November 5th, 1984
6 restrictive declaration from the property. I
7 expressed to them the concerns raised by the local
8 community regarding the potential impact of the
9 development of this property; therefore, to
10 address these concerns we have reached an
11 agreement. The application agreed to be bound by
12 the declaration containing the conditions outlined
13 below and I have agreed to support the land use
14 application before this City Council. The
15 conditions we have agreed to are as follows:
16 number one, lighting fixtures placed on the
17 eastern façade of any development on the subject
18 property shall consist only of down lighting, and
19 the number of fixtures shall be limited to a
20 minimum amount reasonable necessary to ensure
21 public safety, number two, no advertising signage
22 shall be placed on the eastern façade of any
23 development on the subject property and any
24 advertising signage placed on the southern façade
25 shall be located westerly towards Knapp Street to

1
2 the greatest extent reasonably possible, number
3 three, security cameras shall be places on all
4 four facades of any development on the subject
5 property that store the surveilliance footage for a
6 reasonable amount of time, and such footage shall
7 be made available to law enforcement agents upon
8 request, number four, a bench shall be provided
9 behind the eastern façade to any development on
10 the subject property and public waterfront access
11 shall be permitted over the subject property
12 between the hours of 9 a.m. and 6 p.m. on Monday
13 through Saturday and 10 a.m. to 4 p.m. on Sunday,
14 number five, any development of the subject
15 property including any signage shall be limited to
16 a maximum building height of 50 feet above grade
17 subject to encroachments by parapets, mechanical
18 equipment and other permitted obstructions as set
19 forth in the zoning resolution, six, any
20 development of the subject property shall include
21 plantings and greenery along the Knapp Street
22 side, seven, the applicant shall plant ivy or an
23 equivalent substitute at the base of the eastern
24 façade of any development on the subject property
25 and ensure its growth and maintenance as to

1
2 reasonably conceal the face, eight, the applicant
3 shall plant and maintain trees on the landscaped
4 area located between the eastern façade and any
5 development of the subject property and the
6 adjacent body of water to the extent necessary so
7 as to reasonable obscure the façade with the goal
8 of making if further aesthetically pleasing. The
9 applicant has agreed to file and record a new
10 restrictive declaration containing the above
11 conditions in the Office of the City Register of
12 the City of New York, and this will be done
13 immediately after receiving all the required
14 approvals to cancel the prior declaration at issue
15 in this land use item; therefore, based on the
16 above conditions and based upon the agreement to
17 record the aforementioned document, I have agreed
18 to support the cancellation of the November 5th,
19 1984 declaration and to support the land use
20 application. Sincerely, thank you, Lewis Fidler.
21 So I just want to be clear, I know there was some
22 issues raised by community people. They are not
23 here testifying, but the issue of across the water
24 of how it would look--these address those issues
25 in your opinion?

1
2 HOWARD GOLDMAN: Yes, both in terms
3 of landscaping and signage and lighting.

4 CHAIRPERSON WEPRIN: Right, but
5 they still have a great view of the sewage
6 treatment plant, right?

7 HOWARD GOLDMAN: Fantastic.

8 CHAIRPERSON WEPRIN: Alright. I
9 just want to be clear about that. Alright. Well,
10 anybody here have any questions? Any members of
11 the committee have any questions for these
12 gentlemen? Council Member and Chair of the Land
13 Use Committee, Leroy Comrie?

14 COUNCIL MEMBER COMRIE: You did
15 answer my question - - those tanks of the sewage
16 treatment plant?

17 HOWARD GOLDMAN: Those are the very
18 beginning of the sewage treatment plant, which is
19 30 acres in total and extends for several blocks
20 to the north.

21 COUNCIL MEMBER COMRIE: And what is
22 that commercial building just to the south of that
23 in the picture?

24 HOWARD GOLDMAN: Just to the south
25 of there, there is a gas station on the corner at

1
2 the intersection of the properties. Is that what
3 you are referring to? The intersection of the two
4 streets.

5 COUNCIL MEMBER COMRIE: Yeah, Knapp
6 and Voorhies.

7 HOWARD GOLDMAN: That is a gas
8 station. That is not part of the site.

9 COUNCIL MEMBER COMRIE: And so this
10 restrictive declaration, what you are looking for
11 is just within the property that you are
12 developing, correct?

13 HOWARD GOLDMAN: Absolutely.

14 COUNCIL MEMBER COMRIE: And where
15 would this opportunity for people to come and--
16 which way would the public be able to access the
17 waterfront?

18 HOWARD GOLDMAN: Well, if you look
19 at the site plan, which is the next to last page,
20 there is an entrance on Knapp Street and there is
21 also a second entrance on Voorhies Avenue, and
22 then the landscaped already is in the back of the
23 building close to the water.

24 COUNCIL MEMBER COMRIE: So you
25 would have the public coming in off of Voorhies

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

coming down to the landscaped area?

HOWARD GOLDMAN: Yes.

COUNCIL MEMBER COMRIE: But you all have security cameras in that area?

HOWARD GOLDMAN: Security cameras, yes. There is a parking lot. There is lighting.

COUNCIL MEMBER COMRIE: Okay and this - - is already there? - - is that the new project that they are planning?

HOWARD GOLDMAN: It will be provided, and it is in order to filter the water, take out the impurities from the water going into the Shell Bank Creek.

COUNCIL MEMBER COMRIE: Okay, and this facility is going to be three stories?

HOWARD GOLDMAN: Four stories.

COUNCIL MEMBER COMRIE: And your entrance is going to be where exactly?

HOWARD GOLDMAN: The main entrance is off of Knapp Street?

COUNCIL MEMBER COMRIE: Where it looks like glass on the - - ?

HOWARD GOLDMAN: Correct.

COUNCIL MEMBER COMRIE: Alright.

1

2 And are those the proposed colors for the
3 facility?

4

HOWARD GOLDMAN: There is a
5 rendering, which you know, the basic color scheme
6 it will be white and green. I don't know about
7 that yellow roof, but I don't think anybody will
8 see it.

9

COUNCIL MEMBER COMRIE: Okay.
10 Alright. This company does storage all over the
11 city?

12

HOWARD GOLDMAN: All over the
13 United States. The parent company is a major
14 developer and operator of self-storage facilities
15 in more than a dozen states.

16

COUNCIL MEMBER COMRIE: Okay.
17 Thank you. No further questions.

18

CHAIRPERSON WEPRIN: Thank you, Mr.
19 Comrie. Any other members of the panel have any
20 questions for these gentlemen? Okay. Seeing
21 none, we thank you very much. We are going to
22 close this hearing. I want to acknowledge that we
23 have been joined by Council Member Diana Reyna, so
24 thank you very much.

25

HOWARD GOLDMAN: Thank you, sir.

1
2 CHAIRPERSON WEPRIN: Our next item
3 we are going to go to is Land Use number 838,
4 which is the 28th Avenue rezoning in Council Member
5 Vallone's district. Richard Lobel [phonetic] is
6 here, and he brings charts. Mr. Lobel, take your
7 time, set those up properly, and then you know the
8 drill. Please state your name for the record,
9 describe your application. We will get to that.
10 We will follow this. City Planning will be next
11 and we will try to get to that as soon as
12 possible, and then we will do BAM South. So I
13 apologize to those who are here for BAM South, but
14 I want to help get these people on their way.

15 RICHARD LOBEL: Good morning.
16 Thank you for having us today. My name is Richard
17 Lobel from the law firm of Sheldon Lobel P.C. I
18 am joined by Norah Martins [phonetic], my
19 colleague, and as the Chair stated, we are here
20 for the 28th Avenue rezoning. Very simply, the 28th
21 Avenue rezoning is in between 42nd and 43rd Streets
22 on 20th Avenue in Astoria, and the proposal is to
23 place a C12 overlay over the existing R5 zoning
24 district. We have handed out some materials to
25 the council members. The existing zoning, which

1
2 is R5 doesn't really reflect what is on this block
3 and the block right now, especially this frontage
4 is defined by commercial uses along 28th Avenue.

5 There is a beauty parlor. There is a tax
6 preparation office. There is a printing shop, and
7 the business which we are concerned with and which
8 the applicant owns, which is an Italian Restaurant
9 fronting on the corner of 42nd Street and 28th
10 Avenue, the restaurant has been there since for
11 about 40 years. It was previously a commercial
12 establishment dating back to 1947, so we have an
13 existing non-conforming commercial use here, and
14 in line with the City Planning rezonings of the
15 last ten years, we are attempting to put down this
16 commercial overlay to better reflect the zoning on
17 the ground. The rezoning will help the applicant
18 to establish commercial parking to the rear.

19 There is a paved area to the rear of these
20 properties, which can accommodate 22 cars. To be
21 very clear, the restaurant can continue to operate
22 without this parking as they have done and they
23 have a certificate of occupancy. What this does
24 is it allows them to first legalize the commercial
25 occupancy on this frontage and second to provide

1
2 these 22 parking spaces. The fact that this is a
3 good application was supported by the community
4 board in a vote of 31 to 3 from Community Board 1,
5 the Queens Borough President's Office also voted
6 in favor as did the City Planning Commission, so
7 we feel that this is a good rezoning and
8 reflecting what is actually on the ground. We
9 feel that the community supports this rezoning and
10 we would be happy to answer any specific
11 questions.

12 CHAIRPERSON WEPRIN: Thank you.
13 Spoken quickly too. That is good. Anybody on the
14 panel have any questions? We had last discussions
15 with Council Member Vallone's office is that they
16 were fine with it, and that is your experience
17 with them as well; therefore, for this as well.
18 Council Member Comrie?

19 COUNCIL MEMBER COMRIE: What
20 restaurant is it?

21 RICHARD LOBEL: It's Piccolo
22 Venizio [phonetic]. My Yiddish is better than my
23 Italian.

24 CHAIRPERSON WEPRIN: That is not
25 just any restaurant.

1
2 RICHARD LOBEL: I know. It's a
3 neighborhood icon, and the community board was
4 distraught over the fact that anything might
5 happen to it, so it is well loved, and we were
6 happy to have their support.

7 COUNCIL MEMBER COMRIE: and the 22
8 parking spaces are right adjacent coming in off of
9 42nd Street?

10 RICHARD LOBEL: That is correct.
11 There is a curb cut on Lot 9, which is about 125
12 feet off of that corner. The paved area in the
13 rear was paved since prior to the applicant's
14 ownership of the site, and the 22 parking spaces
15 would be attended. There would be a valet to
16 attend to that parking.

17 COUNCIL MEMBER COMRIE: Okay.
18 Thank you.

19 RICHARD LOBEL: Thank you.

20 CHAIRPERSON WEPRIN: Thank you very
21 much. Does anybody else have a question from the
22 panel? I don't see any. Thank you, Mr. Lobel.
23 Thank you, Norah. We appreciate your help.

24 RICHARD LOBEL: Thank you, Chair.

25 CHAIRPERSON WEPRIN: --and your

1
2 cooperation in waiting. So we are going to close
3 this hearing. Any members of the public here on
4 this item? I see none. Thank you. I am going to
5 close this hearing. You can take your charts.

6 RICHARD LOBEL: Thanks again.

7 CHAIRPERSON WEPRIN: Unless you
8 want to autograph them. We have one more item
9 before we get to BAM South, and that is the City
10 Planning is here for Land Use number 837, the
11 Water Street POPS text amendment. This is a
12 fascinating one, so even the people who are
13 waiting for BAM South will be fascinated to know
14 what we are up to here and City Planning is doing
15 in order to help the downtown economy of
16 Manhattan. So Richard Suarez and Carolyn Grossman
17 [phonetic] are here from City Planning. They
18 promised me a quick presentation at the same time
19 letting people know how important this is for
20 downtown Manhattan. As soon as you guys get that
21 working, if you will state your names Richard, and
22 make your presentation.

23 CAROLYN GROSSMAN: Good morning,
24 Chair and council members. My name is Carolyn
25 Grossman, director of government affairs for City

1
2 Planning. I am joined by Richard Suarez, who will
3 be giving your presentation on the Water Street
4 POPS text amendment just as soon as it loads.
5 This is a text amendment that has been developed
6 in consultation with community groups, the local
7 council members, elected officials and our sister
8 agency the Economic Development Corporation and
9 City Hall as part of a coordinated effort to bring
10 more life and activity to the area of Water Street
11 in Lower Manhattan. Richard will be walking you
12 through a very short presentation, and I will be
13 here to answer questions as well.

14 RICHARD SUAREZ: Thank you,
15 Carolyn. My name is Richard Suarez for the
16 Department of City Planning. This is a proposal
17 by the Department of City Planning for a zoning
18 text amendment to the special Lower Manhattan
19 district to allow events and new amenities in
20 existing - - owned spaces along the Water Street
21 corridor for the summer, fall and holiday seasons
22 of this year. This text amendment will apply to
23 all existing POPS which are privately owned public
24 spaces--

25 CHAIRPERSON WEPRIN: [interposing]

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

A little slower.

RICHARD SUAREZ: Which are public spaces that have been provided in exchange for additional floor along or near the Water Street corridor between Fulton and State Streets? The - - nature of this text serves two goals; the first is to allow - - programming of POPS without requiring a design change certification to increase pedestrian activity following Hurricane Sandy, and two, to allow City Planning to study the types of events, programs and amenities that would be compatible with these spaces which can inform long term strategies for the Water Street POPS and the corridor. I will note that in parallel to the text amendment an event coordinator was selected by the Economic Development Corporation to put together a robust calendar of events, to perform outreach, and to coordinate programming with all the local owners. The proposed text amendment would apply again to the area generally bounded by Pearl Street to the west, Fulton Street to the north, South Street to the east and State Street to the south. Within this area, there are 22 buildings with one or more

1
2 privately owned public space that has been
3 provided through a varied array of zoning
4 mechanisms. There are about 20 plazas, 19 arcades
5 and 1 indoor space. Many of the spaces within the
6 area were developed under the earliest guidelines
7 for bonus plazas which did not require any
8 amenities and often resulted in very uninviting
9 public spaces. The concentration of these spaces,
10 their particular designs and lack of amenities
11 have failed to support the active street life
12 originally envisioned along Water Street. I am
13 just going to flip through some of the examples
14 that the - - Plaza at 55 Water Street, the special
15 permit space at 88 Pine Street, the urban plaza at
16 77 Water Street and the big expansive plaza at 1
17 New York Plaza and the little slither [phonetic]
18 space at 160 Water Street. In 2011 as you may
19 know, the Council approved a City Planning text
20 amendment to allow tables and chairs in existing
21 arcades along Water Street by chairperson
22 certification. That text amendment served as a
23 tool to strengthen this important connection from
24 the South Street Seaport area to the Battery and a
25 few buildings have already taken advantage of this

1
2 new provision. As you know in October of 2012,
3 the - - caused by Hurricane Sandy brought
4 significant damage to Lower Manhattan, especially
5 to the ground floors and basements of the Water
6 Street buildings. Even seven months following the
7 storm, some buildings were still not fully
8 restored. In some cases leases have been
9 terminated and buildings left empty. Although
10 these were taken in March, the condition does
11 still exist in some of these areas. Following the
12 storm, City Planning has been working very closely
13 with the mayor's office, the Economic Development
14 Corporation and the Department of Transportation
15 on short term efforts to rejuvenate the Water
16 Street, Seaport areas. The Department of
17 Transportation will be implementing a number of
18 temporary streetscape improvements, including
19 expansion of the Whitehall Plaza, closing of - -
20 slip - - Lane and painting - - at key crossings.
21 EDC in a set program will be hosting a lighting
22 program to activate East River waterfront
23 esplanade, and the group also envisioned a program
24 of events to take place beginning this summer that
25 would make use of the Water Street POPS. The idea

1 would be to create excitement and economic
2 activity, reinforce connections between the
3 waterfront and the core and reverse the negative
4 perceptions of Water Street that were made worse
5 following the storm and in order to allow
6 programming in these spaces a zoning text
7 amendment is necessary. The text would be written
8 into the special Lower Manhattan district and
9 would allow events and a wide range of temporary
10 amenities to occupy an existing POPS without
11 action by City Planning until January 1st, 2014.
12 Current regulations require a chairperson
13 certification for new amenities and events are not
14 expressly permitted in these spaces, but are more
15 common in special permit spaces. The proposed
16 text will allow all of these without certification
17 or special permit. The new section would have a
18 sunset date of January 1st, 2014 after which time
19 all spaces must be returned to their compliant
20 state. This will allow events to take place
21 during the summer and fall months with - -
22 activation during the holiday season, and the text
23 has been divided into two sections, one for
24 temporary amenities and the second into events.
25

1
2 In terms of temporary amenities anything as simple
3 and effective as tables and chairs up to cultural
4 exhibits and kiosks will be permitted in the
5 spaces, and we are hoping that the flexibility in
6 programming will invite experimentation and
7 creativity in these spaces. As for events, events
8 should be required to be open to the public and
9 would have to meet the provisions for temporary
10 amenities if provided. Events will require
11 notification to the mayor's street activity permit
12 office, which often coordinates street fairs and
13 events on public streets and sidewalks, and if
14 SAPO [phonetic] believes that the proposed event
15 will extend to the street or sidewalk they will
16 require a permit, which can be issued in a matter
17 of days. Furthermore, City Planning will have a
18 record of all of the events, where they are taking
19 place, so that we can then go out and experience
20 and observe to see again where again long term
21 improvements can be made. So again, the text
22 amendment would lift the need for any actions from
23 City Planning and the two objections would be to
24 allow for immediate programming of these spaces
25 following Hurricane Sandy and allow us to study

1
2 these spaces in a way we never have before, which
3 can - - longer term improvements, and again, will
4 be effective for the summer, fall and holiday
5 seasons of this year. The community board voted
6 unanimously in favor for the text amendment. The
7 borough president also issued a letter of support
8 for the text amendment, and the City Planning
9 Commission as you know on May 8th voted in favor to
10 adopt the text amendments. The Economic
11 Development Corporation through a request through
12 expressions of interest elected three groups to
13 host events on the Water Street Corridor. The
14 Berman Group [phonetic] will serve as an event
15 coordinator between all of the owners and prepare
16 the - - calendar events and the LMCC and
17 Matchmaker Café [phonetic] are just a couple of
18 groups that will host events. The Berman Group
19 has also been working with a number of local
20 groups to host events on the spaces--that is that
21 they would front all of the money. There would be
22 no cost to the owners. Owners can still choose to
23 have events if they so choose, but the programming
24 and the outreach will incorporate community board
25 and council member feedback in promoting local

1
2 businesses and organizations, and the calendar is
3 currently being prepared right now, and the hope
4 is to have kick off events the first week in July.
5 Thank you. I'd be happy to answer any questions.

