

SUBCOMMITTEE ON ZONING AND FRANCHISES

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CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

SUBCOMMITTEE ON ZONING AND
FRANCHISES

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March 8, 2022
Start: 11:02 a.m.
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HELD AT: REMOTE HEARING - VIRTUAL ROOM 3

B E F O R E: Kevin C. Riley, Chairperson

COUNCIL MEMBERS:

Shaun Abreu
Eric D. Bottcher
David M. Carr
Kamillah Hanks
Farah N. Louis
Francisco P. Moya
Lynn C. Schulman

A P P E A R A N C E S

Lisa Orrantia, Counsel, Akerman, LLP
Steve Sinacori
Elie Pariente, principal of EMP Capital
Group
Richard Lobel, attorney at Sheldon Lobel
Nick Liberis, architect at Archimaera
Kevin Williams, Equity Environmental
Sarah Lazur
Elaine Weinstein
Peter Krashes
Mimi Mitchell
Marrissa Williams
Reverend W Taharka Robinson
James Neville
Blima Perlstein
James Robinson
Sharon Wedderburn
Jack Robinson
Nicole Laemmle
Kaja Kuehl
Cathy Iselin
Esteban Giron
Ankur Dalal
Alan Rosner
Noah Bernstein
William Thomas
Rabbi Mendy Hecht
Saskia Haegens
Reginald Bowman
Tim Dingman

2 SERGEANT KOTOWSKI: Computer recording on.

3 SERGEANT PEREZ: Cloud recording is
4 rolling.

5 SERGEANT KOTOWSKI: Good morning, and
6 welcome to today's remote New York City Council
7 hearing of the Committee on Zoning and Franchises.

8 At this time, would Council staff please
9 turn on their video. Please place electronic devices
10 on vibrate or silent. If you wish to submit
11 testimony, you may do so at
12 landusetestimony@council.nyc.gov. That is
13 landusetestimony@council.nyc.gov. Thank you.

14 Chair, we're ready to begin.

15 CHAIRPERSON RILEY: Good morning, and
16 welcome to a meeting of the Subcommittee on Zoning
17 and Franchises. I am Council Member Kevin Riley,
18 Chair of the Subcommittee. This morning, I am joined
19 remotely by Chair Louis, Council Member Abreu, and
20 Council Member Schulman, and we also are joined by
21 Council Member Moya.

22 Today we'll be holding a public hearing
23 on 3 rezoning proposals, 1034-1042 Atlantic Avenue,
24 870-888 Atlantic Avenue, and 1377 Sutter Avenue.

2 Before we begin, I recognize the
3 Subcommittee Counsel to review the hearing
4 procedures.

5 SUBCOMMITTEE COUNSEL ANGELINA MARTINEZ-
6 RUBIO: Thank you, Chair Riley. I am Angelina
7 Martinez-Rubio, Counsel to the Subcommittee.

8 Members the public wishing to testify
9 were asked to register for today's hearing. If you
10 wish to testify and have not already registered,
11 please do so by visiting the New York City Council
12 website at www.council.nyc.gov/landuse to sign up.

13 Members of the public may also view a livestream
14 broadcast of this meeting at the Council's website.

15 As a technical note for the benefit of
16 the viewing public, if you need an accessible version
17 of any of the presentations shown today, please send
18 an email request to landusetestimony@council.nyc.gov.

19 When called to testify, individuals appearing before
20 the Subcommittee will remain muted until recognized
21 by the Chair to speak. Applicant teams will be
22 recognized as a group and called first followed by
23 members of the public. When the Chair recognizes you,
24 your microphone will be unmuted. Please take a moment

2 to check your device and confirm that your mic is on
3 before you begin speaking.

4 Public testimony will be limited to 2
5 minutes per witness. If you have additional testimony
6 you would like the Subcommittee to consider or you
7 have written testimony you would like to submit
8 instead of appearing here before the Subcommittee,
9 you may email it to landusetestimony@council.nyc.gov.
10 Please indicate the LU number and/or project name in
11 the subject line of your email.

12 During the hearing, Council Members with
13 questions should use the Zoom raise hand function
14 which appears at the bottom of either your
15 participant panel or the primary viewing window.
16 Council Members with questions will be announced in
17 order as they raised their hands, and Chair Riley
18 will then recognize Members to speak.

19 Witnesses are requested to remain in the
20 meeting until excused by the Chair as Council Members
21 may have question.

22 Finally, there will be pauses over the
23 course of this meeting for various technical reasons,
24 and we ask that you please be patient as we work
25 through any issues.