6 CHAIRPERSON WEPRIN: Thank you very
7 much. Let me just clarify. So after the holiday
8 season, after December, it sunsets and the text
9 amendment goes away.

10 RICHARD SUAREZ: It goes away. All
11 spaces must be returned to their compliant state
12 and we will have a team of DOB inspectors out
13 there.

14 CHAIRPERSON WEPRIN: And let's say
15 next summer we say, "Hey, that was so good last
16 year." How do we go about reinstating the text
17 amendment? Are we back here again next year?

18 RICHARD SUAREZ: Yes, I think we
19 would have to do another text amendment, but the
20 hope is that this is short enough to just see what
21 will work and then we will spend the winter
22 studying, going through, reporting back to the
23 community board. I was very interested in what
24 was going to happen, and if there is an
25 opportunity then we would be happy to pursue.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

CHAIRPERSON WEPRIN: Our conversations with Margaret Chin's office, who represents this area, have been very positive. She is very excited about this, having worked with the community board and with City Planning to put this in place, and they are all excited for the summer and fall to have this programming out on the streets, try to bring in some tourists and some business for those restaurants that have been suffering so badly. Is that correct?

RICHARD SUAREZ: Yes.

CHAIRPERSON WEPRIN: Does anyone here--Council Member Lappin?

COUNCIL MEMBER LAPPIN: Sorry if you addressed this, and I just didn't hear it. Who is paying for the programming?

RICHARD SUAREZ: So the hope is that the individual groups will do it that want to come in and that the Berman Group, which is the coordinator would also front most of that money. Owners can still choose to do their own events, but the hope is that there would be no cost to the building owners.

CHAIRPERSON WEPRIN: And what is

1
2 the process to set up an event or how would that
3 go about--they work with a...

4 RICHARD SUAREZ: We recently met
5 with the building owners on Thursday last week.
6 They have been given a survey asking what type of
7 events would you like to have in these spaces.
8 The Berman Group has been going out and reaching
9 out to a number of groups to prepare a menu of
10 items or events and then going back to those
11 owners with their preferences and asking them
12 which would you like. As long as the owners sign
13 off on everything, the Berman Group would do most
14 of the coordination and set up of course with
15 necessary support from the owners for access to
16 electricity, water, restrooms, all the other
17 necessary support.

18 CHAIRPERSON WEPRIN: Okay. Great.
19 Anybody else have a question for this on this
20 temporary text amendment? Great, great shot in
21 the arm for Lower Manhattan. Council Member
22 Comrie has a quick question. You can't leave yet.

23 COUNCIL MEMBER COMRIE: I just
24 wanted to echo what Council Member Weprin is
25 saying that this is a great opportunity to revive

1
2 an area in Lower Manhattan to try to restimulate
3 the economy down there, and I hope it works, and
4 also I do hope that you will make sure that the
5 amenities for people that are down there--make
6 sure that the vendors have places - - bathrooms
7 and opportunities for people to have a chance to
8 relax as well as doing vendors, and I hope that
9 the vendors that are selected are mostly New York
10 City based vendors. I know that we don't get a
11 direct opportunity in this, but I would hope that
12 the Berman Group is a Queens or a New York City
13 based group--thinking Queens first lately, but it
14 is a New York City based group and also that we
15 have a real opportunity to take a look at this as
16 soon as the summer season is over I think you will
17 get a good idea on how that is working, but since
18 a lot of those areas are just kind of bland it
19 would be good to see what you do on a permanent
20 level as well. Thank you.

21 CHAIRPERSON WEPRIN: Thank you,
22 Chairman Comrie. We have no other questions for
23 the panel, so thank you very much. Thank you for
24 the quick read, and we thank you and we will close
25 this hearing. We are going to move actually to

1
2 vote on all the items we have heard today now.
3 BAM South, we will be doing the hearing today. We
4 will not be voting today, but the other items on
5 the agenda we are all going to vote on, so we are
6 going to try to cast votes with those who are here
7 at the moment. There is a hearing--a budget
8 hearing across the street, which is why a lot of
9 members had to leave, so please don't be offended.
10 It is trying to juggle a budget season. So with
11 that in mind, we are coupling the following items:
12 Land Use number 827, 832, Land Use number 836, 837
13 and 838. We are withdrawing with a motion to file
14 828, the other café that we didn't hear today, and
15 821 is laid over to the next meeting. With that
16 in mind, I am going to call on Ann, the counsel,
17 to please read to roll.

18 COUNSEL: Chair Weprin?

19 CHAIRPERSON WEPRIN: Aye.

20 COUNSEL: Council Member Rivera?

21 COUNCIL MEMBER RIVERA: I vote aye.

22 COUNSEL: Council Member Reyna?

23 COUNCIL MEMBER REYNA: Aye.

24 COUNSEL: Chair Comrie?

25 COUNCIL MEMBER COMRIE: Aye.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

COUNSEL: Council Member Garodnick?

COUNCIL MEMBER GARODNICK: Aye.

COUNSEL: Council Member Lappin?

COUNCIL MEMBER LAPPIN: Aye.

COUNSEL: Council Member Wills?

COUNCIL MEMBER WILLS: Aye.

COUNSEL: By a vote of seven in the affirmative, zero negatives and zero abstentions, Land Use item numbers 827, 832, 836, 837 and 838 are adopted and referred to the full Land Use Committee, and Land Use item number 828, motion to file is approved.

CHAIRPERSON WEPRIN: Thank you. Wow. Very good. We as you could tell by that roll call were joined by Council Member Wills. There were a couple members who were here earlier who had to go out. We will hold the rolls open for them to come back later on in the meeting, and so with that in mind, we are going to--that vote is done. We are going to take a quick break, waiting for BAM South. That actually went quicker than anticipated, so I told some people to get here--I told a longer time than I thought, but we are going to be starting any minute, so just give

1
2 us a couple of minutes just to get our act
3 together, and we will start BAM South. Thank you.

4 [background conversation]

5 CHAIRPERSON WEPRIN: Alright. So
6 this is--I take responsibility for this, but we
7 are going to be about maybe ten minutes at the
8 most, hopefully less, so if you want to go
9 downstairs and buy a cup of coffee, it is only a
10 dollar downstairs. Just for the record, the way
11 this is going to work is we are going to have the
12 applicant testify first. That will probably take
13 a while because there will be questions from the
14 panel. We are going to give them all the time we
15 need to deal with them, since they have all of the
16 answers. We will then bring up a panel in
17 opposition. I know there is members of the labor
18 community here. They will be the first panel to
19 speak after the applicant. That will be as long
20 as it takes to get through the applicant. It
21 shouldn't be too long, but I have been bad at
22 judging time today. And then the people in favor
23 will be testifying. We will alternate panels as
24 long as we have a lot more people here to testify
25 in favor, I see in this particular case. So also

1
2 the people who will testify will be limited to
3 three minutes when they get up there each. We are
4 going to have a clock and a really annoying bell
5 so if you can keep your testimony in your head to
6 three minutes, try to work it out, at most. You
7 are welcome to do less than three minutes.

8 Especially once you are repeating points that have
9 been made already; it does help to be quick. We
10 are going to do that because we do have a number
11 of people scheduled to speak. I understand it's a
12 busy day and people don't anticipate spending
13 their whole day here, so some people may actually
14 have to leave, but we will read your name into the
15 record even if you do have to leave and we will
16 get started as soon as we can. I will try to keep
17 it moving, but we have real serious questions we
18 have to have asked and answered, so we will take a
19 little while with the applicant, and then we will
20 get to the first panel in opposition. Okay? Are
21 we good? Alright. So hopefully within six
22 minutes or so, we will get started.

23 [long pause]

24 [background conversation]

25 CHAIRPERSON WEPRIN: I am going to

1
2 now--we are now going to move on to the main event
3 of the morning, which is BAM South. This is
4 number 829, 830 and 831. It is in Council Member
5 Tish James' district and I'd like to call up the
6 following people who are here on behalf of the
7 application, Jed Wolentis [phonetic], James Karss
8 [phonetic] and Ray Levin [phonetic], and sure
9 enough they are here. I apologize for the delay
10 again. I will take responsibility for that. So
11 whenever you are ready because there is three of
12 you, if you could please when you speak state your
13 name for any transcribed record that we have of
14 this. We will want to know who was speaking at
15 the time. So Mr. Wolentis, are you starting?
16 Make sure--the button sometimes is
17 counterintuitive on what is on and what is off,
18 and just make sure the mic is on, and whenever you
19 are ready, we can get started.

20 JED WOLENTIS: Thank you, Chair
21 Weprin, council members. My name is Jed Wolentis.
22 I am a principal with Two Trees Management
23 Company, and I am here with my colleagues and
24 Carol Lee [phonetic] from City Hall to present our
25 BAM South project. It has been something that has

1
2 been a long time in the making. I think we have
3 been working on this for about four years. It is
4 a quintessential public private partnership with
5 the city of New York. We are buying the land from
6 the city and building what we think is a great
7 publically purposed project that will start later
8 this year should this process conclude favorably.
9 So I will spend a couple of minutes and just go
10 through the project in an overall sense and turn
11 it over to my colleagues who have some more
12 technical information for you. We're Two Trees.
13 Most of you know our work in Dumbo. We have done
14 a lot of work in downtown Brooklyn as well. We
15 generally try and cluster activities in a couple
16 of neighborhoods and really leave places and
17 communities better off than we found them. We are
18 very excited about this sort of foray into the BAM
19 district. We think it's a really exciting part of
20 New York City and Brooklyn. These are a couple of
21 the projects we have done over the last 10 or 15
22 years. I think the next slide shows some others--
23 110 Livingston Street in downtown Brooklyn, the
24 Mercedes House project up in West 54th Street in
25 Manhattan. We just completed 1,000 apartments

1
2 there, all 80/20. This is the site where we
3 propose to build this project. It is a current
4 parking lot in the BAM district. It is a
5 triangle. It is extremely difficult to build on.
6 There are subways in all three streets, Flatbush,
7 Lafayette and Ashland [phonetic], and as you go to
8 the next slide, you can get another view of it and
9 maybe the next slide. So this gives a sense of
10 the project and the project as I said is really
11 focused on its public components. There are a
12 couple of very important public components that
13 the city wanted to make sure came with this
14 project and activated this cultural district in a
15 way that we think is meritorious of the district
16 and all of the activities going on there. What
17 you see here is a rendering of a 10,000 square
18 foot public plaza that will be on sort of the
19 fatter, more useable part of the triangle. It
20 faces the rest of the district. It gets great sun
21 and light and really creates a great open plaza
22 for gathering, lunch, arts, activities,
23 programming, all kinds of things with the folks
24 from BAM and the other actors in the district to
25 program that plaza in a thoughtful and energizing

1 way. In addition, the project at the base of the
2 project features about 50,000 feet of cultural
3 space that will be given to the city for them to
4 give out to different users. I think the program
5 right now is for BAM to be one of the users, the
6 library, the Brooklyn Public Library to be one of
7 the users, and then for about 12,000 feet of space
8 to be made available to local dance and other
9 groups for rehearsal space and office space, and
10 auxiliary spaces to make small arts organizations
11 function to the community. We will also have some
12 restaurant and café space that will open up under
13 the plaza and then about 15,000 square feet of
14 retail that will really focus on the point--the
15 slightly less useable part of the space that faces
16 the train station and the new arena. Above all of
17 this public space essentially will be mainly
18 housing. We will build about 300,000 square feet
19 of housing. It will come to roughly 300 units.
20 It will be an 80/20 with deep levels of
21 affordability. The apartments will be at 40 and
22 50 percent of AMI. They will be preferenced to
23 existing members of the community as you normally
24 see. There will be local outreach that gets done,
25

1
2 credit programs to make sure people can qualify,
3 all of the normal things that responsible
4 developers do within local communities to make the
5 affordable housing as much as it can possibly be
6 and as useful as it can possibly be for the
7 community, and we will also provide 225 onsite
8 parking spaces underground--it will be accessed
9 off of Ashland I believe--to replace most of the
10 parking that is there. Obviously as the district
11 continues to develop, as BAM continues to program
12 there, there will be parking needs. We are going
13 to try and meet those needs and gets cars off of
14 the street and into a garage in a safe and
15 efficient manner from a traffic standpoint. I
16 kind of mentioned the plaza already. This speaks
17 a little more to it--just some of the programming
18 that can take place there. We really think it is
19 the center point of this development, and it is
20 something that will get built for the city, for
21 the taxpayers as a result of this project really
22 without public dollars, and as I said, the best
23 part of the real estate from the triangle is
24 dedicated to the plaza to make it the most useable
25 plaza that it can possibly be, and lastly, working

1
2 with Councilwoman James like we do with most of
3 our projects, we are really going to try and put
4 good local hiring practices in place. We are
5 working with - - and Crescent [phonetic]
6 Consulting to achieve the following goals on our
7 construction hiring: 32 percent MWBE, 20 percent
8 local. We run all of our own construction. It
9 puts us on a very good place to be able to meet
10 these goals, so we went through a similar process
11 on our Dock Street [phonetic] job that we are
12 building now in Dumbo. And now I will turn it
13 over to Ray Levin to go through some of the
14 technical issues with the application.

15 RAY LEVIN: My name is Ray Levin.
16 What we are seeking is a change in the zoning
17 district from C61 to C62. The basic purpose of
18 that is to increase the residential floor area
19 from 3.44 to 6.02. The other parameters under
20 both zoning districts are the same--6.5 for
21 community facilities and 6.0 for commercial use.
22 We are also proposing a text change. The text
23 change would create a special permit, which would
24 allow the floor area on the project to go up by
25 .5, the community facility floor area to go up by

1
2 .5 in exchange for providing the cultural space
3 that Jed mentioned. It also--that special permit
4 would allow modifications of height and setback
5 signage, street frontage, other provisions that
6 are required by the special downtown Brooklyn
7 district. Basically what that special permit
8 would do, it would lock in the design of this
9 project to what we have proposed. This drawing
10 shows what would happen under existing zoning--the
11 contract of sale on this property should this
12 action not succeed, the project would be sold
13 under current zoning, and you can see the red
14 lines as to the envelope that the C61 provides and
15 our proposed building within that envelope, so the
16 building could in fact move around on the site,
17 and be totally different form. The C62 because it
18 is a sky exposure plain district [phonetic] we
19 have to waive a lot of things, and in doing so,
20 the design is locked in because those waivers
21 pursuant to the zoning would then become part of
22 the approvals and part of a restrictive
23 declaration so that what you see is what you get
24 unlike if we went as of right. The special permit
25 as I mentioned there is a condition to the special

1
2 permit that 40,000 square feet at least 40,000
3 square feet of cultural facility space be provided
4 and in order to have that approved there are a
5 number of findings, which you can see up here--
6 that there is ample visibility that the street
7 wall will facilitate access to the site that we
8 are trying to increase the open space through the
9 bulk modification and making that tower narrower,
10 and the de-articulated design was something that
11 was of much concern to City Planning, so if you
12 look at the building, it sort of folks in on
13 itself and has different glazing patterns on it
14 and different heights in order to reduce the
15 appearance of bulk and that the signage was
16 basically, the modifications were to permit the
17 signage to address the cultural uses, not for
18 advertising or commercial means so that some of it
19 had to do with the height of the signs, so you
20 could see them from Flatbush Avenue and Lafayette,
21 so those are the special permits requirements,
22 which we have addressed each of them, and I am
23 done. James?

24 JAMES KARSS: My name is James
25 Karss with Ten Architect - - .

1
2 CHAIRPERSON WEPRIN: Get a little
3 closer to the mic, James.

4 JAMES KARSS: I just wanted to
5 touch on a few things. As Jed mentioned, the site
6 is exceptionally complicated with its form, its
7 subsurface conditions, the nature of a triangular
8 site poses a lot of challenges to creating a great
9 urban space here. What we have actually done is
10 we have located the tower in such a way to
11 preserve use to the BAM Opera House from the
12 Flatbush and Lafayette intersection to sort of
13 build up the prominence and sort of continue the
14 prominence of that cultural institution on the
15 district, and we have moved the tower in such a
16 way as to also preserve use from the Williamsburg
17 Savings Bank, which is a major residential tenant
18 in the neighborhood as well as an icon for the
19 entire neighborhood. The plaza as Jed mentioned
20 is located on the largest, most usable portion of
21 the site, so we have actually sort of taken on the
22 challenge of moving the tower to a more
23 complicated portion of the site and located the
24 retail at the less desirable areas at the point.
25 In this slide you can see the relationship between

1
2 the proposed tower design and the Williamsburg
3 Savings Bank. There is an articulated design with
4 the tower stepping down at a portion which is to
5 preserve views from some of the neighboring
6 streets to the clock tower element of the
7 Williamsburg Savings Bank allowing to sort of to
8 maintain the presence of this building within the
9 community as a visual icon. You also can see that
10 there are a number of cuts articulated within the
11 façade. These are to break down the scale of the
12 massing, and this has been a collaborative process
13 with City Planning--I should mention that has gone
14 on for over four years--to sort of design the
15 parameters of the design in such a way as to
16 deliver a product that is in keeping with the
17 urban principals of the area as well as the design
18 aesthetic of a developing BAM cultural district.
19 These are a couple of images here that show the
20 articulated ends of the building, the sort of
21 thinness of this tower, the splitting of its
22 residential elements to sort of really pull this
23 down in scale and you also see the point here and
24 sort of an upper level cultural terrace for the
25 BAM cinema tenants. Here is a view down Ashland

1
2 looking at the same end of the building, and a
3 view from Ashland and Lafayette where you can see
4 the cultural lobby at the ground floor, the BAM
5 cinema elements projecting out and creating a sort
6 of signage element in a relationship with the BAM
7 presence along Ashland. And again, the cultural
8 plaza which includes access to the BAM cinema
9 component, the dance rehearsal spaces and the new
10 Brooklyn Public Library branch at the top of the
11 sort of public stair here as another program
12 space. I'll turn this over to Carol Lee.

13 CHAIRPERSON WEPRIN: Carol Lee,
14 state your name, where you are from.

15 CAROL LEE FINK: Carol Lee Fink
16 [phonetic] from the Mayor's Office here to discuss
17 the cultural space in the project. As Jed
18 mentioned this is a public, private partnership
19 and as part of the business deal, Two Trees will
20 build 50,000 square feet of cultural space and
21 transfer it to the city of New York. The city
22 will own the space and will ensure that the
23 cultural space is offered to local cultural groups
24 for affordable rates in perpetuity. The city has
25 chosen three primary tenants for this space, but

1
2 it will be designed flexibly so that local
3 organizations will have access to the space at
4 affordable rates. The Brooklyn Public Library is
5 one of the tenants and will use this space to open
6 a new branch. They are here today and can get
7 into more of the specifics of their programing.
8 The BAM is also another tenant for this space and
9 is going to use it to expand their programming.
10 It is anticipated that there will be theaters, but
11 those theaters will be flexible so that other
12 types of uses like talks and educational programs
13 will take place there, and finally, 651 arts
14 [phonetic] will operated and manage the studio and
15 rehearsal center, which is a flexible performance
16 space that is much needed in the district and will
17 be open to many Brooklyn based and local community
18 organizations that are in need of this space. I
19 think that concludes the presentation, so we are
20 happy to take your questions.

21 CHAIRPERSON WEPRIN: Okay. Great.
22 Thank you very much. Before I know Council Member
23 James has some comments she wants to make or
24 questions, but before we do that I just had a
25 couple of preliminary questions. Could you

1
2 explain to me what the process was in Mr. Wolentis
3 or Carol Lee, if you want to do it, describing how
4 you purchased this property or went about trying
5 to purchase this property? Was it an RFP? How
6 did that work.

7 JED WOLENTIS: I will give you my
8 perspective. Carol Lee can correct me if I
9 misstate anything. It was quite a while ago. I
10 believe the city of New York had an RFP to build a
11 garage or the parking only components on this
12 piece of real estate. I don't know. I think the
13 RFP was five or six years ago at some juncture.
14 We were either the only respondent or a superior
15 respondent. I am not sure which. And they then
16 entered into negotiations with us at which point
17 the idea of a larger project came about. I think
18 somebody in the administration made the
19 determination that they wanted to leverage this
20 asset into being able to create more cultural
21 space and more affordable housing in the district,
22 and I don't know why the reason--what the
23 rationale was for not having another RFP once the
24 project kind of changed, but that is not how it
25 went, and we negotiated both a transaction price

1
2 and a set of ground rules and the sort of long
3 list of public benefits that you see in the
4 project, mainly with Seth Pinsky at EDC. That
5 negotiation took several years. We signed a
6 contract probably in 2010, 9, and we will be
7 closing later this month on the real estate.

8 CHAIRPERSON WEPRIN: So you
9 negotiated directly with Seth Pinsky's office on
10 the price and were there parameters given to you
11 on like how to accomplish this price, what kind of
12 amenities, what kind of flavor, what kind of other
13 aspects of the project?

14 JED WOLENTIS: Yes, very clearly.
15 All of the parameters were obviously negotiated
16 because you couldn't agree on a price without
17 understanding how much affordable housing you
18 would have to build, how big the plaza would have
19 to be, what sort of architectural constraints
20 there would be, what sort of labor constraints
21 there would be, how the parking would be run, et
22 cetera, et cetera, et cetera. So all of those
23 things were negotiated over the course of several
24 years, and I can't speak for the city. I don't
25 know if Carol Lee wants to, but they made a

1
2 balance of choices between higher sales price and
3 more public benefits, and they ended up with sort
4 of a menu of public benefits that you get
5 including our sales price, which goes into the
6 public fund, but obviously all of the other public
7 benefits that we are providing--the parking, the
8 plaza, the cultural space, the affordable housing,
9 the LEEDS certification, have a cost, a
10 corresponding cost that is going to come out of
11 that sales price, and so it wasn't purely driven
12 by get the highest sticker price for the
13 transaction; it was come up with the right mixture
14 of public benefits for the site.

15 CHAIRPERSON WEPRIN: And when you
16 negotiated these prices, you went through this
17 laundry list of things. If we do this, it will
18 cost this. I mean that is how the price was
19 obviously agreed to?

20 JED WOLENTIS: On some of those
21 issues there was some discussion like that,
22 obviously the union, non-union labor issue. There
23 was a discussion that went along those lines.
24 Some things were sort of very clear from the city
25 and they didn't really care--the affordable

1
2 housing--Seth didn't come to me and say if you
3 build all market rate housing how much more money
4 can we come up with. I think it was very clear in
5 the beginning there would have to be an affordable
6 component. So some of the things there was
7 conversation about if we do it this way, how much
8 more can you pay us, or if we do it this way, how
9 much will that cost us, and some things they were
10 very clear this is just going to be part of the
11 program.

12 CHAIRPERSON WEPRIN: So just to
13 extrapolate on that, so obviously affordable
14 housing was a priority you are saying for EDC, but
15 obviously using union labor was not?

16 JED WOLENTIS: You can certainly
17 infer that from how this went down.

18 CHAIRPERSON WEPRIN: - - You
19 discussed union labor at one point?

20 [crosstalk]

21 JED WOLENTIS: And I made it clear
22 that if we were--and I don't want to in any way,
23 shape or form indicate that we are not going to
24 build this with union labor. We haven't even
25 heard from the unions on this project. We build

1
2 lots of our projects union. We build lots of our
3 projects mixed.

4 CHAIRPERSON WEPRIN: You will.

5 JED WOLENTIS: We will hear from
6 them? I am sure that we will. But I think what
7 is most important for us was maintaining
8 flexibility to negotiate something reasonable with
9 them. This is an outer borough site. Rents here
10 are not what they are in other places in the city,
11 and there needs to be a cost reality to how a
12 project like this gets built. So it is not really
13 a union or non-union issue as much as it us what
14 is it going to cost to build this and what can you
15 reasonably build this structure for with this
16 level of architecture, this level of public
17 amenity and have it work out.

18 CHAIRPERSON WEPRIN: Last question
19 I have and then I want to turn to Council Member
20 James. So you mentioned before what you could
21 build as of right if by some chance this was
22 rejected here at the City Council just for the
23 sake of discussion of hypothetically here. You
24 don't own the property yet, right? I mean what is
25 the next step to you actually purchasing the

1
2 property? When do you close? Is that something
3 that is set in stone that you are going to close?

4 JED WOLENTIS: I mean set in stone-
5 -nothing is totally set in stone I suppose, but we
6 are closing the end of this month. We fully
7 intend to close. We are closing with cash. We
8 don't need financing. The contract is done. We
9 have our money. There is--I mean I could hit by a
10 bus when I leave here, but we have no thought
11 process of not closing whatsoever.

12 CHAIRPERSON WEPRIN: But if you were
13 to build it without all of these things that the
14 city said they really want--cultural aspects, all
15 these things, and you said all of a sudden we are
16 going to build as of right, and we are not putting
17 that stuff in, maybe you could do all market rate,
18 does the city still--is that part of the contract?
19 Is that something that you could still close if
20 you don't do that?

21 RAY LEVIN: Yes. The contract
22 provides two scenarios, a scenario that--Ray
23 Levin--a scenario that follows from an approval of
24 the zoning change and a scenario that follows from
25 the denial of the zoning change. The closing is

1 not contingent because you have the two scenarios.
2 You close no matter what. One scenario you build
3 this project, another scenario you can build as of
4 right under the existing zoning, no zoning change
5 involved, so you have a C61 zoning district. You
6 can building 3.44 residential, which is less than
7 what this proposes, but you could build virtually
8 the same size building, a 6.5 building, if you did
9 part of it as community facility, which the
10 contract provides. You get half the community
11 facility under the no approval scenario, and we
12 can build up to 6 and a half FAR using commercial
13 and as you know in this district, there is a
14 fairly large commercial building as part of
15 Atlantic Center. There is some interest in
16 commercial and downtown Brooklyn, so it is
17 conceivable that a 6.5 FAR building could be built
18 with a 10,000 foot plaza and I think it is
19 something slightly under 25,000 feet of cultural
20 space. With no affordable housing, the design
21 would not be this design, it would be whatever an
22 as of right zoning district would allow, and it
23 would go forward. Both parties have signed this
24 contract, and therefore, if you don't go forward,

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

it is in default and whatever leads from that.

CHAIRPERSON WEPRIN: Okay. I am going to call on Council Member James now. She wants to-I don't know if it is questions or statements, but whatever you would like, Council Member James.

COUNCIL MEMBER JAMES: --a number of questions, and I thank you, Mr. Chair. Just following up on that line of questioning, under the no approval scenario--well, first of all, let me talk a little bit about the closing. In the contract that you have currently with the city of New York, does it require affordable housing?

RAY LEVIN: If the zoning is approved.

COUNCIL MEMBER JAMES: It is contingent upon approval of the zoning change.

RAY LEVIN: That becomes a requirement.

COUNCIL MEMBER JAMES: And in the absence of any zoning change, there is no requirement--

MALE VOICE: There is no requirement pursuant to the contract.

1
2 COUNCIL MEMBER JAMES: And if there
3 was no approval, I believe someone said that you
4 would consider selling the property or would you
5 build?

6 JED WOLENTIS: To be totally
7 candid, we have spent five or six years working on
8 this project with the city. We have obviously
9 talked to you a bunch about it. We think this is
10 the right project for this part of the world and
11 this part of Brooklyn. I have not spent any real
12 time studying what we would do in the alternative
13 if this gets turned down. I would find that to be
14 fairly shocking. It is not something that we have
15 spent a lot of time studying or any time studying
16 or thinking about. We are working with James and
17 his team on construction drawings to build this.
18 This is a project that has had a lot of scrutiny
19 from lots of people in this administration and
20 this community and all of our time and energy has
21 been spent on making this proposal as great as we
22 can possibly make it and executing it.

23 COUNCIL MEMBER JAMES: That
24 notwithstanding if you were shocked and if it were
25 turned down, what would you do?

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

JED WOLENTIS: We would go and reevaluate our options.

COUNCIL MEMBER JAMES: In regards to the library, is the library part of the contract with the city of New York?

RAY LEVIN: I can say no.

CHAIRPERSON WEPRIN: Make sure when you speak to say your name.

RAY LEVIN: Ray Levin. No.

COUNCIL MEMBER JAMES: So is it possible that that space that has been set aside for the library, could that be reconfigured or redesignated as additional cultural space or more housing?

CAROL LEE FINK: So the library is--Carol Lee Fink from the Mayor's Office--the library is part of the cultural space.

COUNCIL MEMBER JAMES: And who makes that decision?

CAROL LEE FINK: The city of New York.

COUNCIL MEMBER JAMES: And is that contingent upon the zoning text?

CAROL LEE FINK: No.

1
2 COUNCIL MEMBER JAMES: And is that
3 coupled with the selling off the Pacific Street
4 Library or the Brooklyn Heights Library?

5 CAROL LEE FINK: - - the library
6 who is here can answer this in more detail. I
7 believe that they were hoping for proceeds from
8 either one of those transactions to help
9 facilitate the fit out costs for the new library,
10 but I am not sure we are at a if this doesn't
11 happen we can't go in there yet.

12 COUNCIL MEMBER JAMES: And the
13 selling off of the Pacific Street Library as well
14 as the Brooklyn Heights Library, is that a
15 separate application?

16 CAROL LEE FINK: It is a separate
17 ULERP [phonetic]. It will be a separate approval
18 process--

19 COUNCIL MEMBER JAMES:
20 [interposing] It's coupled with this project.

21 CAROL LEE FINK: It's decoupled,
22 completely 100 percent decoupled from this
23 project.

24 COUNCIL MEMBER JAMES: But you just
25 indicated that the proceeds might be used to

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

outfit this.

CAROL LEE FINK: Might be. Didn't say must be.

COUNCIL MEMBER JAMES: But there is a possibility--

CAROL LEE FINK: [interposing] Could be.

COUNCIL MEMBER JAMES: But the possibility still exists?

CAROL LEE FINK: Possibility.

COUNCIL MEMBER JAMES: And okay, the possibility still exists, and obviously as you know, I am strongly opposed to the selling off of any libraries for the purposes of outfitting this project. I have indicated this in the past, and I remain firm on that. I believe Mr. Wolentis, you indicated that the city had suggested that a priority for the city was affordable housing. I don't believe that 20 percent is a firm commitment to affordable housing in a district where you have a crisis in affordable housing, and where people are doubling up and tripling up and a significant number of people have already been displaced. That to me does not signal a priority at all.

1
2 That to me just signals doing business as usual,
3 and this 80/20 obviously is unacceptable, which is
4 why there are so many individuals who
5 unfortunately are paying most of their income for
6 rent and there are so many individuals who are now
7 homeless and so many people who are now leaving
8 the city of New York because of the crisis of
9 affordable housing and the administration's
10 failure to address it. 20 percent is also
11 unacceptable, and I remain firm on that as well.
12 I hope that you would take note of that. In a
13 project of this size and magnitude, I believe that
14 we can do better than 20 percent, and in fact, let
15 me get back to my initial question, which is what
16 was the purchase price for this land?

17 CAROL LEE FINK: I believe it was
18 1625.

19 COUNCIL MEMBER JAMES: Mr.
20 Wolentis, did you apply for 421a or any other
21 types of benefits?

22 JED WOLENTIS: We haven't applied
23 for anything yet. There is nothing built yet.

24 COUNCIL MEMBER JAMES: But would
25 you consider applying for 421a?

1
2 JED WOLENTIS: If we build the
3 rental housing program as we envision, we will
4 certainly apply for 421a.

5 COUNCIL MEMBER JAMES: And 421a
6 currently requires you to build--to set aside 20
7 percent of the units for affordable, correct?

8 JED WOLENTIS: I believe that is
9 the case.

10 COUNCIL MEMBER JAMES: Is that 20
11 percent on top of the 20 percent that the city has
12 indicated was a priority or does that...? No, so
13 that is already incorporated in the project, and
14 so we are not gaining anything additional when you
15 apply for 421 benefits, correct?

16 JED WOLENTIS: I don't agree with
17 that assessment, but you are entitled to your own
18 opinion.

19 COUNCIL MEMBER JAMES: No, I
20 understand that, but my point is that the 20
21 percent that you would normally get if you applied
22 for 421a. It's not any additional affordable
23 housing.

24 JED WOLENTIS: You are making the
25 assumption we wouldn't just build an all market

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

rate deal and not apply for 421a.

COUNCIL MEMBER JAMES: No, I am making the assumption that you are applying for 421a, and part of applying for 421a you are required to build 20 percent that you are already building.

JED WOLENTIS: Except we are going to apply for the 421a because we are required to build the 20 percent. The order is not quite accurate.

COUNCIL MEMBER JAMES: My point is that New Yorkers and Brooklynites are not getting anything additional by you applying for 421a.

JED WOLENTIS: I totally disagree.

COUNCIL MEMBER JAMES: Okay. What are they getting additionally?

JED WOLENTIS: They are getting the 20 percent low income units. To help me afford to do that, I am getting 421a tax benefits, but if the city had not made affordable housing a priority, there is a very high likelihood that we would build an all market rate project here with no affordable housing and not apply for 421a. That would be a very--I haven't done the math on

1
2 that because that is not part of what we are doing
3 here. The city made it very clear that they
4 wanted the 20 percent affordable housing, and I
5 think the 80/20 program is a laudable program that
6 we have seen work over and over again in our
7 projects. I think it is great. I understand
8 there is a need for more and more affordable
9 housing. There is a cost that comes with that,
10 but for you to say arbitrarily that we would
11 automatically build the 20 percent irrespective of
12 the city's requirement for us to do so, I don't
13 think is totally fair in this instance.

14 COUNCIL MEMBER JAMES: Well, all
15 that I am saying is that it appears to me that
16 there is sort of a double dipping. The
17 administration is requiring you to build 20
18 percent based upon what you just testified and
19 then you are applying for 421a, which requires you
20 to build 20 percent, and all that we are getting
21 from this project, Brooklynites and New Yorkers is
22 a minimum of 20 percent. If you add 20 percent
23 that they are requiring and the 20 percent that
24 you would have to do when you applied for as a
25 result of 421a, that adds up to 40 percent, but we

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

are not getting 40 percent. We are only getting 20 percent. Yes?

JED WOLENTIS: You are getting 60 units of affordable housing that are incredibly expensive to build and there is enormous public benefit to that component.

COUNCIL MEMBER JAMES: Thank you. In regards to the cultural component, Ms. Carol Lee, you indicated that the library--and we have already discussed the library, you also indicated that there was another cultural component and in the presentation that was submitted, there is a reference to--

CAROL LEE FINK: 651.

COUNCIL MEMBER JAMES: Can you speak little bit more about that?

CAROL LEE FINK: Sure. 651 will manage the flexible rehearsal dance portion of the city's cultural condo. They are a local Brooklyn organization that is growing out of their existing space. This will give them a new home and they will be working directly with other local organizations to make that flexible space as highly utilized as possible.

1
2 COUNCIL MEMBER JAMES: They are
3 currently at BAM Harvey [phonetic]. Do you have
4 any idea what BAM plans to do with the space that
5 they will be vacating?

6 CAROL LEE FINK: I do not, but BAM
7 is here, and you can ask them.

8 COUNCIL MEMBER JAMES: So my
9 question is since they are vacating from BAM
10 Harvey, why can't the movie theaters--BAM Harvey
11 be outfitted for the movie theaters in that
12 existing building?

13 CAROL LEE FINK: Again, you can ask
14 BAM that question.

15 COUNCIL MEMBER JAMES: You know
16 that a number of individuals have contacted me
17 regarding the expansion of BAM. BAM as you know
18 now has a new building BAM Fisher. They have
19 purchased property at Forte. They have BAM Harvey
20 and then they currently have the opera house. So
21 that is four building sites from BAM and yet we
22 have all of these other cultural organizations in
23 the district. What are we doing for them?

24 CAROL LEE FINK: Well, this project
25 is going to be a great place for all those local

1
2 organizations. I don't know the ones that you are
3 talking about specifically.

4 COUNCIL MEMBER JAMES: It is a list
5 of organizations in the district that provide
6 cultural, dance, visual arts, and yet they are not
7 getting the same types of benefits or the same
8 type of audience with the administration.

9 CAROL LEE FINK: I don't know if I
10 agree with that. In the case of this cultural
11 condo, we have tried to, and we will be continuing
12 to design it so it is as flexible as possible and
13 that as many organizations in the district have
14 access to it. We understand that there is a
15 dearth of this resource in the area, and that is
16 why we worked with Two Trees to create this 50,000
17 square foot space, and why we are also leveraging
18 the other underutilized city owned property in the
19 district to have large cultural components so that
20 these organizations have places to expand and grow
21 and thrive.