2 Chair Riley will now continue with
3 today's agenda items.

4 CHAIRPERSON RILEY: Thank you, Counsel. To
5 continue with today's meeting, I will now open the
6 public hearing on preconsidered LUs related to ULURP
7 numbers C 210031 ZMK and N 210032 ZRK relating to the
8 Sutter Avenue rezoning proposal in Council Member
9 Barron's district in Brooklyn. This application seeks
10 rezoning map amendment to rezone an existing R5
11 District to an R6/C2-4 District and the related
12 zoning text amendment to establish an MIH program
13 area to facilitate the development of a new 5-story
14 mixed use building.

15 For anyone wishing to testify on this
16 item, if you have not already done so, you must
17 register online and you may do that now by visiting
18 the Council website at council.nyc.gov/landuse. Once
19 again, council.nyc.gov/landuse.

20 We have just been joined by Council
21 Member Bottcher.

22 Counsel, please call the first panel for
23 this item.

24

25

2 SUBCOMMITTEE COUNSEL ANGELINA MARTINEZ-

3 RUBIO: The first panel for this item is Lisa

4 Orrantia, Franklin Almonte, and Steve Sinacori.

5 COUNCIL MEMBER BARRON: Pardon me, Mr.

6 Chairman. May I make a comment on my project? I just

7 got on.

8 CHAIRPERSON RILEY: I'm sorry, Council

9 Member Barron. I didn't see you were on. We have just

10 been joined by Council Member Barron.

11 Counsel, I will allow Council Member

12 Barron to give some brief remarks. Council Member

13 Barron.

14 COUNCIL MEMBER BARRON: Thank you so much,

15 Mr. Chair. Sorry for my lateness, but I was in

16 several other meetings.

17 We are not supporting this project. It's

18 28 units of housing and 17 to 20 of them are at 60

19 percent of the AMI and our communities need to

20 understand when you talk about the AMI, the Area

21 Median Income, of New York for a family of 3 is

22 107,000 dollars and 60 percent of that is 64,000 so

23 17 to 20 units at that. Even if you go down to 50

24 percent of that AMI, that's 53,000. My neighborhood

25 AMI is ranged from 32,000 to 36,000. This is not

2 affordable, and many of the projects will not be
3 affordable in perpetuity, the apartments, so we was
4 negotiating back with the developers. We have agreed
5 that this project is not the project for my
6 community, and they'll be submitting another idea
7 around this same property in a week or two, and we'll
8 be discussing that, but as this project stands, we
9 are not in support of it in my community.

10 COUNCIL MEMBER ABREU: Mr. Riley, may I
11 ask a question?

12 CHAIRPERSON RILEY: Sure, Council Member
13 Abreu.

14 COUNCIL MEMBER ABREU: Council Member
15 Barron, which LU number is that?

16 COUNCIL MEMBER BARRON: It's the one on
17 Sutter, the Sutter Avenue project.

18 COUNCIL MEMBER ABREU: Okay.

19 SUBCOMMITTEE COUNSEL ANGELINA MARTINEZ-
20 RUBIO: It's the first Sutter Avenue, Council Member
21 Abreu.

22 CHAIRPERSON RILEY: Sutter Avenue, the one
23 that we just mentioned. Let me get you the LU. The LU
24 is related to the ULURP numbers are C 210031 ZMK and
25 N 210032 ZRK.

2 COUNCIL MEMBER ABREU: Thank you so much.

3 CHAIRPERSON RILEY: Thank you, Council
4 Member Barron.

5 COUNCIL MEMBER BARRON: Thank you.

6 CHAIRPERSON RILEY: Counsel, for the
7 record, can you please just call the first panel for
8 this item again?

9 SUBCOMMITTEE COUNSEL ANGELINA MARTINEZ-
10 RUBIO: Sure. The panel for this item is Lisa
11 Orrantia, Steve Sinacori, and Franklin Almonte.

12 CHAIRPERSON RILEY: Counsel, can you
13 please administer the affirmation?

14 SUBCOMMITTEE COUNSEL ANGELINA MARTINEZ-
15 RUBIO: Yes. Applicants, I will call on you
16 individually to respond, but can you raise your right
17 hand? Do you affirm to the tell the truth, the whole
18 truth, and nothing but the truth in your testimony
19 before this Subcommittee and in your answers to all
20 Council Member questions.

21 LISA ORRANTIA: Yes.

22 SUBCOMMITTEE COUNSEL ANGELINA MARTINEZ-
23 RUBIO: Steve Sinacori.

24 STEVE SINACORI: Yes.

2 SUBCOMMITTEE COUNSEL ANGELINA MARTINEZ-

3 RUBIO: Franklin Almonte. Franklin Almonte was the
4 applicant for Sutter.

5 LISA ORRANTIA: He may not be on yet. We
6 might have to start without him. I apologize.

7 SUBCOMMITTEE COUNSEL ANGELINA MARTINEZ-

8 RUBIO: Okay, so if he joins then we'll take the oath
9 then. We have Steve Sinacori and Lisa Orrantia sworn
10 in for this hearing.

11 CHAIRPERSON RILEY: Thank you, Counsel,
12 and we've joined by Chair Moya.

13 Thank you. For the benefit of the viewing
14 public, if you need an accessible version of this
15 presentation, please send an email request to
16 landusetestimony@council.nyc.gov. Once again,
17 landusetestimony@council.nyc.gov.

18 Now the applicant team may begin.
19 Panelists, as you begin, I'll just ask you to please
20 restate your name and organization for the record.
21 You may begin.

22 LISA ORRANTIA: Good morning. My name is
23 Lisa Orrantia, Land Use Counsel from Akerman, LLP.
24 Thank you for your time today. Can you please bring
25 up the presentation?

1 This is an application for a zoning and
2
3 text amendment that will allow the construction of a
4 5-story mixed use building in East New York. The
5 owner is Almonte Lincoln, LLC. Franklin Almonte is a
6 first-generation Dominican local merchant who was
7 born and raised in East New York. Mr. Almonte, I hope
8 will be joining soon, but my Colleague, Steve
9 Sinacori are available to answer questions.

10 Next slide, please. The project area is
11 located along the north side of Sutter Avenue between
12 Autumn and Lincoln Avenues.

13 Next slide, please. Existing construction
14 dates from 1977 and contains commercial uses that are
15 not allowed as-of-right in their current residential
16 district.

17 Next slide. The proposal seeks to change
18 the R5 District to an R6a with a C2-4 overlay. This
19 change would create new income restricted housing and
20 would replace outmoded buildings with new
21 construction for as-of-right commercial uses. The
22 proposed text amendment would designate the area for
23 mandatory inclusionary housing under Options 1 and 2.

2 Next slide, please. The proposed 5-story
3 mixed use building will contain 28 units and about
4 7,400 square feet of retail space.

5 Next slide, please. All 28 apartments
6 will be reserved for rent-burdened families earning a
7 range of household incomes. After discussions with
8 the community, the owner has proposed to use Option 1
9 instead of Option 2 and to lower the top and bottom
10 tiers to include units at 30 percent AMI and no units
11 no higher than 70 percent AMI. We look forward to
12 continuing to work with the community.

13 That concludes the presentation. Thank
14 you.

15 CHAIRPERSON RILEY: Thank you. I'm going
16 to ask a couple of questions then I'm going to turn
17 it over to Council Member Barron to ask some
18 questions.

19 The first question I have, have you
20 discussed this proposal with HPD in regards to
21 developing 100 percent affordable housing under an
22 HPD term sheet?

23 LISA ORRANTIA: Yes. We're proposing to
24 seek a subsidy under the HPD Neighborhood
25 Construction program.

2 CHAIRPERSON RILEY: Okay, and proposed
3 development site is currently home to 4 small
4 businesses. Has there been any discussion of the
5 development with the tenants or plans to assisting
6 them to relocate?

7 LISA ORRANTIA: Yes. All of the tenants
8 are aware of the proposed rezoning. There's a beauty
9 salon, a restaurant, a dry cleaner, and an auto
10 repair. The retail use tenants have been invited to
11 come back to the new building when it's complete, and
12 they've all expressed an interest in doing so.

13 CHAIRPERSON RILEY: Thank you, Lisa. My
14 last question before I turn it over to Council Member
15 Barron. He brought up some concerns about the AMI and
16 how the community's concerned about that. Are you
17 guys prepared to negotiate or have you been
18 negotiating with the Council Member and the community
19 to kind of figure out how you could kind of suit the
20 community's needs?

21 LISA ORRANTIA: Yes, absolutely. Right
22 now, we have 2 proposals that were offered. Each one
23 we believe is financeable, and we are prepared to
24 seek all necessary subsidy from HPD for those. Like I
25 said, all the apartments are going to be income

2 restricted, and the current proposal we have offered
3 is all the units below 70 percent AMI.

4 CHAIRPERSON RILEY: Thank you, Lisa. We've
5 just been joined by Council Member Carr. I'm going to
6 yield my time to Council Member Barron. Council
7 Member Barron, would you like to ask your questions?