22 COUNCIL MEMBER JAMES: You are
23 absolutely right. There is a dearth, and though
24 you provide performance space, they need space for
25 their administrative offices and to grow, and so

1
2 it just appears that we are primarily focusing on
3 one cultural organization in the district and
4 there is thousands of others or I should say
5 hundreds of others, which unfortunately would like
6 to have the same types of benefits, but moving on,
7 who is going to be responsible for the programming
8 of the plaza?

9 CAROL LEE FINK: We are talking to
10 the Downtown Brooklyn Partnership about
11 maintaining and programming all of the space in
12 the district.

13 COUNCIL MEMBER JAMES: There is
14 other organizations in downtown Brooklyn that
15 would love to be a part of the programming.

16 CAROL LEE FINK: And they will be
17 part of it, certainly.

18 COUNCIL MEMBER JAMES: But if you
19 give it to Downtown Brooklyn Partnership, which is
20 primarily not a cultural organization, it is
21 primarily a business improvement district, an
22 organization focused on the redevelopment of
23 downtown Brooklyn, I would think that you would
24 want to give it to an organization that has
25 experience in programming plazas.

1
2 CAROL LEE FINK: I wouldn't say--I
3 think give is not really the appropriate word to
4 use in this context. Along with managing the
5 space comes a number of responsibilities including
6 security, maintenance, operations, and Downtown
7 Brooklyn Partnership has experience in all of
8 those responsibilities. Downtown Brooklyn
9 Partnership also has a proven track record at
10 involving all stakeholders in the discussion of
11 programming, operations and they have assured us
12 in this case that they will continue to reach out
13 to all stakeholders to make sure that all the
14 spaces are actively programmed with all that want
15 to utilize them.

16 COUNCIL MEMBER JAMES: Thank you,
17 Mr. Chairman. My last two questions--I obviously
18 disagree with that assessment as someone who works
19 with Downtown Brooklyn Partnership and all
20 stakeholders in the district as well as the
21 community overall, and I am on the ground on a
22 daily basis. I can tell you that that is not
23 true. Let me also say that I am also concerned
24 obviously about the labor standards, about safety,
25 building in downtown Brooklyn, you do know that we

1
2 have had at least I think last count was four to
3 five deaths of individuals who were working on
4 non-union developments in downtown Brooklyn. Most
5 of them unfortunately were undocumented workers.
6 Most of them were individuals who unfortunately
7 were not skilled laborers and were not part of the
8 union. Aren't you concerned that going forward
9 that we are going to continue to build projects
10 that unfortunately are not built according to
11 certain codes and certain standards and according
12 to safety requirements in the city of New York and
13 given the record of tragedy in downtown Brooklyn,
14 wouldn't you demand or make it a requirement that
15 this building be built union?

16 CHAIRPERSON WEPRIN: Is that for
17 Ms. Fink? Okay.

18 CAROL LEE FINK: I would demand and
19 require that any building is built according to
20 codes and existing safety standards.

21 COUNCIL MEMBER JAMES: But you are
22 aware that we have had a number of deaths in
23 downtown Brooklyn?

24 CAROL LEE FINK: I am not familiar
25 with what you are speaking to.

1
2 COUNCIL MEMBER JAMES: I can
3 provide you with all of the media and the names of
4 all of the individuals that unfortunately have
5 died on developments in downtown Brooklyn that
6 were all built non-union, and I can also provide
7 you with two major developments that are now the
8 subject of litigation because of shoddy
9 construction.

10 CAROL LEE FINK: I would be happy
11 to review those materials.

12 COUNCIL MEMBER JAMES: And I hope
13 that you would reconsider as we close on this
14 building and/or negotiate with the labor unions
15 that will be testifying today that this building
16 be built union and be built as safe as possible.
17 Last question is, on page 4 of the presentation
18 there was all of this other development that was
19 marked in red. Ms. Lee, could you identify those
20 other developments in downtown Brooklyn that are
21 being proposed?

22 CAROL LEE FINK: If you go back to
23 four...

24 CHAIRPERSON WEPRIN: Just for the
25 record, it's Carol Lee Fink. Fink is the last

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

name.

COUNCIL MEMBER JAMES: I am sorry.
I apologize.

CAROL LEE FINK: So the red, yes,
they are in process projects. The large red in
the upper part of the screen, that is Barclay
Center and the rest of the Atlantic Yards
development. If we move to the left portion--
these are not all city projects by the way. They
are just projects that either have a city
component or private that are in some stage of
construction.

COUNCIL MEMBER JAMES: Could you
designate which ones are city-owned projects?

CAROL LEE FINK: Sure. It is
probably easier for me to point.

COUNCIL MEMBER JAMES: Would you
please, if you don't mind, Mr. Chairman?

CHAIRPERSON WEPRIN: You can point,
but you have to have the mic near you if you are
going to speak. Just jump the table.

CAROL LEE FINK: Maybe I can hold
this up and show you?

COUNCIL MEMBER JAMES: Sure.

1
2 CAROL LEE FINK: That parcel, that
3 is north site two. That is a project that is
4 currently owned by the city, and HPD has an active
5 RFP for that site right now. We expect to
6 designate a developer in the coming months. Then
7 on the far side, that is north site one. That
8 project is in the planning stages. We expect to
9 break ground December 2013. That will be a
10 project with 600 units of housing, 300 of which
11 will be affordable. It will also include retail
12 and cultural space. Then the lot right adjacent
13 to that on the right, that is also a city owned
14 lot. That is a new facility for Tefana [phonetic]
15 That is in the final construction stages. We
16 expect to complete that September of this year.
17 The other projects that are in red are privately
18 owned.

19 CHAIRPERSON WEPRIN: Tish, if you
20 can wrap up soon, I would appreciate it.

21 COUNCIL MEMBER JAMES: Just last
22 question, I know on the commercial, I understand
23 that you currently have a tenant. What about the
24 restaurant? Do you currently have a user for that
25 establishment yet?

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

JED WOLENTIS: No, definitely not.

COUNCIL MEMBER JAMES: Thank you.

So thank you, Mr. Chair, for providing me that latitude and being so gracious with your time. Again, my concerns is that this development project is not being built with union labor. I really want to maintain the highest standards of construction at this particular site, and the best way to do that is to build it union. Two, in order for the union workers to actually be in a position to apply for these housing and my constituents, I would hope that you would increase the amount of affordable housing on this site. 20 percent is totally inadequate given the crisis in this city and the fact that in this particular community there was two recent articles have indicated that some of it has now outpaced--some of the rents in downtown Brooklyn are closely outpacing that of Manhattan, which is unacceptable for most Brooklynites, and three, that the cultural space that we share in the city of New York and open it up to all stakeholders in downtown Brooklyn, so that it can reflect the wonderful diversity that I hope this

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

administration celebrates.

CHAIRPERSON WEPRIN: Thank you, Ms. James. Just for the record again, we are not voting on this today, so we will have time to discuss some of these issues over the next couple of days. I do want to just for the record be clear, Ms. Fink, I know we mentioned that the sales price was 16.25. I think our records say 16.5, but just to be clear for anything watching at home, it is 16.5 million dollars, not \$16.50 or anything like that. Okay? Just for clarification. Is 16.5 possible?

JED WOLENTIS: I think it is 16.5 as well.

CHAIRPERSON WEPRIN: Okay. You would know. I would like to call on Council Member Comrie now who has some questions.

COUNCIL MEMBER COMRIE: Good morning everyone, just what is the projected unit process both market and affordable for the apartments?

JED WOLENTIS: Luckily I have a cheat sheet here on the affordable because I would have had no idea. At 40 and 50 percent of AMI,

1
2 which is what we will be providing, the monthly
3 rents at 40 percent AMI families for zero, one and
4 two bedrooms are 529 dollars, 569 dollars and 692
5 dollars a month. At the 50 percent--

6 COUNCIL MEMBER COMRIE:

7 [interposing] I am sorry. 529--

8 JED WOLENTIS: 529, 569, and 692.

9 That is for a studio, one and two, and then at the
10 50 percent income band the zero, one and two
11 bedrooms are 675, 726, and 880. In terms of the
12 market rate units, I don't totally know what the
13 market is here. It will be a couple of years
14 before we deliver the product. My guess is in
15 today's world we would probably get about 50
16 dollars a square foot in market rent in this part
17 of the world.

18 COUNCIL MEMBER COMRIE: Okay.

19 Those affordable numbers that you came to, that
20 you spoke about today will those be the same
21 numbers-- - - project at the earliest for this
22 project to be completed?

23 JED WOLENTIS: Those are
24 established by law, not by me.

25 COUNCIL MEMBER COMRIE: But will

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

those be the numbers in 2017 when the project--

JED WOLENTIS: [interposing] From what I know about the way the law works, there is a very high likelihood that they will be within a few percentage points of that. Yes.

COUNCIL MEMBER COMRIE: So once you lock in the 421a you lock it in at the date of? -
- completion of the project?

JED WOLENTIS: No. As part of the process, the city will review and approve your units sort of parallel with having the 421a application getting approved and then the regulatory agencies establish the pricing of the affordable units. They sort of all happen on a parallel track, but roughly around the same period of time.

COUNCIL MEMBER COMRIE: How many units did you say there will be? 60?

JED WOLENTIS: 60 affordable, 300 total.

COUNCIL MEMBER COMRIE: 300 units total, 60 affordable, and will those be dispersed throughout the--

JED WOLENTIS: - -

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

COUNCIL MEMBER COMRIE: Pardon me?

JED WOLENTIS: Is my math right?

Yeah, my math is right.

COUNCIL MEMBER COMRIE: I'm waiting for you to be sure.

JED WOLENTIS: My math is right.

COUNCIL MEMBER COMRIE: Okay. And would those units be dispersed throughout the complex?

JED WOLENTIS: Yes, sir. Dispersed throughout the complex and built to the same level of finishes as the market rate apartments.

COUNCIL MEMBER COMRIE: Okay. And there will be a preference given to residents within the community board?

JED WOLENTIS: Yes, sir.

COUNCIL MEMBER COMRIE: And were you able to meet all of the requirements or requests from the borough president to ensure that the design would make sure that the Williamsburg Tower had the best light and visuals possible? Is your final design within the scope of the borough president's request?

JED WOLENTIS: I can't

1
2 unfortunately speak to what the borough president
3 requested. I can say we went through a four year
4 process with the Department of City Planning and
5 their professionals and our architects to come up
6 with the best possible overall urban design that
7 provided for optimal light and view conditions
8 both to and from the bank building and also given
9 the other urban conditions in and around the
10 district, but I cannot articulate a point by point
11 response to Marty's comments.

12 COUNCIL MEMBER COMRIE: I was just
13 trying to see because your design doesn't really
14 show the light and shadow on how it reflects on
15 the bank site; it just shows a--you can go back to
16 that slide. Do you know what time of day that is
17 that is showing the shadow from the bank now?

18 JAMES KARSS: Yeah, this is James
19 Karss, and at this time of day, this would
20 probably be around noon that this shadow is being
21 projected from the Williamsburg Savings Bank. We
22 are located north of the Williamsburg Savings
23 Bank, so we are not projecting shadows really onto
24 that building.

25 COUNCIL MEMBER COMRIE: Okay, and

1
2 the--what is that? A four or five story plaza
3 that the glass enclosure--is that going to be all
4 commercial and retail?

5 JAMES KARSS: No. The glass
6 portion of the base is 43 feet, 10 inches high.
7 There are--the library component right now
8 comprises the majority of the upper level of that
9 plaza or of that glass enclosure. Below that at
10 the nose, the triangular portion of the site is
11 retail and some of the--and actually the café is
12 sort of wedged underneath the stair space in what
13 is sort of the less usable parts of the site, so
14 the cultural space has been given some of primacy
15 and given the spaces that are most usable.

16 COUNCIL MEMBER COMRIE: And where
17 is the rehearsal space going to be?

18 JAMES KARSS: Rehearsal space is on
19 the fourth floor on top of the cinema boxes, so
20 the upper level of these boxes along Ashland and
21 the floor plate at this level is the rehearsal
22 spaces.

23 COUNCIL MEMBER COMRIE: Okay. And
24 how much time do I have, Mark?

25 CHAIRPERSON WEPRIN: As little as

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

possible.

COUNCIL MEMBER COMRIE: As little as possible? That is not good. Alright, so then since I don't have a lot of time... you made a statement earlier that you wouldn't be able to build this iconic a building if you were just doing it market rate. Why would you say that? Wouldn't you still be able to in this environment in downtown Brooklyn as it is such a destination location now to use the word to be able to still build an iconic building even if you didn't build this affordable project?

JED WOLENTIS: I don't know exactly what came across. I was not trying to articulate that. What I was trying to articulate--well, a couple of things. As part of our--two separate things that might answer your question, but if I am not clear you can re-ask me. The city was very concerned and mandated a certain list of architects that get used for this project and mandated that they basically maintain design control as we went through the process. Part of the business negotiation early on with the city was that we don't just build an ordinary building,

1
2 that we build an extraordinary building that is
3 befitting of the district architecturally, and we
4 think that we have done that here.

5 COUNCIL MEMBER COMRIE: They
6 mandated your use of architects?

7 JED WOLENTIS: Yes, sir.

8 COUNCIL MEMBER COMRIE: Okay. That
9 is an interesting--

10 CHAIRPERSON WEPRIN: You don't
11 really want James sitting there.

12 JED WOLENTIS: I definitely want
13 James sitting there. It was not mandated without
14 some discussion and collaboration. They did not
15 want us to bait and switch what we presented to
16 them originally.

17 COUNCIL MEMBER COMRIE: So in other
18 words, you are locked in your contract with your
19 architect. You couldn't change it after--

20 JED WOLENTIS: There was obviously
21 some mechanism to change it should there have been
22 a major dispute or something like that, but the
23 point was the city was very strong that they
24 wanted excellent design here. They thought the
25 BAM cultural district was a place that was worthy

1
2 of extraordinary design and they expected us to
3 step up to the plate and deal with both the work
4 involved with doing that and also the extra cost
5 involved in doing that.

6 COUNCIL MEMBER COMRIE: But you
7 intimated that if it was an as of right project
8 you wouldn't build as the--that seemed to be the
9 inference from the presentation.

10 JED WOLENTIS: I didn't mean to
11 infer that. I only meant to infer that we haven't
12 studied in any way, shape or form on as of right
13 building form, and this building form is totally
14 locked in through this ULERP process, and if this
15 ULERP process does not go forward, we would
16 totally start over. I am not trying to color the
17 discussion one way or another that the project
18 would be more or less iconic, just that we have
19 done no work on looking at what that project would
20 be.

21 COUNCIL MEMBER COMRIE: Okay. And
22 since you are doing a lot of work in Brooklyn and
23 in the city and clearly there are concerns about
24 Two Trees opportunity to be inclusive, what
25 assurances can you give the committee that there

1
2 will be some full discussions between now and the
3 road to ensure that the current concerns of all of
4 the advocates, the labor people can be
5 ameliorated, so that they can feel comfortable
6 with moving in this process?

7 JED WOLENTIS: As I said, I am more
8 than happy to have a conversation with all aspects
9 of labor. Nobody has reached out to me in this
10 process. We are probably close to a year away
11 from really starting construction here. We have
12 built a lot of work in this town union and we are
13 more than happy to--we just need to have a
14 building that we can afford to build and finance
15 so we can create all of the public benefits that
16 come with it.

17 COUNCIL MEMBER COMRIE: So you are
18 willing to have those--to make those agreements
19 that there will be full discussion between you and
20 all parties so that the Council Member and the
21 committee can find out what those discussions are
22 so we can be clear on exactly what the levels of
23 discussion were, how the discussions were handled
24 and so that we can be clear all parties were
25 heard?

1
2 JED WOLENTIS: I am always happy to
3 have discussions, sir.

4 COUNCIL MEMBER COMRIE: Great.
5 Well, since I am on short stacked time [phonetic]
6 I won't ask any other detailed questions. I hope
7 to be able to talk to you before the vote. Thank
8 you.

9 CHAIRPERSON WEPRIN: Absolutely.
10 Thank you, Council Member Comrie. I would like to
11 call on the neighboring district Council Member
12 Levin for a quick question that he has.

13 COUNCIL MEMBER LEVIN: Thank you
14 very much, Mr. Chairman. Good afternoon,
15 gentlemen and madam. Very nice to see you all. I
16 just had a quick question about the cultural
17 space. There has been a lot of discussion about
18 this space being replacement space for the Pacific
19 Branch Library, which is in my district on the
20 corner of Pacific Street and Fourth Avenue, and
21 that type of arrangement, the plan put forward by
22 BPL is to raze that building. It is a Carnegie
23 branch. It is not landmarked. I believe it
24 should be landmarked. It was the first Carnegie
25 branch in Brooklyn, and there has been ongoing

1
2 community dialogue. I get about 25 or 30 e-mails
3 a day encouraging me to landmark the building and
4 not tear it down from constituents. Is this
5 locked in? it says here in the plan, Brooklyn
6 Public Library for the cultural space. Is that
7 something that is in contract because as I am sure
8 you are aware, I think it was the original EIS for
9 the downtown rezoning called for there to be a
10 cultural library here, part of BPL, but not a
11 replacement library for the Pacific Branch, so I
12 guess my question to you is is this locked in? Is
13 this a contract with BPL or is there an
14 opportunity for another type of library to be
15 there or for another type of cultural use because
16 I am on the record wanting Pacific Branch to
17 remain standing.

18 CAROL LEE FINK: Carol Lee Fink.

19 So there is not a contract per se with the
20 Brooklyn Public Library for this space. There has
21 long been an understanding that some portion of
22 the space on this site would be used for a
23 library--I think a performance library was
24 originally thought for the space. We have been in
25 close conversations with the library all through

1
2 this process, and it is clear that there have been
3 discussions around the other branches in the area.
4 Our conversations have not been if we don't close
5 this--if we close this branch, then we come. If
6 we don't close this branch, then we can't come.
7 It hasn't been a one for one discussion, and again
8 the library is here today and they can talk more
9 about how they are looking at the picture, but we
10 don't know. We don't have a hard contract with
11 them.

12 COUNCIL MEMBER LEVIN: I think
13 augmenting the system is a good thing that a
14 performance library or some other cultural branch
15 would be I think a benefit to the entire downtown
16 area, and so I think that that is a good idea to
17 move forward. I just want to make sure that I am
18 out there on the record as part of the record for
19 this hearing today saying that I do not want to
20 see this happen at the expense of a historic
21 resource like the Pacific Branch, which is an
22 important part of the landscape of the district
23 that I represent, and my constituents feel very
24 strong about that. Thank you.

25 CHAIRPERSON WEPRIN: Thank you very

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

much, Council Member Levin. I'd like to call on Council Member Reyna.