8 COUNCIL MEMBER BARRON: Yes, thank you
9 very much. We have told these developers over and
10 over again. If you noticed, they said 17 of the units
11 are 60 percent of the AMI and in order to get to 3
12 units for the homeless or 3 units at a lower, 30
13 percent, AMI, they went as high as 70 percent of the
14 AMI. The Community Board doesn't want it. That's too
15 high. That's a form of gentrification for us, and
16 we're not going to allow that in our community. I
17 want to encourage this Board not to support this
18 project. We told the developers that is not
19 affordable. This is how our communities get
20 gentrified. Even though this is a small, low number
21 of housing, 28 units, this AMI is not the AMI for our
22 neighborhood. When I asked them do you know the
23 neighborhood AMI, first some did, some didn't, then
24 they said oh, it's 36,000 dollars for a family of 3
25 so if you have 20 of your units are 70 to 60 percent

1 of the AMI, that is not affordable for us. The fact
2 that they're not in perpetuity, the affordability, is
3 another issue so I proposed to them that 20 of the
4 units be at 30 percent to 40 percent of the AMI.
5 That's in our range. That's at 32,000 and 42,000 so
6 if we had 10 at 30 percent and 10 at 40 percent, we
7 could work with the other 8 being at 60 percent
8 because some people in our neighborhood do make 50,
9 60, 70,000, but they said that's not doable so this
10 project is not doable for us, and we're expecting a
11 different kind of proposal to come forward. I'm
12 encouraging, when you get to voting, that we vote
13 this project down.

14
15 CHAIRPERSON RILEY: Thank you, Council
16 Member Barron.

17 I now invite my Colleagues to ask
18 questions. If you have questions for the applicant
19 panel, please use the raise hand button on the
20 participant panel.

21 I see that Council Member Abreu has his
22 hand raised. Council Member Abreu, you may ask your
23 question.

24 SERGEANT PEREZ: Time starts.

2 COUNCIL MEMBER ABREU: I'll make the
3 comment that I share Council Member Barron's concerns
4 about the affordability tiers. Aside from that, I did
5 have a question. Regarding the tenants that you're
6 saying the developer is going to allow to stay, has
7 there been any talks about what the price of rent
8 will be for the small business tenants?

9 LISA ORRANTIA: No. All 3 of the retail
10 tenants have been welcomed back, so they'll have a
11 first opportunity to rent the new space. The rental
12 amounts have not been discussed yet because we're
13 still far off from having the space move-in ready,
14 but the applicant, as already said, he's a local
15 merchant who's been operating the Fine Fare
16 Supermarket across the street from the project area
17 since 1993 so as a local merchant he's well aware of
18 the need for affordable commercial space and for
19 putting viable businesses in that space.

20 COUNCIL MEMBER ABREU: Thank you.

21 CHAIRPERSON RILEY: Thank you, Council
22 Member Abreu.

23 COUNCIL MEMBER BARRON: I'm sorry, Mr.
24 Chair. Just one last thing.

2 CHAIRPERSON RILEY: Sure. Sergeant, can
3 you stop the timer and give Council Member Barron to
4 ask questions?

5 COUNCIL MEMBER BARRON: Just on the
6 commercial part, and all of our projects, be aware of
7 commercial rents because commercial rents are going
8 through the roof and when they can't get to the
9 residential rents, they go commercial. While they're
10 promising them to come back, I know one part of the
11 commercial business that they're not promising to
12 come back and that's the auto repair shop so that one
13 is not, and we were going to set up a meeting, even
14 if they come with another project, is bringing those
15 businesses with the developers at a meeting with us
16 so we can hear the exchange and not just say you're
17 welcome back without any defined affordable
18 commercial rent. Very good question, my Colleague,
19 because we're going to be looking at that very
20 closely as well.

21 COUNCIL MEMBER ABREU: Thank you, Charles.

22 CHAIRPERSON RILEY: Thank you, Council
23 Member Barron. Chair Salamanca.

24 SERGEANT PEREZ: Time starts.

2 CHAIR SALAMANCA: Thank you, Mr. Chair. I
3 have one quick question because I've heard this
4 project before with the previous Council Members. Was
5 there an agreement with the previous Council Member
6 on this particular project and, if so, what did she
7 agree to?

8 COUNCIL MEMBER BARRON: On this particular
9 project, we had agreed to some affordable unit, even
10 gave a letter for that, but as the AMI rises what may
11 have been affordable then is no longer affordable now
12 so if the AMI back, the 100 percent of the AMI was
13 86,000 and 60 percent of that would be more at 50,
14 60, in our range so as the AMI changed, so did our
15 position on this change and so did some of their
16 numbers change so we are responding to those changes.
17 This makes this not affordable. She's with me on
18 this. She's right in the other room. Would you like
19 me to get her to prove that? No. She's very
20 supportive of us with this because this is just not
21 affordable for us, and we are on the same page with
22 everything and we usually go over these things
23 together and when we saw these changes we had a
24 change in our position, because this project is just
25 not affordable as it stands.