COUNCIL MEMBER REYNA: Thank you, Mr. Chair. I just wanted an opportunity to understand, this RFP was intended for a garage. Correct?

CAROL LEE FINK: Yes, I believe that is correct.

COUNCIL MEMBER REYNA: And that was in 2006?

CAROL LEE FINK: That sounds right. I don't know for sure.

COUNCIL MEMBER REYNA: And that was in response to what would be a traffic mitigation for Barclay Center or...?

CAROL LEE FINK: I don't think so. No, I don't believe so.

COUNCIL MEMBER REYNA: So what was the original intent to build on city land what would be a parking garage?

MALE VOICE: As part of the downtown Brooklyn rezoning, which rezoned the whole downtown Brooklyn area--

COUNCIL MEMBER REYNA:

1 [interposing] Yes, I was around when that
2 happened.
3

4 MALE VOICE: Correct, and there was
5 a garage proposed at this site, there was a garage
6 proposed on Willoughby Street, there was a garage
7 proposed at Fleet Street. It was all part of this
8 large overall rezoning, which at the time you may
9 remember was to encourage office development, and
10 so there were a number of garages that were
11 proposed - - .

12 COUNCIL MEMBER REYNA: But are you
13 referring to the land use planning around
14 Metrotech or are you referring to the downtown
15 rezoning?

16 MALE VOICE: Downtown rezoning.

17 COUNCIL MEMBER REYNA: In our
18 current 12 year term?

19 MALE VOICE: Correct.

20 COUNCIL MEMBER REYNA: Okay. So
21 this is intended to accommodate what was an arena?

22 MALE VOICE: No, no. First of all
23 the arena was not part of that. The arena came
24 after that rezoning. No, this was part of an
25 overall understanding of how the city wanted to

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

use its resources in downtown Brooklyn.

COUNCIL MEMBER REYNA: But since then, we have also taken away parking spaces.

MALE VOICE: Since then we have a rezoning that lessened the parking requirements.

COUNCIL MEMBER REYNA: Correct. So there is no need for parking garages as it once was supposedly projected as a need.

MALE VOICE: Correct.

COUNCIL MEMBER REYNA: So the RFP six years ago was not necessary?

MALE VOICE: The RFP six years ago projected--

COUNCIL MEMBER REYNA:
[interposing] Are you speaking on behalf of the city--

MALE VOICE: I am trying to answer your questions. That is all. - - I happened to be around at that time.

COUNCIL MEMBER REYNA: I appreciate that. I think the city of New York--

MALE VOICE: [interposing] Fine. I will stop speaking.

COUNCIL MEMBER REYNA: I just want

1
2 to make sure that the city of New York gives me a
3 clarification as why would we put out an RFP that
4 would call for a garage?

5 CAROL LEE FINK: I believe that
6 that was part of the plan at that time, and I
7 wasn't there, so I can't speak to why the plan
8 changed, but I am happy to look into that and get
9 back to you.

10 COUNCIL MEMBER REYNA: And as far
11 as the call for a garage having done a study later
12 why was the actual RFP not rescinded based on the
13 fact that we were reducing what would be parking
14 in the downtown area?

15 CAROL LEE FINK: Again, I wasn't
16 there at the time, but I am happy to look into
17 that and get back to you.

18 COUNCIL MEMBER REYNA: So now fast
19 forward, the design of this is spectacular. It is
20 an all-inclusive, it takes into consideration
21 everything that the city of New York did not put
22 out for an RFP, but just happens to have what
23 would be brilliant ideas because the respondent
24 who originally was applying for the RFP that was
25 calling for a parking garage sees a greater

1
2 vision, and now this is being entertained as an
3 all-inclusive, many public benefits, and
4 everything from the entertainment piece to the
5 cultural piece to the housing piece, and clearly
6 what would be the job component during
7 construction as well as post construction. Why
8 was that not the element of a new RFP?

9 CAROL LEE FINK: Again, I wasn't
10 there at the time, but I will look into this, and
11 I am happy to get back to you after the hearing.

12 COUNCIL MEMBER REYNA: And no one
13 from the city of New York is here to answer those
14 questions prior to you?

15 CAROL LEE FINK: I would be EDC,
16 and we do have people from EDC here.

17 COUNCIL MEMBER REYNA: They are
18 here. Okay. Can they come and testify?

19 CHAIRPERSON WEPRIN: Is there
20 someone from EDC who is in the room now who can
21 answer this question specifically who wants to
22 come up to the mic and identify themselves
23 quickly? Oh wow, we have a volunteer. Make sure
24 to state your name, and if you can quickly answer
25 this so we can get moving we have a lot of people

1
2 who want to testify. Maybe volunteer might have
3 been a strong word, but thank you for being a
4 volunteer. State your name please, and if you can
5 answer the question, we would appreciate it.

6 MABEL BERNSTEIN: Mabel Bernstein
7 [phonetic] with New York City Economic Development
8 Corporation.

9 JOE COLETTI: Joe Coletti
10 [phonetic] with Economic Development Corporation.

11
12
13 CHAIRPERSON WEPRIN: Great. Do you
14 want the question restated or you got it?

15 MABEL BERNSTEIN: Yes, could you
16 please restate the question?

17 COUNCIL MEMBER REYNA: So the RFP
18 that was original to this project was to this land
19 that is being disposed of. That is what we are
20 dealing with right now, and this is a rezoning,
21 but the original RFP was calling for a C6-1 for a
22 garage to be built, correct?

23 MABEL BERNSTEIN: Yes, a garage.

24 COUNCIL MEMBER REYNA: And no other
25 amenity other than a garage?

1
2 MABEL BERNSTEIN: It also included
3 a plaza.

4 COUNCIL MEMBER REYNA: A plaza. So
5 there is a public plaza attached to this?

6 MABEL BERNSTEIN: Yes.

7 COUNCIL MEMBER REYNA: And that
8 still continues under this new rezoning?

9 MABEL BERNSTEIN: Yes, it is in the
10 design as well.

11 COUNCIL MEMBER REYNA: So in
12 addition to a public plaza now we are receiving
13 what would be a library, cinema, rehearsal space,
14 restaurant, cafes, retail, housing both market and
15 public affordable. The public plaza and the
16 parking spaces will continue as set forth in the
17 original RFP?

18 MABEL BERNSTEIN: Well, the
19 original RFP was terminated, so I don't believe
20 there was ever a concrete plan that was determined
21 from the original RFP.

22 COUNCIL MEMBER REYNA: So if the
23 original RFP to a proposal that was issued has
24 been terminated--

25 MABEL BERNSTEIN: The original RFP

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

was terminated. We did get some proposals.

CHAIRPERSON WEPRIN: Mr. Wolentis explained before that they had originally applied for the parking issue, and then the city decided to go for something grander, and then went outside the RFP process.

COUNCIL MEMBER REYNA: I heard exactly what Mr. Wolentis had mentioned. He also stated that he wasn't too sure if they had rescinded or not so I wanted clarity on behalf of the city of New York to give us the facts as far as the original RFP which called for what was a parking garage in addition to a public plaza which then was rescinded.

MABEL BERNSTEIN: Yes, it was terminated before any selection was made.

COUNCIL MEMBER REYNA: Okay, so there was no new RFP that was issued?

MABEL BERNSTEIN: No.

COUNCIL MEMBER REYNA: And now we are looking at an application for a sole source [phonetic]?

MABEL BERNSTEIN: Yes, Two Trees was designated as the sole source.

1
2 COUNCIL MEMBER REYNA: Okay. And
3 the sole sourcing of this application of a
4 rezoning from a C6-1 to a C6-2 is for a rezoning
5 and disposition of land?

6 MABEL BERNSTEIN: The application
7 is only for rezoning, not for disposition.

8 COUNCIL MEMBER REYNA: And the
9 disposition will occur when?

10 MABEL BERNSTEIN: Well, EDC already
11 owns the land, and the disposition to Two Trees is
12 anticipated to occur later this month.

13 COUNCIL MEMBER REYNA: But the
14 application will come to the Land Use Committee
15 for a disposition?

16 MABEL BERNSTEIN: No, the
17 disposition was already approved through a MOCS
18 procedure in 2010.

19 COUNCIL MEMBER REYNA: In 2010.
20 And the--now for the clarity I appreciate EDC
21 coming to state the facts as far as how we have
22 come this far. I wanted to just take a moment to
23 ask as far as the parking spaces to this project,
24 what is going to be intended to be built out as
25 far as the accommodations of parking for the venue

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

that is being built out?

RAY LEVIN: There is a requirement pursuant to the most recently adopted downtown Brooklyn parking changes that there will be 64 spaces that are required accessory for the building, that affordable units don't have to provide any, and the remaining units have to provide 20 percent, and that comes out to 64.

COUNCIL MEMBER REYNA: Can you just repeat that last piece?

CHAIRPERSON WEPRIN: Thank you.
Ray Levin by the way.

RAY LEVIN: Ray Levin. I am sorry. Hard to remember my name. The downtown Brooklyn parking changes recently adopted that the Council adopted require that affordable units do not have to provide any parking and the remaining units provide 20 percent.

COUNCIL MEMBER REYNA: The affordable units do not require according to the new text amendment--I don't remember that specific language.

[background conversation]

COUNCIL MEMBER REYNA: So Ms.

1
2 Benjamin is just confirming the affordable housing
3 units not in need of parking requirements, which
4 was something that I don't recall, but she is
5 confirming, and you were in the middle of your
6 statement regarding 64 spaces.

7 RAY LEVIN: The reason that I am
8 talking from the environmental assessment that was
9 done, the reason that is 64 is that the maximum
10 number of spaces, which is how you do
11 environmental planning, we showed 400 units of
12 housing, there are only going to be 300, so
13 actually the requirement would be 60 from the 240
14 would be 48 would be required if we did 300 units.

15 COUNCIL MEMBER REYNA: So only 48
16 would be required, but you are providing in this
17 plan--

18 RAY LEVIN: [interposing] I am
19 sorry. I misstated. The environmental analysis
20 is based on a larger number of units. You have to
21 use the reasonable worst case, and therefore, the
22 number that is included in the environmental
23 assessment is 64 because we were talking about 400
24 units and 80 affordable at that point. The plan
25 now is to do 300 units with 60 affordable, so

1
2 therefore, the requirement for that project would
3 be 48.

4 COUNCIL MEMBER REYNA: Okay.

5 RAY LEVIN: And beyond that the new
6 downtown Brooklyn parking requirements said that
7 you could provide up to 225 spaces for public
8 parking without requiring a special permit. We
9 are not asking for a special permit, so therefore,
10 beyond the 48 or whatever number it turns out to
11 be, which will be based on exactly how many
12 residential units we build, beyond that you can go
13 up to 225 for public parking. And that is what
14 our analysis shows that we would build up to 225
15 spaces, 48 of which would be required or 64
16 depending on how many units were actually built.

17 COUNCIL MEMBER REYNA: But
18 according to the plan that we are voting on the as
19 of right, the proposed zoning calls for how many
20 units to be built out as far as the residential
21 component?

22 RAY LEVIN: 20 percent of the--

23 COUNCIL MEMBER REYNA: I am not
24 referring to the affordable; I am referring to the
25 total number of units.

1
2 RAY LEVIN: You have to refer to
3 the difference because they have different
4 requirements. So it is 20 percent of the non-
5 affordable units.

6 COUNCIL MEMBER REYNA: Which is 240
7 is what... 20 percent of 240, 48, right, but I was
8 just asking for the total. And the accommodation
9 for what would be the cinema, the library, the
10 rehearsal space, the restaurant café, the retail,
11 how is that accommodated in the parking space
12 matter?

13 RAY LEVIN: The zoning does not
14 require any for the commercial uses in this
15 district. We can build up to 225 spaces without a
16 special permit. Now as you know because this site
17 is a very odd configuration, how many spots we can
18 put onto the below grade level because of the
19 angle makes it difficult. I am not sure exactly
20 how many will be provided, but it will be up to
21 225.

22 COUNCIL MEMBER REYNA: Mm-hmm.

23 CHAIRPERSON WEPRIN: Council Member
24 Reyna, if we can wrap up please.

25 COUNCIL MEMBER REYNA: And as far

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

as the unit distribution according to the affordability, what is the unit distribution of zero bedrooms, which are the studios?

JED WOLENTIS: We generally anticipate building a quarter of our product as studios, a quarter as two bedrooms and half as one bedrooms. That is our general unit mix. I would assume we would target something similar here, and by law the affordable units have to match with the market rate units - - .

COUNCIL MEMBER REYNA: So that the market rate would have 50 percent two bedrooms as well?

JED WOLENTIS: No, 50 percent one bedrooms.

COUNCIL MEMBER REYNA: 50 percent one bedrooms.

JED WOLENTIS: 25 percent two bedrooms and 25 percent studios.

COUNCIL MEMBER REYNA: And the two bedrooms in the market rate?

JED WOLENTIS: The same.

COUNCIL MEMBER REYNA: And as far as the public benefits according to the cinema,

1
2 the retail, the restaurant, café, there is letters
3 of lease commitments that have been entered as
4 part of EDC's contract or there is no discussions
5 of any preliminary signed commitments?

6 JED WOLENTIS: For our commercial
7 space users? No, zero. We have--we occasionally
8 field calls from interested people, but it is
9 premature for us to be talking to operators.

10 COUNCIL MEMBER REYNA: And that was
11 not part of the contract as far as EDC is
12 concerned?

13 MABEL BERNSTEIN: Mabel Bernstein,
14 no, that is never part of the contract typically.

15 COUNCIL MEMBER REYNA: And is there
16 a contract with the library as far as this
17 particular proposal is concerned?

18 MABEL BERNSTEIN: No.

19 COUNCIL MEMBER REYNA: I want to
20 thank the chair for the opportunity to have me ask
21 these questions and I look forward to further
22 discussion.

23 CHAIRPERSON WEPRIN: Thank you very
24 much, Council Member Reyna. I appreciate that,
25 and since at the moment, it is just me and you, I

1
2 am going to assume there are no more questions
3 'cause I have none, so I want to thank this panel.
4 I want to thank you guys for pitching in, and we
5 are going to move on, so I assume people will
6 stick around from Two Trees just to listen to the
7 rest of the discussion - - representatives, and we
8 thank you very much for your time, and we will be
9 in discussions. I am going to call up panels, one
10 after the other. We are going to limit people
11 again to three minutes, so try to limit that.
12 Thank you very much. I'd like to call up the
13 following people in opposition to this project:
14 Terry Moore [phonetic] from the Iron Workers,
15 Melissa Shetler [phonetic] from the Laborers,
16 Peter Bray from the Park Slope Civic Council and
17 is it Michael White, Citizens Defending Libraries.
18 Your name almost gives up all your testimony.
19 Look at that. I am going to put you--again, it's
20 three minutes. I know that is difficult. It is
21 just we have a lot of people still to testify if
22 they have still hung in there, so whenever you can
23 settle in make sure to state your name for the
24 record, and I apologize for the waiting for the
25 people who have to wait. We will go after this to

1
2 a panel in favor of the project and we will call
3 them up after. Gentlemen and lady, whenever you
4 guys want to start. Terry is going to do ladies
5 first I assume. Alright, Mr. Moore, whenever you
6 are ready.

7 TERRY MOORE: Good morning or are
8 we in afternoon? Yep. Good afternoon. My name
9 is Terry Moore. I am the business manager of the
10 Metal Lathers Union Local 46. I want to thank
11 everybody for hearing me today. I think it is
12 important to recognize that BAM South is a public,
13 private project--the financing, the city, the land
14 comes from the city, the financing from the
15 company sponsored by the Economic Development
16 Corporation, and it would not be possible to do
17 without the public land and the major rezoning
18 before you today. When we make this kind of
19 investment in public private partnerships, our
20 communities should get real tangible benefits.
21 When we make the kind of investment, we have to
22 ask ourselves, who really benefits, our
23 communities or just wealthy private developers?
24 At BAM South, the community deserves safe,
25 responsible development that utilizes well trained

1
2 construction contractors. Our communities deserve
3 good jobs that provide a pathway to the middle
4 class. Our communities deserve real, affordable
5 housing that strengthens our communities.

6 Unfortunately BAM falls short on all of these
7 fronts. Two Trees has refused to commit to hiring
8 safe, responsible construction contractors to
9 perform the work. It is more troubling since Two
10 Trees has hired an asbestos abatement contractor
11 with a shocking history of unsafe practices at the
12 Domino Sugar [phonetic] and is currently being
13 sued for faulty construction practices that have
14 harmed the property of neighboring residents in
15 the Dumbo area. Two Trees has refused to ensure
16 that the construction jobs created at BAM South
17 provide decent wages, healthcare and retirement
18 benefits that will build the middle class and
19 strengthen communities. They have provided what
20 we consider a bare minimum of affordable housing
21 on the project, 60 units and 240 luxury units to
22 be built on currently city-owned land. New York
23 City is making a significant investment in the Two
24 Trees with the BAM South project. With public
25 land and without major rezoning, which could

1 significantly impact the community, BAM South is
2 simply not possible, and I think Mr. Wolentis
3 pointed that out. I also believe that the
4 construction workers who build this public private
5 project on public land with public subsidies
6 should be paid prevailing wages, and I think that
7 is the most foremost issue at this hearing. On
8 April 13th, 2013, the Federal Department of Labor
9 ordered that a similar mixed use development City
10 Center in the District of Columbia be built in
11 accordance with the federal prevailing wage law
12 and - - .

14 CHAIRPERSON WEPRIN: Wrap up
15 quickly.

16 TERRY MOORE: I'll finish up. We
17 believe that New York should be at least as
18 protective of its middle class as the District of
19 Columbia, and we urge that you take this precedent
20 seriously in your deliberations on the project.
21 In closing, I would like to say that before City
22 Council, if you have any deal City Council should
23 know what the deal is in writing. You should have
24 it before the Land Use Committee gets it. A deal
25 between Seth and Jed wherever it was made,

1
2 whatever room it as made in, it should clearly be
3 transparent and the people on the board should
4 know exactly what that deal is when they are
5 voting on what is going to happen with future
6 taxpaying money of the city workers and the people
7 of New York City. Thank you.