2 CHAIRPERSON RILEY: Thank you, Council
3 Member Barron. Lisa.

4 LISA ORRANTIA: Just to respond to that
5 question. There was an agreement and a letter of
6 support in 2019 that there was an understanding that
7 the project would be 100 percent affordable with at
8 least 80 percent of the units at or below 60 percent
9 AMI, and the remainder would be at 80 percent. We
10 proceeded with the application with that
11 understanding.

12 CHAIRPERSON RILEY: Thank you. Just for
13 the record, we've been joined by Council Member
14 Hudson. Are there any more Council Members with
15 questions for this panel?

16 There being no further questions, the
17 applicant panel is excused.

18 Counsel, are there any members of the
19 public who wish to testify on the Sutter Avenue
20 proposal?

21 SUBCOMMITTEE COUNSEL ANGELINA MARTINEZ-
22 RUBIO: I don't believe there's any members of the
23 public at this time to testify on this proposal.
24 Confirming that, no members of the public.

2 CHAIRPERSON RILEY: Thank you. There being
3 no other members of the public who wish to testify on
4 the preconsidered LUs related to ULURP numbers C
5 210031 ZMK and N 210032 ZRK relating to the Sutter
6 Avenue rezoning proposal, the public hearing is now
7 closed, and the items are laid over.

8 I will now open the public hearing on LUs
9 20, 21, and 22 relating to the 1034-1042 Atlantic
10 Avenue proposal in Council Member Hudson's district
11 in Brooklyn. This application seeks a zoning map
12 amendment to rezone an existing M1-1 District to a
13 C6-3A and R7A/C2-4 District and related zoning text
14 amendment to establish an MIH program area and a
15 special permit to reduce residential off-street
16 parking.

17 For anyone wishing to testify on this
18 item, if you have not already done so, you must
19 register online and you may do that now by visiting
20 the Council's website at council.nyc.gov/landuse.

21 I would like to allow Council Member
22 Hudson to give any remarks regarding this project.
23 Council Member Hudson.

24 COUNCIL MEMBER HUDSON: Thank you, Chair
25 Riley and Members of the Subcommittee on Zoning and

2 Franchises for the opportunity to speak regarding the
3 proposed developments at 870-888 Atlantic Avenue and
4 1034-1042 Atlantic Avenue, both of which are located
5 in the 35th Council District.

6 Today I want to voice my deep concern
7 over these 2 projects and reiterate my support for a
8 community-led, comprehensive neighborhood plan for
9 Atlantic Avenue.

10 In 2018, former Council Member Laurie
11 Cumbo, then Borough President Eric Adams, and the
12 leadership of Brooklyn Community Board 8 endorsed a
13 framework for the area developed by the Department of
14 City Planning, known as MCROWN, which stands for
15 Manufacturing, Commercial, Residential Opportunity
16 for Working Neighborhood. The MCROWN framework is one
17 of the only city-wide examples in recent years of a
18 community proactively planning for greater density.
19 Community Board 8 put forth a framework calling on
20 the City to rezone the current M1-1 District along
21 Atlantic Avenue and surrounding blocks to increase
22 available density for residential development with
23 additional commercial and manufacturing uses. The
24 plan also aimed to set affordability levels based on
25 the median income for the local community district

2 and to use market rate development to cross subsidize
3 deeply affordable housing. In response, the
4 Department of City Planning worked with CB8 to
5 develop a planning framework for the area. While
6 there continued to be some disagreements between DCP
7 and the Community Board on the details of zoning
8 incentives for arts, light industrial, and community
9 facility spaces to achieve a dynamic mixed use
10 community, community groups and borough leadership
11 still threw their support behind this plan and were
12 on the verge of seeing it to the finish line before
13 the COVID-19 pandemic and DCP's prioritization of
14 other rezonings placed it on the back burner.

15 Yet, my constituents and I still want to
16 pursue the goal of diverse and equitable economic
17 development within a truly mixed use neighborhood. To
18 move forward, we need to see an integrated plan to
19 address these goals. While the city has failed to
20 act, private developers repeatedly bring forward
21 piecemeal proposals for large projects without regard
22 for their cumulative impact on the community and
23 neighborhood infrastructure like public transit,
24 sewer capability, pedestrian safety, vehicle traffic,
25 carbon emissions, or school capacity. This has forced

1 the community to either say no or scramble to try to
2 address larger policy issues on individual sites when
3 what is actually needed is neighborhood-wide
4 planning. Meanwhile, the 35th District has seen a 20
5 percent decline in our black population over the past
6 decade, showing the dire need for targeted,
7 neighborhood-wide initiatives to preserve existing
8 affordable apartments and protect long-time
9 homeowners from predatory speculation as well as
10 produce new deeply affordable housing that is within
11 reach of more of my constituents.
12

13 From 2019 to 2021, 5 private applications
14 in the MCROWN area were approved by the prior Council
15 Members that will bring nearly 1,000 projected new
16 apartments. These 2 applications before us today
17 could bring over 700 more, and these fears don't even
18 count the over 6,000 new housing units built in the
19 surrounding half mile radius between 2010 and 2020.

20 As such, our current system of approving
21 individual applications with little to no
22 consideration for surrounding neighborhoods,
23 including how various upgrades would be funded to
24 meet additional growth, is untenable. Simply put, we
25 can no longer keep doing things the way we have for

2 decades, and I am concerned that without any
3 neighborhood planning or city investments, these
4 applications simply represent a continuation of the
5 untenable status quo.

6 As a new class of Council Members, it is
7 our responsibility to be bold and commit to the
8 reforms we talked about on the campaign trail. We
9 talked about change. Now we have to enact that
10 change.

11 I'm calling for a broad community-led
12 comprehensive approach that expands upon the
13 neighborhood-wide MCROWN framework that will yield
14 much needed city investments in new affordable
15 housing, preservation of existing affordable housing,
16 protection for long-time homeowners from predatory
17 speculation, street safety, open space, schools,
18 public transit, and economic development. I'll be
19 working with the City Council, Borough President
20 Reynoso, local community boards, and community
21 organizations to develop a method of soliciting input
22 from the entire community, not just individuals who
23 attend community board meetings, to determine what
24 they want to see in their neighborhoods. This will
25 include canvassing and outreach to folks on the verge

2 of being displaced or who have already been displaced
3 in Community District 8. Through this process, we
4 will have a greater understanding of the needs and
5 wants of our wider community that our city can
6 incorporate into a larger neighborhood rezoning.

7 I hope you will support the community's
8 efforts over the next few months to create and
9 implement a rezoning along Atlantic Avenue that
10 incorporates the MCROWN framework and includes an
11 integrated plan for the wider area to pursue more
12 deeply affordable housing, diverse economic
13 development, and a reimagined Atlantic Avenue and
14 public realm in this long-neglected part of Brooklyn.

15 I look forward to hearing from my
16 constituents and the public about their views on
17 these 2 proposals. Thank you.

18 CHAIRPERSON RILEY: Thank you, Council
19 Member Hudson.

20 Counsel, can you please call the first
21 panel for this item?

22 SUBCOMMITTEE COUNSEL ANGELINA MARTINEZ-
23 RUBIO: The panel for this item is Richard Lobell,
24 Fayanne Batan, Nick Liberis, Kevin Williams, and Elie
25 Pariente.

2 CHAIRPERSON RILEY: Counsel, can you
3 please administer the affirmation?

4 SUBCOMMITTEE COUNSEL ANGELINA MARTINEZ-
5 RUBIO: Applicants, I will call on you individually to
6 respond. Can you all raise your right hand? Do you
7 affirm to tell the truth, the whole truth, and
8 nothing but the truth in your testimony before the
9 Subcommittee and in your answers to all Council
10 Member questions? Richard Lobel.

11 RICHARD LOBEL: I do.

12 SUBCOMMITTEE COUNSEL ANGELINA MARTINEZ-
13 RUBIO: Fayanne Batan.

14 FAYANNE BATAN: I do.

15 SUBCOMMITTEE COUNSEL ANGELINA MARTINEZ-
16 RUBIO: Elie Pariente.

17 ELIE PARIENTE: I do.

18 SUBCOMMITTEE COUNSEL ANGELINA MARTINEZ-
19 RUBIO: Kevin Williams.

20 KEVIN WILLIAMS: I do.

21 SUBCOMMITTEE COUNSEL ANGELINA MARTINEZ-
22 RUBIO: Nick Liberis.

23 NICK LIBERIS: I do.

24 CHAIRPERSON RILEY: Thank you. For the
25 benefit of the viewing public, if you need an

2 accessible version of this presentation, please send
3 an email request to landusetestimony@council.nyc.gov.
4 Once again, that's landusetestimomny@council.nyc.gov.
5 Now the applicant team may begin.

6 Panelists, as you begin, I'll just ask
7 you to please restate your name and organization for
8 the record. You may begin.