8 CHAIRPERSON WEPRIN: Thank you, Mr.
9 Moore. Next please.

10 MELISSA SHETLER: Thank you. My
11 name is Melissa Shetler. I am with the Laborers.
12 I represent Local 78 and 79 here in the city. So
13 Jed Wolentis said a statement that he likes to
14 leave communities better off than when he found
15 them, and I just want to pick up on that for a
16 minute, and say that I think that without true
17 economic development and true investment in real
18 jobs, in union jobs, especially in the
19 construction industry, you are not leaving that
20 neighborhood better off than you found it by any
21 means. We believe strongly in local hire. We are
22 very, very equipped to staff those kinds of union
23 jobs in downtown Brooklyn, and we often here that
24 that is not the case, so I just want to state that
25 we would be happy if it was local, but we also

1 know that it needs to be union. Our public
2 dollars through HPD and through other
3 organizations are going to low road contractors on
4 a regular basis and Two Trees may say that they
5 are more than happy to work with us, but on the
6 Domino Sugar project we brought up the issue of
7 New York Insulation who is this low road asbestos
8 contractor, and let's just say it is not just any,
9 it is the worst we know in the industry. They
10 have been debarred by the Department of Labor and
11 they have been disqualified from the SCA, but they
12 are perfectly able to remediate asbestos in a
13 large community with children. I have a problem
14 with that and I really disagree with Two Trees
15 representation of their willingness to listen to
16 the labor unions when we are concerned about low
17 road contractors and to also engage with us using
18 high road contractors that pay real union wages.
19 Lastly I would say that especially with money that
20 is public money or public land, the investment in
21 the underground economy is a double tax against us
22 as taxpayers. You are paying people 10, 12
23 dollars cash off of the books, which means you are
24 losing your payroll taxes. It means people have

1
2 no health insurance and they are accessing
3 emergency rooms in order to get care, and that
4 money is not coming back. So I would just like to
5 state that I hope you really consider that all of
6 the things that come forward that have any kind of
7 public subsidy whether it's land or public dollars
8 has real prevailing wage and real job
9 qualifications for the developers.

10 CHAIRPERSON WEPRIN: Thank you, Ms.
11 Shetler, and thank you for being under the three
12 minutes. That is always good. Next please.

13 PETER BRAY: My name is Peter Bray.
14 I am a 30 year resident of Park Slope and I am a
15 trustee of the Park Slope Civic Council, and I
16 wanted to comment today on a portion of the
17 project that is going to adversely affect the
18 residents of Park Slope and Boerum Hill. You have
19 heard earlier about the cultural uses that are
20 going to be incorporated into this project
21 including a new facility for the Brooklyn Public
22 Library. I want to be clear that the library has
23 publically stated that its construction is
24 contingent on the sale of the Pacific Branch
25 Library and that they have also publically stated

1 that this plan is a virtual fait accompli and that
2 they will shortly execute a memorandum of
3 understanding with EDC to enable them to use the
4 proceeds from the sale of the Pacific Branch
5 Library to outfit their new space within the BAM
6 South project. I also want to be clear that the
7 Park Slope Civic Council is not in any way opposed
8 to a new library branch in this building. What we
9 are opposed to is the fact that they would
10 sacrifice Park Slope's and Boerum Hill's library
11 for a wholly new set of library users. The
12 Pacific Branch has served these two communities
13 for 110 years. These communities have fought in
14 the past to save this library and to improve the
15 library and to see that it was rehabilitated
16 because it is a critically important resource for
17 our communities, and the Brooklyn Public Library
18 has made the claim that the BAM South site is only
19 across the street from the Pacific Branch Library,
20 and the fact is that these two neighborhoods will
21 not be well served by the library for several
22 reasons. First, the BAM site South is on the
23 wrong side of Flatbush Avenue, Atlantic Avenue and
24 Fourth Avenue. The transportation alternatives
25

1
2 group has found that these avenues are highly
3 dangerous thoroughfares. The library is well used
4 by elderly persons and by young children and they
5 will not or they should not be crossing those
6 avenues. The Pacific Branch is used as a safe
7 refuge for children after school hours to do their
8 homework, wait for their parents to pick them up
9 after work, and it also serves schools in the area
10 that do not have their own libraries. Second, we
11 object to the sale because the Pacific Branch is
12 meeting a growing need within those two
13 communities. The city has rezoned up, up zoned
14 Fourth Avenue. It is getting hundreds of new
15 residents. There is going to be a need for more
16 libraries, not less libraries. So I just want to
17 conclude by saying that we are asking the City
18 Council if it approves this rezoning or this
19 zoning change to not make it contingent or to
20 understand the connection between this project and
21 the abandonment of the Pacific Branch. We also
22 want to thank Council Members Levin and James for
23 their support on our position. Thank you.

24 CHAIRPERSON WEPRIN: Got it. Mr.
25 White, ditto?

1
2 MICHAEL WHITE: Not quite ditto.
3 Michael White for Citizens Defending Libraries.
4 Last week I was at a panel discussion about the
5 Historic Districts Council about the selling off
6 of our libraries. One of the main topics that
7 came up was the enormous distrust that people now
8 have for our library officials. David Giles
9 [phonetic] brought that up, observed--he is from
10 the Center for an Urban Future, and he wrote the
11 report that says that library usage is way up and
12 they are being underfunded. He wondered why.
13 That was quickly answered in the discussion--lack
14 of transparency in deals that are designed from
15 the top down and deals presented as done deals
16 when they are presented, and a lack of value that
17 is got for the public as a result. Also the
18 motivations are sell offs of the public libraries.
19 They are being used as chess pieces in a real
20 estate shell game, and that might be a mixed
21 metaphor--two different, chess and shell game, but
22 we do have a mixture of games going on in a
23 project here like Pacific Street promises of
24 libraries for a zoning change, promises of
25 libraries for variances, and then the selling of

1
2 the Pacific Branch to create the BAM South branch,
3 the cultural condominium. Now the calculations
4 don't really work out. If you do the math that
5 was presented, you are getting a net loss to the
6 public. But back to the distrust issue. I think
7 you heard Councilman James and you heard
8 Councilman Levin asking for assurance, which is
9 very difficult when there is a lack of trust that
10 if BAM South is going to be approved that it be
11 clearly understood and assured that there would be
12 no sacrifice of Pacific Street as a result to
13 outfit that library. Now there are plenty of
14 reasons to disapprove this project. I was
15 astounded to hear that it began as an RFP for a
16 garage and we I don't think should be repeating
17 what was done with the Wolentis' when they
18 blackmailed the public with a school on Dock
19 Street [phonetic], but the City Council has to be
20 absolutely very careful and Pacific Street should
21 not be sacrificed for this project and the City
22 Council has to be clear that that should be
23 prevented.

24 CHAIRPERSON WEPRIN: Thank you very
25 much. I want to thank this panel very much. I

1
2 appreciate your patience as well as the patience
3 of the people yet to come. Do you have any
4 questions, Diana, of this group? Excellent.
5 Thank you all very much. You okay? Okay. I am
6 now going to call on a panel in favor of this
7 project. I'd like to call Carlo from the Brooklyn
8 Chamber of Commerce, Alan Fishman [phonetic] from
9 BAM, Karen Hopkins and Linda Johnson from the
10 Brooklyn Public Library. I trust you, Linda.
11 Don't worry. We got a little tight fit over
12 there. Maybe we could clear that extra chair
13 away. We need four chairs. When the music stops,
14 you have got to be in a chair.

15 KAREN BROOKS HOPKINS: Mr. Chair,
16 if you don't mind I am going to go first, Karen
17 Brooks Hopkins, president of BAM and then excuse
18 myself because we actually have a fundraiser
19 tonight. Is that alright?

20 CHAIRPERSON WEPRIN: As long as you
21 approve, I have no problem. We don't care. Go
22 ahead whenever you are ready. Three minutes, and
23 you are off and running.

24 KAREN BROOKS HOPKINS: Thank you.
25 Karen Brooks Hopkins, president of the Brooklyn

1 Academy of Music where I have worked for 33 years.
2 I am really speaking today on behalf of the
3 project on behalf of the district. The BAM
4 cultural district I believe when it is finally
5 complete and after 33 years, I think the
6 completion is now in sight will be the greatest
7 cultural district of the 21st century in the United
8 States. This is my prediction. Why? Unlike the
9 Lincoln Center model of the '50s that was sort of
10 edifice plaza [phonetic], this district will
11 include institutions small and large grounded in
12 diversity and a mix of visual and performing arts.
13 Everything will look different and be pulled
14 together with a common street scape and lighting.
15 It will be an incredible public space that will
16 also include the plazas and a variety of cultural
17 institutions reflecting the urban energy of New
18 York City today. Within the four block radius
19 from the Barclay Center to the northern border of
20 the district at the BAM Harvey, you will have
21 venues ranging from 200 to 19,000 seats of all
22 different kinds, and there is no other place on
23 the planet as far as I know that has this kind of
24 amenity along with great transportation assets and
25

1
2 a great architectural hotspot--Shop, Enrique
3 Norton, Hugh Hardy, the 19th century BAM and so on,
4 and the art deco building at One Hanson Place
5 [phonetic]. What are the benefits of this kind of
6 a district for this community? Small businesses
7 will thrive, restaurants, shops and so forth. I
8 already know this from the 700,000 people a year
9 that attend BAM alone. There will be jobs. There
10 will be tourism. There will be education
11 programs. There will be energy and there finally
12 be in New York City a great cultural center that
13 will not be in the borough of Manhattan. This BAM
14 South project represents a confluence of service
15 for local artists through 651 and BAM, the BAM
16 cinemas today already have 200,000 Brooklynites a
17 year that attend and there will be more
18 opportunities for local film festival
19 organizations. We intend to build these theaters
20 as smart theaters so that they can be used during
21 the day for conferences and educational
22 gatherings. The archive of over 150 years of BAM
23 history will be resourced for the public, and the
24 library will provide an additional service to all
25 of the community members that will be living

1
2 within the confines of the cultural district and
3 for people in the surrounding communities, so for
4 this reason, this project is a winner. It has
5 taken ten years at least just to get it in shape,
6 and the time is now to move forward with no
7 further delay. Thank you very much.

8 CHAIRPERSON WEPRIN: Thank you very
9 much. You are welcome to leave and we will send
10 you any questions. She has got to run. Do you
11 want to ask her a question specifically?

12 COUNCIL MEMBER COMRIE: There was
13 some concerns from Council Member James about BAM
14 selling space or giving away space or utilizing
15 space, all of the space that you have now you are
16 going to keep in perpetuity?

17 KAREN BROOKS HOPKINS: We are going
18 to keep it all in perpetuity. We have never given
19 away any space. We have never--what we do do is
20 make affordable space in the Fisher building and
21 in other buildings we have raised private funds to
22 subsidize community usage for our buildings so
23 that everybody will have access despite in the
24 larger facilities, it is very expensive to use
25 them, and Alan will talk more about that.

1
2 CHAIRPERSON WEPRIN: Mr. Fishman is
3 from BAM as well.

4 COUNCIL MEMBER COMRIE: I knew
5 that. I just wanted to - - . Alright. I just
6 wanted to ask that question. Thank you.

7 KAREN BROOKS HOPKINS: Thank you,
8 Council Member. Thank you.

9 CHAIRPERSON WEPRIN: Thank you.
10 Enjoy. Decide who is next.

11 CARLO SCISSURA: Good afternoon,
12 Councilman Weprin. Thank you. Always a pleasure
13 to be with Council Members Reyna and Comrie as
14 well. Diana, thank you for all that you do in
15 Brooklyn. My name is Carlo Scissura. I am the
16 president and CEO of the Brooklyn Chamber of
17 Commerce. We are Brooklyn's largest economic
18 development and business advocacy organization,
19 over 1200 members. Our mission is simple--to
20 support and advocate for healthy and robust
21 business environment throughout the borough. I am
22 here to wholeheartedly support the proposed
23 project for the South site in BAM cultural
24 district. There are very few times I think in our
25 lives and as you know, Councilman, I spent five

1
2 years working for Marty Markowitz, where you get
3 to actually look at a project that will transform
4 a skyline and transform a neighborhood and really
5 create an iconic structure, a place that brings
6 together pedestrians, community and people from
7 all over and to one spot. This is one of those
8 examples. I talk about the iconic structure
9 because one of the things I know many people have
10 said including myself, Marty, many of the council
11 members when we did a rezoning on Fourth Avenue
12 was a lack of beautiful, new, exciting buildings.
13 This is different. This is a really new,
14 exciting, beautiful building. You have heard
15 about the housing it's great affordability, very
16 important. I think it is wonderful that there
17 will be a preference given to people already in
18 the neighborhood, very, very important to stress.
19 It is great for business. It will create a 10,000
20 square foot public plaza, but it is going to be a
21 boom for mom and pop stores in the neighborhood,
22 and one of the things the chamber will be working
23 with Two Trees on is making sure that we provide
24 them with a list of mom and pop stores from the
25 community looking to expand that want to be in

1
2 that area. I think one of the exciting things is
3 the goal that has been set of 32 percent
4 participation by MWBE contractors, something we
5 applaud greatly. We have already spoke to Two
6 Trees about working with the chamber's MWBE
7 committee about making sure that our members in
8 that world get contracts, and I think that is to
9 be commended for. You have heard from Karen. You
10 are going to hear from Alan about the cultural
11 aspect. I think it is amazing. We think having a
12 great space in Brooklyn that by the way is close
13 to almost every subway line in the city of New
14 York, the traffic will be easy, the congestion
15 will be - - because people will be on a subway and
16 get there, and I think that having a new branch, a
17 culture branch for the Brooklyn Public Library is
18 very exciting. I should say I sat for five years
19 as a board member on the Library, and it is no
20 secret I am preaching to the choir here what
21 libraries go through with funding cuts, so I think
22 that is important to know. And finally, I think
23 the rehearsal space for local artists is very
24 exciting, and you have my testimony, so I just
25 want to say please support this, it is a great

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

project.

CHAIRPERSON WEPRIN: Thank you very much, Carlo.

LINDA JOHNSON: Good morning, Chairman Weprin, members of the committee. My name is Linda Johnson and I am CEO and President of Brooklyn Public Library, and I am pleased to be here this morning to testify in favor of Two Trees Management's ULERP application for the BAM South project. Two Trees is seeking to build as we have heard this morning, a beautifully designed mixed use project, which will contribute immensely to the already vibrant BAM cultural district and will enliven a significant stretch of Flatbush Avenue with new retail and cultural spaces. The project includes an innovative cultural center as well as much needed affordable housing and new public open space. Brooklyn Public Library is thrilled to have the opportunity to participate in this project. As part of BAM South, Brooklyn Public Library will open a new 16,500 square foot neighborhood library. This inspiring and accessible new branch will allow us to deliver modern public library services to the Fort Green,

1
2 Park Slope and Boerum Hill communities. We are
3 excited to work with the community to develop a
4 design and program for the new branch that
5 reflects the diverse needs of our patrons and
6 leverages the branches unique location at the
7 center of one of the city's most exciting cultural
8 communities. The new branch will be ideally
9 located above one of the busiest transit hubs in
10 New York City. We hope this library will quickly
11 emerge as a regional library capable of offering
12 expanded programming available to all
13 Brooklynites. As you may know Brooklyn Public
14 Library has long faced extraordinary challenges to
15 both operating and capital budgets. This year we
16 face a crippling 36 percent cut to our operating
17 funding and continue to struggle with over 240
18 million dollars in deferred maintenance for all 58
19 of our branches. One of the reasons we are so
20 excited about this opportunity, the space at BAM
21 South would be provided to the library at no cost
22 with the library having responsibility only to fit
23 out the branch. We have proposed funding these
24 costs through the sale of the existing Pacific
25 Street branch located two blocks away. This aging

1 facility fails to meet modern library needs in
2 many ways. It suffers from nearly 11 million
3 dollars in maintenance needs. It is inaccessible
4 to people with disabilities and anyone with
5 limited mobility, and it is unable to support
6 sufficient technology and is poorly configured for
7 a modern library, leading to high operating costs.
8 We have begun to discuss our plans to build a
9 bigger, better, more modern library at BAM South
10 with community stakeholders in Park Slope, but has
11 become clear that the community highly values the
12 Pacific Street branch and its historic building.
13 Brooklyn Public Library is and intends to continue
14 to be a vital part of the Park Slope and Boerum
15 Hill neighborhoods and we are sensitive to
16 community concerns. While we strongly feel that
17 the existing Pacific Street branch cannot
18 accommodate the types of services that define
19 successful modern libraries and the kinds of
20 service that the community deserves, we also
21 recognize the community's strong attachment to the
22 library. We are interested in working together
23 with elected officials and the community to
24 develop a plan that allows Brooklyn Public Library
25

1
2 to build a modern, bigger library at BAM South and
3 to address the future of the Pacific Street
4 building in a way that acknowledges the needs of
5 the library and the community.

6 CHAIRPERSON WEPRIN: Okay. We have
7 got to wrap you up. I can't have everyone go too
8 far over then my whole three minutes goes out the
9 window. I think we got your point there.

10 LINDA JOHNSON: The point is that
11 the building of the new library and what happens
12 at the Pacific Street branch are decoupled and
13 have never been contingent upon one another. It
14 is also true that in order to maintain Pacific
15 Street as a library, the costs begin at 12 million
16 dollars and go from there and to the extent that
17 we could do all of it, we would love to.

18 CHAIRPERSON WEPRIN: Got it.
19 Understood. Sorry. Mr. Fishman?

20 ALAN FISHMAN: Good afternoon. I
21 am Alan Fishman, and I am pleased to have the
22 opportunity to testify on behalf of the project.
23 I am chairman of the board of the Brooklyn Academy
24 of Music and chairman of the board of the Downtown
25 Brooklyn Partnership, and so as such in those

1
2 capacities I have had the opportunity to have been
3 involved in many aspects of this proposed project
4 for quite a long time as it has evolved. Like all
5 of the key elements of the BAM cultural district
6 or the downtown Brooklyn cultural district, this
7 project contributes many of the essential pieces
8 to the district and its complexity has taken an
9 awfully long time to come together. The proposed
10 project for the south site in the cultural
11 district, which will be--is an innovative public
12 private partnership to transform what is now an
13 underutilized actually filthy dirty parking lot
14 into a large public plaza, which would be an
15 essential gathering point and focal point for the
16 district, into a cultural asset that you have all
17 heard about, which would be enjoyed by all
18 residents of the surrounding neighborhoods and
19 used really quite extensively--and the apartment
20 building that has been much discussed today. Many
21 of the residents, speaking as an active citizen of
22 downtown Brooklyn, many of the taller residential
23 towers that are now being planned and constructed
24 in downtown Brooklyn are for little or no public
25 benefits in the form of affordable housing, public

1
2 open space or cultural uses. Instead the joint
3 proposal by Two Trees and the city today seeks to
4 respond to these needs and includes the public
5 benefits that we have discussed--the affordable
6 housing, the minority and women owned business and
7 local businesses, and in fact, the BAM
8 construction just completed at the Fisher building
9 exceeded the numbers that have been proposed by
10 Two Trees by considerable amounts, so I don't
11 think there is any reason why that won't be
12 achieved as well. The public plaza we have talked
13 about, a brand new branch of the library we have
14 talked about, the new movie theaters at BAM, which
15 serve the direct community, they are to serve the
16 children of the community with the most affordable
17 entry level ticket price that BAM offers and more
18 than 12,000 critical feet of rehearsal space for
19 local arts group, which would be operated by a
20 long time respected local arts organization, so
21 you know all of the benefits. The gateway site to
22 the entire district is what is being discussed
23 here today, and I think we have tried very hard to
24 fulfill those needs, those diverse needs in a very
25 responsible and professional way, so we hope we

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

support it. Thank you.

CHAIRPERSON WEPRIN: Thank you, Mr. Fishman. Just one quick question or a couple of quick questions. How many square feet is the Pacific Branch? The new branch is 16,500 square feet. How big is the Pacific?

LINDA JOHNSON: 15,000, but the point is that the Pacific Branch--

CHAIRPERSON WEPRIN: [interposing] Is old.

LINDA JOHNSON: No, it is not only that it is old, but of the 15,000 square feet, 40 percent of that square footage is not accessible to the public.

CHAIRPERSON WEPRIN: Understood. Okay. Council Member Comrie, Council Member Reyna, you have a question? Council Member Reyna?

COUNCIL MEMBER REYNA: I just wanted to ask 'cause as far as the library is concerned, Ms. Johnson, the model that you have concerning the combined service of small business services, is that what you are proposing for the new library site?

LINDA JOHNSON: I believe that what

1
2 you are referring to is our workforce one centers
3 that help people get jobs. It is a partnership
4 with the city of New York, and no, we do not
5 propose to make a workforce one center resident at
6 the BAM South site nor is there one ta the Pacific
7 Street Library.

8 COUNCIL MEMBER REYNA: Is there a
9 reason why you wouldn't explore? Is there a
10 possibility to explore workforce one center there
11 or the Bond Street is too close to...?

12 LINDA JOHNSON: Well, one of the
13 things that we are trying to do throughout the
14 borough is distribute the services that we offer.
15 There is a workforce one center at the Central
16 Library just a mile up Flatbush Avenue, and we
17 think that there is not a need for a second one so
18 closely situated.

19 COUNCIL MEMBER REYNA: Mm-hmm. So
20 you anticipate keeping the one at the Grand
21 Central Library. Grand - - sorry.

22 CARLO SCISSURA: If I could just
23 add one thing, the Bond Street location that you
24 mentioned is about four or five blocks away from
25 this proposed library, so people who need

1
2 workforce services literally within half a mile to
3 a mile have two major workforce centers right near
4 this.

5 COUNCIL MEMBER REYNA: It is the
6 north and south that need the assistance. Thank
7 you very much, and as far as the small businesses,
8 Mr. Scissura, that you were mentioning, if you can
9 just express to us the communication regarding
10 letters of interest from small businesses that
11 would like the opportunity for local placement
12 what mechanisms right now do you foresee that you
13 are going to have put in place so that when there
14 is the open house there isn't this complete
15 disconnection with what you were just mentioning
16 here today?

17 CARLO SCISSURA: Sure. That is a
18 good question. I think we don't want to put the
19 cart before the horse as they say, so once the
20 Council approves this we will then set up time to
21 meet with Two Trees, and we have already started
22 discussions with them about understanding how much
23 space, what the breakout will be, et cetera, and
24 then we will use our database, which has 15,000,
25 18,000 small businesses in there, particularly the

1
2 ones in the area that are a) either looking to
3 expand or looking for new space or looking for
4 something like that and then working within the
5 community we will be able to say, okay, as you are
6 about to lease out, here is a list. The one thing
7 I should add also is Two Trees has a great track
8 record with small businesses. If you talk to some
9 of their businesses that started in Dumbo or in
10 other properties, they will tell you they were
11 able to get really great negotiated deals on rent
12 to help businesses that are flourishing, Jacques
13 Torres [phonetic] is the perfect example. He went
14 out to Dumbo many years ago, no one knew who he
15 was, they gave him a great deal because they knew
16 he had no money, he has now expanded into Sunset
17 Park and building hundreds of jobs within the
18 borough, so I think this can become another
19 example of local small businesses, mom and pops,
20 MWBE, we have the list. We will work with Alan
21 and his team and really put it together, which is
22 exciting.

23 ALAN FISHMAN: I would also mention
24 if I can that by doubling the theater
25 availability, the move theater availability alone

1
2 you will dramatically increase the attendance in
3 the neighborhood and the opportunities for small
4 businesses. If you ask any of the merchants
5 around the BAM district today, what they will tell
6 you is when BAM is dark it is a problem in the
7 neighborhood for business. When BAM is lit, it is
8 a big deal. This will double the number of movie
9 attendants from 200,000 a year to about 400,000 a
10 year more or less.

11 COUNCIL MEMBER REYNA: I don't
12 disagree with that considering we just opened up
13 the first theater in decades in our neighborhood
14 in Williamsburg. Thank you so much, Mr. Chair.

15 CHAIRPERSON WEPRIN: Thank you, Ms.
16 Reyna. Thank you very much.

17 COUNCIL MEMBER COMRIE: I just
18 wanted to ask with the library space you said how
19 much was the build out for this space?

20 LINDA JOHNSON: How much is the
21 square footage or how much would it cost?

22 COUNCIL MEMBER COMRIE: How much
23 would it cost to build out?

24 LINDA JOHNSON: We haven't gotten
25 numbers yet for that, but we imagine--

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

COUNCIL MEMBER COMRIE:

[interposing] But you said your idea was to sell Pacific Street so that you could build out--

LINDA JOHNSON: We have many capital needs across the borough and one way to fund building out the space at BAM South would be to sell the Pacific Street Library.

COUNCIL MEMBER COMRIE: But you didn't come up with a number?

LINDA JOHNSON: You can do an estimate. We have guessed that it could cost us between five and six million dollars, but we haven't gone out and gotten pricing.

COUNCIL MEMBER COMRIE: And do you have preliminary agreements signed with the city already or all this is conditional upon what we do in the committee?

LINDA JOHNSON: No, we have no signed agreements.

COUNCIL MEMBER COMRIE: Has BAM had any conditional signed agreements yet.

ALAN FISHMAN: No.

COUNCIL MEMBER COMRIE: Then just to ask you again, Alan, you said that BAM has no

1
2 desire or plans to sell any of the property that
3 it presently holds now?

4 ALAN FISHMAN: No.

5 COUNCIL MEMBER COMRIE: This
6 property would be an extension of everything that
7 BAM is holding. How long would the proposed lease
8 be? Did they give you an idea?

9 ALAN FISHMAN: I think we hold it
10 in perpetuity. I think it's close to... No?

11 MALE VOICE: [off mic]

12 ALAN FISHMAN: 25 years with a 25
13 extension. I am sorry. But the point is that
14 this is central to the BAM campus. This would be
15 the fourth property on the BAM campus.

16 COUNCIL MEMBER COMRIE: Okay.
17 Alright. Thank you.

18 CHAIRPERSON WEPRIN: Thank you, Mr.
19 Comrie. Thank you very much, panel. If you could
20 try in your head to keep your testimony to three
21 minutes, that would really be helpful. I am going
22 to call the next panel in favor--we only have
23 people left in favor, and I know some of them are
24 similar organizations, so if you can limit your
25 testimony. If by some chance you have to leave

1
2 because I know people do have other lives, we will
3 read your name into the record, and that you do
4 support the project. I'd like to call a Diti Sen
5 [phonetic] from 32 BJ, Deborah Howard from the
6 Pratt Area Community Council, Leslie Schultz from
7 the Downtown Brooklyn Arts Alliance and James
8 Caldwell of 77 Precinct Community Council. I am
9 going to leave Council Member Comrie in charge for
10 a few minutes. I just have to run across the
11 street and check into a Finance Committee hearing,
12 so I apologize to this panel, and you are in
13 charge, Mr. Chair.

14 COUNCIL MEMBER COMRIE: You can
15 pick among you if you want to go in the order that
16 he called it Ms. Sen from 32 BJ?

17 DITI SEN: Yes. Again, my name is
18 Diti Sen. I am here from SEIU Local 32 BJ and we
19 are here to testify in support for Two Trees'
20 proposed BAM South project. This project presents
21 a unique opportunity for the neighborhood in that
22 the development of this project will allow for
23 more permanent jobs in the area that pay good
24 wages and provide access to quality affordable
25 healthcare. These are the kind of jobs that

1
2 working people need to survive and raise families
3 in New York City. Of course, we hope and expect
4 that Two Trees and the construction trade unions
5 will come to a workable agreement to ensure that
6 all of the jobs at the development are good jobs.
7 In addition to being a responsible job creator,
8 Two Trees is committed to providing new and much
9 needed amenities for this part of Brooklyn things
10 that could serve to enhance the public realm. If
11 the project moves forward, it will take a site
12 that was formerly a parking facility and replace
13 it with a lively artistic hub offering affordable
14 rehearsal space to local artists, multiple new
15 theaters, and a state of the art public plaza that
16 can also double as a performance space. Two Trees
17 will make sure that the development also responds
18 to some housing needs. 20 percent of the
19 building's units will be affordable, which is a
20 significant improvement to some of the other
21 towers in the area with more going up that will
22 provide no affordable housing and even more rare
23 in the city, these units will have genuine
24 affordability because they are geared towards
25 families making between 40 to 50 percent of AMI

1
2 and giving priority to those who live in the
3 neighborhood. Not every developer is committed to
4 this mix of high quality jobs in operation,
5 cultural innovation and affordable housing that
6 allows workers and community members to care for
7 their families and thrive in the city, not just in
8 the present but well into the future. We need to
9 support responsible community partners and
10 recognize projects like this one that will help
11 building service workers and hopefully all workers
12 earn the wages and benefits they need to make a
13 decent living in the city. For these reasons, I
14 urge the City Council to approve this proposal.
15 Thank you.

16 COUNCIL MEMBER COMRIE: Next
17 panelist. Reset the clock please. Also, I am
18 taking personal privilege, Danny Simmons
19 [phonetic] is here and he has to be on this panel.
20 I know he is pressed for time, so I'm taking
21 Chairman's privilege to put him ahead. So thank
22 you. Next panelist? No, no, you are next.

23 DEBORAH HOWARD: Yes. Hi. My name
24 is Deb Howard. I am the executive director of
25 Pratt Area Community Council. We serve the

1
2 Central Brooklyn Communities of Fort Green,
3 Clinton Hill, Bed Stuy and Prospect Heights. For
4 close to 50 years, we have represented the
5 neighborhoods in this community and worked through
6 tenant organizing, affordable housing development,
7 economic development geared towards local
8 merchants and foreclosure prevention and home
9 buyer and home owner services. PACC supports the
10 proposed project in the BAM South site for several
11 reasons--the first one being the creation of a
12 considerable number of new apartments for low
13 income families. We understand that the building
14 will have approximately 60 units for individuals
15 and families making below 50 percent of area
16 median income, which for a family of three for
17 instance is less than 37,350 and for a family of
18 three in a 40 percent AMI is 33,200. For the most
19 part this - - range has been left out of the
20 revitalization of the downtown Brooklyn area. Too
21 many new developments either have no affordable
22 apartments at all or when the developments are
23 marketed as affordable, the rents are beyond the
24 reach of the low and moderate income families in
25 our community. They generally serve what is a

1
2 middle income population; therefore we support
3 this new proposed project for providing the
4 working poor and low income residents in this
5 neighborhood that PACC serves. Secondly, the
6 project is proposed to have 50,000 square feet of
7 cultural space including rehearsal space for local
8 organizations, and we really support 651 Arts
9 being the cultural partner in this. They have
10 been a longtime Brooklyn cultural organization and
11 there is also the new theaters operated by BAM and
12 the Brooklyn Public Library with the public plaza
13 really being an amenity that I think can be used
14 by number of local cultural groups. PACC welcomes
15 the development projects that incorporate public
16 benefits, especially those, because so many others
17 do not. We do encourage that cultural space be
18 mostly used by local cultural groups at below
19 market rents. Two Trees has also been a
20 responsible developer committed to hiring minority
21 owned and women owned businesses. In this case it
22 will be 32 percent for minority and women owned
23 businesses and 20 percent to local. We advocate
24 for this. We understand that the city's incentive
25 programs that developers use new buildings allow

1
2 for multiyear affordability and that the
3 affordability ultimately expires. This is more a
4 policy issue for the 80/20 program at New York
5 State, which we would advocate and hope that the
6 Council think in terms of making sure that the 20
7 percent affordable remain affordable permanently
8 as rent stabilized apartments. In closing, we
9 support the approval of this project for the
10 public benefits it provides and the creation of
11 truly affordable apartments for residents in the
12 surrounding communities. Thank you.

13 COUNCIL MEMBER COMRIE: Did you
14 give a copy of that testimony to the sergeant at
15 arms? If you could e-mail it to us, that would be
16 fine. Next panelist.

17 LESLIE SCHULTZ: I am Leslie
18 Schultz. I am the president of BRICK [phonetic],
19 but I am also a member of the steering committee
20 of the Downtown Brooklyn Arts Alliance or DBAA, a
21 consortium of 31 arts organizations based in
22 downtown Brooklyn. I am here today to testify on
23 behalf of DBBA. A little bit of background, DBAA
24 was conceived in summer of 2010 by a group of 12
25 Brooklyn cultural organizations who wanted to

1 respond to common concerns and opportunities.
2
3 Within six months we had 21 members and currently
4 have 31 members. We represent a broad range of
5 arts organizations ranging from the New York
6 Transit Museum to the Mark Morris Dance Group, and
7 from OKADA [phonetic] and Brooklyn Ballet and
8 American Opera Projects. BAM and 651 Arts are
9 also part of the alliance. As an alliance, we
10 have engaged in dialogue with numerous government
11 officials, conducted a survey about our economic
12 impact, been in conversation with real estate
13 developers, co-presented an outdoor performing
14 arts program and connected our respective staffs
15 on many levels. Today however represents the
16 first time we have formally testified on a
17 project. We have a policy to not take public
18 positions unless we have polled our members and
19 there is no objection and we did poll our
20 membership. We have chosen to be here today
21 because of the importance of the south side
22 project to the vibrancy of the downtown Brooklyn
23 cultural district. The elements of the project
24 that are particularly important to us are the
25 10,000 square foot public plaza and the 50,000

1 square feet of space that will be owned by the
2 city and dedicated to cinemas for BAM, affordable
3 rehearsal space for local arts organizations
4 managed by 651 Arts and the new branch of the
5 Brooklyn Public Library. DBAA organizations are
6 close neighbors of the south side, and thus, many
7 of us have paid close attention to the plans for
8 the site. We believe that the project as
9 currently proposed will have an important impact
10 on the burgeoning downtown Brooklyn cultural
11 district. Brooklyn residents, art patrons from
12 throughout New York City and visitors and tourists
13 alike will surely be drawn to the area by the
14 sheer density of cultural programming. We believe
15 particularly strongly in several aspects of the
16 proposed plan. First, the contemplated affordable
17 artist work space is critical to the growing
18 district. Artists working in the area and not
19 just being presented will inevitably enrich the
20 creative energy in the neighborhood. Second, a
21 local branch of the Brooklyn Public Library will
22 be a tremendous asset and potential partner for
23 many of the arts and arts organizations in the
24 district. Third, the BAM rose [phonetic] cinemas

1
2 are an extremely popular amenity of the district
3 bringing hundreds of thousands of New Yorkers to
4 the area each year and expansion of the cinemas
5 will have a beneficial multiplier effect. Last
6 but certainly not least, the proposed major public
7 plaza will greatly enhance the area. There is a
8 dearth of open public space in the district, so
9 the plaza will fill a real need. The plaza will
10 also allow for outdoor programming, including
11 performing arts, open air markets and other
12 community uses, which will greatly enrich the
13 experience of visitors. The proposed project thus
14 represents a key part of the remarkable potential
15 for our neighborhood and DBAA is extremely hopeful
16 for its success. Thank you.

17 COUNCIL MEMBER COMRIE: Right on
18 time.

19 DANNY SIMMONS: Good morning, Mr.
20 Chairman. My name is Danny Simmons. I am the
21 former chairman of New York State Council on the
22 Arts, but mostly I am here to testify as an
23 individual artist living in the community. The
24 BAM cultural district has increased the
25 opportunities for artists within Brooklyn a

1
2 hundred fold. I personally have benefitted from
3 the new Fisher building and every artist I know
4 has gained increased visibility because of all the
5 cultural density that is happening in downtown
6 Brooklyn. This proposed project I have listened
7 to every aspect of it. I have read about it.
8 There are no downsides on the face of it that I
9 can see--affordable housing, a space for the
10 library. I was actually a board member of the
11 Brooklyn Public Library when we started thinking
12 about that space and that space has always been an
13 underutilized space for cultural activities except
14 for three days during the summer when they have
15 Dance Africa. Other than that, it is not used--it
16 is not even a fully used parking lot because it is
17 very often mostly empty. So to create a cultural
18 space and affordable housing in that space is only
19 a plus for the neighborhood, and it is a plus for
20 David and them of course that they are going to
21 have the rest of it to build full market rate
22 housing, but even bringing new residents into the
23 neighborhood increases the opportunity for
24 artists' work to be seen by these new residents
25 because they are the patrons of the arts, the new

1
2 residents. So I mean there is no downside to it.
3 I did listen to the part about union workers, and
4 I am sure that that is going to be ironed out. I
5 am hoping that is going to be ironed out, but
6 other than that, I can't see any reason the City
7 Council would not approve this project. It is a
8 win/win for the artist. It is a win/win for
9 cultural organizations, certainly a win/win for
10 BAM of who I am a member of the board of, and we
11 have been looking for this expansion not only for
12 BAM's expansion, but to expand and create a
13 cultural district with so many diverse things
14 going. That was it for me.

15 JAMES CALDWELL: Good afternoon.
16 My name is James Caldwell, and I am the president
17 for the 77 Precinct Community Council, and I am
18 here today to represent those construction workers
19 that are living in our community that are non-
20 union that in a lot of cases do not get an
21 opportunity to participate when big development
22 comes to our area, and with the community our
23 benefits that Two Tree Management is offering, it
24 gives us an opportunity to be a part of this
25 project, and in our community, it is about jobs.