9 ELIE PARIENTE: Good morning, Chair Riley,
10 Council Member Hudson, and Member of the
11 Subcommittee. My name is Elie Pariente, principal of
12 EMP Capital Group and applicant for 1034-1042
13 Atlantic Avenue.

14 This project is a result significant
15 engagement with the different community stakeholders
16 over the past few years, starting back to a previous
17 project located at 979 Pacific in which we were the
18 first applicant in the area to enter into a community
19 benefits agreement, implementing the prior
20 commitments that were made on the site. Similarly,
21 the application before you today seeks to address
22 many of the priorities I have heard from community
23 members such as affordable housing, including mainly
24 deeply affordable units, job creation, ground floor
25 space that can be utilized for either a youth center

2 or senior center, and streetscape improvements that
3 will make Atlantic Avenue safer and more welcoming
4 for pedestrians.

5 I look forward to addressing your
6 questions. With that, I will turn it over to Richard
7 Lobel to present the details of the application.

8 RICHARD LOBELL: Thank you, Chair Riley,
9 Council Member Hudson, Members of the Zoning and
10 Franchise Subcommittee. Good morning. My name is
11 Richard Lobel of Sheldon Lobel for the applicant. If
12 you can load the presentation, please.

13 The application today is for 1034-1042
14 Atlantic Avenue.

15 Next slide. This is a summary of the
16 actions that are sought pursuant to the rezoning. The
17 lot area included in the project site is roughly
18 20,000 square feet and is inclusive of a rezoning
19 along Atlantic Avenue to a C6-3A zoning district,
20 which is roughly the equivalent of an R9A residential
21 district and a floor area ratio of 8.5 as well as an
22 R7A C2-4 zoning district along Pacific Street with
23 the residential equivalent of a 4.6. In addition to
24 these rezonings from M1-1 to mixed use residential,
25 the application includes a text amendment to a

1 mandatory inclusionary housing, which would require
2 that any of these sites which are redeveloped with
3 residential, include required affordability. As
4 written, we have included Options 1 and 2. During the
5 course of our discussions with the community and
6 other stakeholders, we now are including Option 1 and
7 3. In addition to this, there is a text amendment
8 which would allow for modification of zoning
9 resolution 35-66 to permit 20-foot wide sidewalks
10 along Atlantic Avenue as well as a special permit to
11 reduce parking in accordance with statements by
12 recent Council Members and the Brooklyn Borough
13 President. The entirety of these actions would
14 facilitate the development of 1034 to 1042 Atlantic,
15 these 2 lots, with a roughly 172,000 square foot
16 building with mixed use commercial, community
17 facility, and residential development on 2 separate
18 frontages. The proposed development would have
19 roughly 210 dwelling units. Approximately 52 to 63 of
20 these would be affordable pursuant to MIH, depending
21 on the selection of the Option. This would also
22 include roughly 12,000 square feet of commercial
23 space, 2,600 square feet youth center community
24 facility space, and parking at the cellar level. Just
25

1 by way of background and prior to the rest of the
2 proposal, this was the result of discussions with the
3 community board, with Brooklyn Borough President's
4 office, and with many other stakeholders. I would
5 note that in the course of these conversations, while
6 it is understood that the area prefers an area-wide
7 rezoning, as do we, at the end of the day Community
8 Board 8 provided a conditional approval for this
9 application recognizing that this comply with the
10 MCROWN resolutions in providing mixed use
11 development, additional housing, additional
12 affordable housing, and additional commercial use and
13 jobs, and the Brooklyn Borough President, then
14 Borough President Eric Adams, supported this proposal
15 as well so every agency that has seen this has
16 approved this application in some form. We're asking
17 that the Council echo those statements as well. Next
18 slide.

19
20 The slide after this shows the zoning
21 map. What's worth noting with regards to the zoning
22 map is that in 2013, next slide, much of this area to
23 the south, roughly 55 blocks in the Crown Heights
24 West Rezoning was rezoned to residential contextual
25 districts as a 55-block area in 2013. The property