1
2 Jobs, jobs, jobs, jobs is what it is about, and we
3 need the Council to support this project and not
4 to leave our people out in the cold. We get left
5 out in the cold too much and when I say our
6 people, I am talking about the poor people, black,
7 white. That is what I am talking about and we do
8 not--when unions come in and we cannot be a part
9 of the unions, that means there is no work for us,
10 and when there is no work as the president of the
11 Precinct Community Council, crime goes up in our
12 neighborhood whether we would like to acknowledge
13 that or not because people have to have a way to
14 eat, they have to have a way to take care of their
15 kids, so we are asking you all to support this
16 project because Two Trees Management is trying to
17 work with the community, but if this project goes
18 all union, we would be left again. We will not
19 get an opportunity to enjoy all the cultural we
20 have in our community, so we are asking you, we
21 are pleading with you, please, please don't let
22 this project go all union because if it do, we are
23 shut out once again, so I am asking you on behalf
24 of the 77 Precinct Community Council we have lived
25 in this community for over 40 years and we need an

1
2 opportunity for our peoples to participate because
3 they have skills too. They just don't have union
4 cards. So if you would take that into
5 consideration our community certainly would
6 appreciate it. Thank you for this opportunity.

7 COUNCIL MEMBER COMRIE: Thank you.
8 I want to thank the panel for coming down and
9 staying and testifying today. I appreciate it.
10 Council Member Jackson to vote on all of the items
11 on today's calendar except--well, this is not
12 being voted on. All of the items that are being
13 voted on on today's calendar.

14 COUNSEL: Land Use items 827, 832,
15 836, 837, 838, Land Use to approve and Land Use
16 item 828 to file. Council Member Jackson?

17 COUNCIL MEMBER JACKSON: I vote aye
18 on all. I apologize. I was over chairing the
19 Education Committee hearing, which I must return
20 back to as of now. So I vote aye on all. Thank
21 you.

22 COUNCIL MEMBER COMRIE: We just had
23 to let him go. He has been chairing the Education
24 Committee. They have been fighting with the
25 chancellor all morning. He has to go back to the

1
2 hearing, so we appreciate your accommodation. The
3 next panel is Conrad Walker from Berkeley College,
4 Dominique Bravo [phonetic] from Cumbrae Dance--can
5 come and sit at the table, Lane Harwell [phonetic]
6 from Dance New York, Susan Chin from Design Trust
7 and Ginny Loloudis [phonetic] from Art New York.

8 [background conversation]

9 COUNCIL MEMBER COMRIE: I just want
10 to check, there was some people that didn't put
11 names or Dance - -, Urban Bush Women, Office of
12 the Brooklyn Borough--this is all the same
13 handwriting. 651 Arts--is someone from 651 here?
14 Did you write out a name? Brooklyn Public Library
15 testified already. Okay. Any of these other
16 groups that I named here? No. Okay. Alright.
17 You can start.

18 DOMINIQUE BRAVO: Hi. My name is
19 Dominique Bravo. I have lived in Park Slope for
20 over 20 years. I have three kids who go to school
21 in the Brooklyn Heights neighborhood. I am also a
22 small business owner. I opened a Cumbrae Center
23 for African and Diaspora Dance about a year ago,
24 which is located about a block up Flatbush from
25 the proposed site. I am also a member of

1
2 Community Board 6 and I am very active in the
3 community, not just in the cultural center, but
4 also with a variety of community groups, and I
5 just wanted to come and lend my full support for
6 the project. As a small business owner very close
7 in the BAM cultural district, it is hugely
8 important for our business to survive for people
9 to feel comfortable and to come into the area.
10 BAM has been incredibly helpful to us as have the
11 cultural non-profit groups and we have seen just
12 over the last several months with Barclays that
13 our business really has picked up. As a dance
14 studio we get requests every day from artists who
15 would like rehearsal space and other space for
16 public events, and while we try to do as much as
17 we can, the proposal for space available for
18 artists in the project is just so important. We
19 just fully support and the public space also we
20 are really excited about the prospect of having
21 events in the public space, and just really
22 working to make this part of Brooklyn the center,
23 the cultural center that it is becoming, so I
24 would just like to--I will submit my testimony by
25 e-mail I guess. We are in full support of it.

1
2 COUNCIL MEMBER COMRIE: Thank you
3 for coming down. Thank you for testifying.

4 CONRAD WALKER: Alright. Hello.
5 My name is Conrad Walker, and I am from Berkeley
6 College and I also serve on the board of the
7 Downtown Brooklyn Partnership and the Fulton Mall
8 Improvement Association. At Berkeley College we
9 have been in the community now in downtown
10 Brooklyn for about three years where I serve as
11 the campus operating officer and as Karen Brooks
12 Hopkins mentioned a little earlier, you know, as
13 an educational institution this is the type of
14 cultural partnership and the type of cultural
15 organization that we support because of all that
16 it does for our community and all that it does for
17 the students in the communities that we serve. At
18 Berkeley College, we have in the three years that
19 we have been in downtown Brooklyn about 700
20 students all of whom are from the neighboring
21 communities--Bedford Stuyvesant, Crown Heights,
22 Flatbush, all of the neighboring areas that would
23 get advantage from this cultural center and so we
24 know our students are interested in participating
25 and enjoying the many benefits of this

1
2 organization, and then on top of that, there is an
3 educational advantage for all Brooklyn citizens to
4 take part and to enjoy this space and all that is
5 being proposed here, so as one of the major
6 educational institutions in Downtown Brooklyn
7 Partnership you know we do support this project,
8 and we hope that it gets pushed forward.

9 GINNY LOLOUDIS: Hello. Good
10 afternoon. I am Ginny Loloudis, executive
11 director of the Alliance of Resident Theaters New
12 York, the leading service and advocacy
13 organization for New York City's non-profit
14 theaters all 375 of them. I am here to offer Art
15 New York's support for Two Trees Management's
16 proposed project design by the world renowned
17 Enrique Norton for the south site of what we call
18 the Downtown Brooklyn Cultural District. I think
19 I was asked to testify because ART New York was
20 the first organization besides Mark Morris to
21 become part of the BAM cultural district, and in
22 fact they expanded their north boundaries to
23 include my building, which houses 20 affordable
24 offices and three rehearsal studios. Our tenants
25 include Urban Bush Women, Elders Share the Arts,

1
2 American Arts Projects. We provide dance classes.
3 We have music for aardvarks for toddlers in the
4 neighborhood. We have White Bird Productions does
5 a summer camp, so we are very active in the
6 neighborhood, and I think that was the reason I
7 was invited. We have since developed a similar
8 affordable and office rehearsal space in the
9 fashion district and we are now involved with a
10 similar project, mixed use development with the
11 developer who got special benefits for including
12 three theaters, three non-profit theaters. We are
13 in the Department of Design and Construction's
14 design excellence program and Council Member
15 Comrie, that program allows us to work with a
16 world renowned architect like Toshiko Mori
17 [phonetic], so I am not sure if when they said
18 that the city forced them to use a world renowned
19 architect if they were in the design excellence
20 program. we didn't feel we were forced. We - -

21 COUNCIL MEMBER COMRIE:

22 [interposing] That is a whole bigger issue--just
23 to try to enlighten you. The issue of the mayor's
24 office or the City Planning laying out and
25 dictating design and that is a larger issue for

1
2 the entire development community, not particularly
3 this project, and the issues of whether or not the
4 development community can feel unshackled is
5 really what I was driving to, not around the BAM
6 project or even the design. I think it's a great
7 design. It is interesting that when we try to
8 bring up those terms on the Council side, they
9 push back, but when they try to dictate on their
10 side, they keep it under cover, so the fact that
11 that was even brought out to light today was
12 interesting for the members that have been trying
13 to get their particular projects done and been
14 getting pushback from the city. It really has
15 nothing to do with this particular design or
16 building. It is just that when you have an
17 administration that likes to dictate these types
18 of things happen.

19 GINNY LOLOUDIS: I'll deviate and
20 get to the point because I know you have been here
21 and as usual Council Member Comrie is here from
22 the beginning to the end, and I am always grateful
23 to that. I'll just leave you with this message.
24 There is a critical space shortage in theater,
25 which is why ART New York is working so hard for

1
2 subsidized non-profit rehearsal performance and
3 office space. There is also a Brooklyn resident
4 and owner of a house and a landlord a shortage of
5 affordable space, and I understood everything Tish
6 James had to say and I am very sympathetic by it.
7 I think 20 percent, 80/20 housing in the project
8 that we are doing the most recent one, which is
9 called Archstone Clinton [phonetic], it has 80/20
10 housing rental units, plus our building, our
11 theaters are in luxury high rise condominiums
12 across the street. Of course we would love more
13 than 20 percent, but at least this project has 20
14 percent. So in conclusion, we are supportive. We
15 heard all the comments. I hope you heard the
16 comments, and I hope Two Trees heard the comments,
17 and it would be very nice if a consensus could be
18 reached. Thank you.

19 COUNCIL MEMBER COMRIE: Thank you.
20 Thank you, panel for coming down.

21 CHAIRPERSON WEPRIN: Thank you very
22 much, and I apologize for having to run across the
23 street, and just so you know Two Trees has a
24 representative here, so even if they didn't hear
25 it directly they will hear it through their

1
2 representative. Thank you, Leroy. I appreciate
3 your help. I would like to call up the following
4 people if they are still here: Philip Kellogg
5 [phonetic], Rohan Defreytas [phonetic]--Deb Howard
6 I called before, didn't I--Aaron McKinney
7 [phonetic], Aaron here? Excellent. And Virginia
8 Loloudis, James Caldwell? James Caldwell already
9 went and Nancy Ulmanoff [phonetic]. Oh okay,
10 Good. Who else is here waiting to testify? Lucky
11 people going last. Are you waiting? Nobody else?
12 Is anyone else here waiting to testify or next
13 door waiting to testify or anywhere? So this is
14 going to be it I think. We ran out the clock on
15 people. I am sorry. I have four. I think this
16 this is the last four maybe. Whenever you are
17 ready, decide who wants to go first and for what
18 it is worth, it is beautiful outside, so you will
19 be glad that we are done, I swear.

20 PHILIP KELLOGG: I will be brief so
21 we can go outside. Good afternoon I should say.
22 My name is Philip Kellogg and I am the executive
23 director of the Fulton Area Business Alliance, the
24 FAB Alliance business improvement district on
25 Fulton Street in Fort Green and Clinton Hill in

1
2 Brooklyn, and our business improvement district
3 represents over 225 small businesses, most of them
4 locally owned and operated within the district
5 that is just one block from this proposed project
6 site. Transforming the underutilized parking lot
7 into a vibrant mixed use development will continue
8 the dramatic growth of the Downtown Brooklyn
9 Cultural District while providing a wide range of
10 benefits for the community. The additional public
11 space of course in the form of the large public
12 plaza plus a cultural and civic facilities.
13 Benefits to the local businesses will come in the
14 form of the substantial increase in foot traffic
15 generated at all times of the day every day of the
16 week, and that is something that might not happen
17 if it wasn't such a dynamic mixed use proposal, so
18 with that on behalf of the Fulton Area Business
19 Alliance, I respectfully ask for the Council to
20 support this project. Thank you.

21 CHAIRPERSON WEPRIN: Thank you.

22 DOREEN SEVARIS: Good afternoon.

23 My name is Doreen Sevaris [phonetic]. I work with
24 Crescent Consulting Associates. I am the director
25 of development and special projects. I am here

1
2 today on behalf of Rohan Defreytas, the principal
3 of Crescent Consulting, who unfortunately could
4 not be here due to medical reasons.

5 CHAIRPERSON WEPRIN: I am sorry to
6 hear that. I hope everything is okay.

7 DOREEN SEVARIS: Thank you.
8 Crescent Consulting specializes in providing
9 management services for affirmative action, equal
10 employment opportunity, prevailing wage and
11 diversity initiatives that are associated with
12 construction projects. We have a successful track
13 record in achieving contract requirement goals for
14 the - - of minority owned, women owned and locally
15 based businesses as well as workforce initiatives.
16 We have vast experience working in Brooklyn in
17 projects which include the Brooklyn Navy Yard's
18 buildings 92, 77 and the - - manufacturing center.
19 We have worked on the BAM Fisher building, the BAM
20 Harvey Theater, city point project [phonetic] and
21 currently with Steiner studios on the 25
22 Washington Avenue project. Crescent has worked
23 with Two Trees Management on several projects.
24 Most recently we launched an aggressive outreach
25 campaign for the Dock Street project to promote

1
2 contracting opportunities to minority women and
3 Brooklyn based businesses. We worked with Two
4 Trees late last year to coordinate their first
5 ever MW and LBE project outreach event for the
6 Dock Street project with over 100 individuals
7 registered to attend the event that was held at
8 Brooklyn Navy Yard demonstrating the great
9 interest that businesses have to work with Two
10 Trees and on downtown Brooklyn projects. For that
11 particular event, we had a great deal of support.
12 We were supported by Commissioner Towns [phonetic]
13 of the New York State Housing and Community
14 Renewal Agency. We had representatives,
15 Councilwoman Letitia James was there as well. We
16 have the Brooklyn borough president's office in
17 attendance. Representatives from Senator Daniel
18 Squadron's office were also there. We have worked
19 with Two Trees to develop innovate local workforce
20 initiatives run by Ed Brown of Team Brown
21 Consulting [phonetic] to give opportunities to
22 qualified laborers, who live in and around
23 downtown Brooklyn, and although construction is
24 only just underway for this particular project,
25 individuals have already been placed at the

1 project site with some of the contracting
2 businesses. Two Trees has committed to ambitious
3 goals for the BAM South project of which Crescent
4 will work closely with the project managers to
5 accomplish those goals. The project has
6 established a contracting goal of 32 percent MWBE
7 participation and 20 percent local business
8 participation. These firms will of course have
9 the appropriate MWBE certification with the city
10 of New York and the state of New York and like the
11 Dock Street project, Two Trees has committed to us
12 that they will engage in early outreach of the
13 MWBE contracting community to make sure that
14 qualified firms are aware of the many
15 opportunities that will be available at the BAM
16 South site project. As an advocate for small
17 businesses, minority and women owned businesses,
18 Crescent Consulting is in support of this project.

20 CHAIRPERSON WEPRIN: Thank you.

21 Just don't use the clock anymore. Try to keep it
22 to three minutes, the two of you. Thanks.

23 AARON MCKINNEY: Good afternoon.

24 My name is Aaron McKinney, associate producer for
25 651 Arts. On behalf of our executive director,

1
2 Shea Waver [phonetic], the board and staff of 651
3 Arts, I am here to express our support of the
4 south side project. 651 Arts has been a presenter
5 in the Downtown Brooklyn Cultural District for 25
6 years, and we are excited to have the opportunity
7 to expand our presence in the neighborhood and to
8 increase our support of local artists and arts
9 organizations. One of our core programs is
10 providing support for emerging and rising artists
11 of African descent. Having the space to provide
12 these services will allow us to continue to
13 fulfill our mission in a different scale and in a
14 more comprehensive manner. Since the beginning of
15 651 we have had administrative offices inside of
16 BAM's Harvey Theater and have used venues in and
17 around the area of our presentations. In addition
18 to managing the space at the south side project
19 for other organizations use, we will be able to
20 present selected programs in the space while using
21 other area venues for our larger events. Having
22 space for local dance companies and others is
23 sorely needed. It will provide a much needed
24 option in Brooklyn versus having to commute into
25 Manhattan. We are honored to be one of the three

1
2 designated cultural organizations to occupy the
3 development and we fully support this project.

4 Thank you.

5 CHAIRPERSON WEPRIN: Thank you. We
6 would never use the clock if people were that
7 quick.

8 JACKIE BUSH: Good afternoon. My
9 name is Jackie Bush [phonetic], and I am here on
10 behalf of Nancy - - , executive director of the
11 Mark Morris Dance Group and the Mark Morris dance
12 group itself to offer our support to the south
13 site development project. A little background is
14 just that we are located at 3 Lafayette Avenue
15 right across the street from this project. With
16 affordable housing, cultural space and an outdoor
17 plaza included in this project, this development
18 responds perfectly to the needs of the community
19 in downtown Brooklyn. The 12,000 square feet of
20 rehearsal space fills a great need for the ever
21 growing demand for rehearsal space for local
22 artists, which we certainly recognize as we also
23 rent out this space and never have enough to
24 offer. There is incredible potential for the
25 outdoor public plaza to serve as the gateway to

1
2 the cultural district offering a gathering space
3 for local residents, theater attendees and
4 tourists as well as a space for arts organizations
5 to present programming. One of the reasons that
6 Mark was excited for the dance group to move to
7 Brooklyn 12 years ago was because he could see so
8 much sky, and so we appreciate that this beautiful
9 design balances a 32 story building while
10 maintaining views and open sky. The south site
11 development project is a welcomed and needed
12 addition to the Downtown Brooklyn Cultural
13 District, and we look forward to having it across
14 the street.

15 CHAIRPERSON WEPRIN: Thank you very
16 much. I don't have any questions for you. We do
17 appreciate your testimony. Is there anyone else
18 here who wanted to testify that I didn't get to?
19 Okay, seeing none. Well, thank you very much. I
20 am sorry you guys were kept waiting this long. I
21 am going to close the hearing now on BAM South and
22 the meeting will be recessed. I was hoping to
23 hear from Council Member Ignizio, who I know is
24 across the street at a hearing. I know we are
25 going to recess so he could vote later on

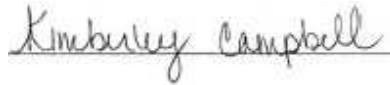
1 Thursday, assuming he could be there, but we are
2 going to give him--just give me five minutes to
3 try to get his whereabouts and if he would rather
4 come vote now. So with the rolls open for five
5 minutes to figure out where Councilman Ignizio
6 wants to be, we are going to recess to Thursday,
7 June 6th, at 9:30 here in this room. So that is
8 Thursday, June 6th, and we will take up the BAM
9 South vote at that time we assume. You never
10 know. That is the plan. That is the plan. I
11 didn't promise. Anyway, with that in mind, the
12 meeting is now recessed with a five minute window
13 with the roll open for Council Member Ignizio.
14 Thank you.

16 [gavel]

C E R T I F I C A T E

I, Kimberley Campbell certify that the foregoing transcript is a true and accurate record of the proceedings. I further certify that I am not related to any of the parties to this action by blood or marriage, and that I am in no way interested in the outcome of this matter.

Signature

Handwritten signature of Kimberley Campbell in cursive script, written over a horizontal line.Date 6/27/13