1 here, inclusive of 6 blocks including M1-1 zoning,
2 were not rezoned. Why did that not happen at the
3 time? Well, the M1 blocks would've required
4 additional funds for environmental review, for
5 environmental reporting, which was seen as too much
6 of a bar at the time for the City to include those in
7 the rezoning. In 2015, as Council Member Hudson
8 mentioned, there was a push by the community board to
9 sponsor MCROWN area-wide rezoning and a study area
10 and while the Department of City Planning has
11 initiated studies, no further action was taken on an
12 area-wide rezoning so you now have a situation where
13 over the last 7 years, the area is no closer to a
14 concrete plan in order to do the planning that is
15 necessary for an area-wide rezoning. In the absence
16 of that, the additional rezonings which have taken
17 place in a vacuum right now have allowed for
18 affordability, they've allowed for residential and
19 affordable units to come online in this critical time
20 when population has grown in the last 10 years by 15
21 percent and housing has only grown by 7 percent.
22 Asking rents and median rents have risen by upwards
23 of 40 percent. We now find ourselves in a housing
24 crisis and while we value the Council Member and we
25

1 want to be partners here, the truth of the matter is
2 that the creation of over 120 units of permanently
3 affordable housing including housing at deeply
4 affordable levels will have a major impact on people
5 who may not have a voice in this community. You can
6 see in front of you the zoning map. Again, the
7 circled area denotes the area of the project as well
8 as the rezoning generally. Next slide.

10 The next slide demonstrates the tax map
11 which shows with particularity what zoning is sought
12 here. The R7A zoning sought along Pacific Street is
13 the same zoning that has been approved by the
14 community board several times including at the 1010
15 and 1050 Pacific Street rezonings which allowed for
16 R7A residential bulk that at the time was approved by
17 CB8. The C6-3 here as it fronts on Atlantic is an R9A
18 density. It is within the character of the
19 surrounding area. There have been previous rezonings
20 including 840 Atlantic which were improved in a
21 larger density and rezonings across the street
22 including Vanderbilt Avenue, which were approved at
23 the same density so it's a (INAUDIBLE) that is known
24 to the area. The difference as far as this rezoning
25 is concerned is that the level of affordability

2 pledged by the owner here is deeper and more vast
3 than has been previously promised in any of these
4 rezonings. We're actually going to get lower
5 affordability and more units online for people who
6 want to live in this housing. Next slide.

7 I'm going to look at the next 2 slides,
8 this slide and the slide after this, merely to recap
9 the land use actions and then Nick Liberis, the
10 project architect, is going to discuss the
11 particularities of the building. Here you can see the
12 area of the rezoning C6-3 along Atlantic and R7A
13 along Pacific. Important to note, Atlantic Avenue
14 here is a 120-foot wide corridor. When the previous
15 rezonings took place back in 2016 through 2018 we
16 were looking at Pacific Street was a 70-foot wide
17 corridor and Grand Avenue at 70-foot wide so the
18 floor area ratios approved for those rezonings was
19 4.6 to 5.6. Atlantic Avenue is decidedly different by
20 a huge degree. You've got a 120-foot wide major
21 thoroughfare in the area. You've got centrality to
22 multiple lines of transportation including buses,
23 trains, and 7 subway lines. If you're going to put
24 the density somewhere and you're going to have
25 additional housing and additional affordable housing,

2 this is a place that merits that housing,
3 particularly a walk along Atlantic Avenue area in
4 this demonstrates poorly utilized, underutilized lots
5 which have produced much of the development you see
6 today and that is no development. There are auto
7 repair shops, empty lots, 1-story vacant warehouses.
8 Next slide.

9 The next slide merely demonstrates the
10 zoning change map. Again, you can see the current
11 zoning on the left. The rezoning would take place on
12 the right. Again, you can see immediately south of
13 the rezoning area is the rezoning that took place
14 along Pacific in the 1010 Pacific Street rezoning and
15 the Grand Avenue and Pacific Street rezoning to the
16 west at R7A and R7D. Here, the zoning map would
17 change to a C6-3A. Again, this is reflective of other
18 zoning which has been approved in the area.

19 With the next slide, I will turn this
20 over to Nick Liberis who will talk a little bit about
21 the context as well as the decision for the
22 programming of the building. Nick.

23 NICK LIBERIS: Thank you, Rich. Nick
24 Liberis with Archimaera. Just to jump right in. This
25 slide shows the proximity of the MCROWN rezoning to

1 these local neighborhoods, and you can see that it's
2 at the nexus of all these different neighborhoods.
3 It's a very interesting spot along Atlantic. Rich
4 mentioned that it hasn't been developed at all, and
5 it definitely stands out like a sore thumb in this
6 area because every single neighborhood is just very,
7 very full of lower-density housing for the most part,
8 and this just seems like an amazing opportunity to
9 kind of come in and not have any of the deleterious
10 effects that you'd have if you were doing something
11 in an area that was already fortified with a lot of
12 high-density housing. You can see that it's really
13 proximal to the Pacific Park Neighborhood coming up
14 over there to the west. Next slide, please.

16 It's also proximal like Rich said to all
17 this transportation infrastructure. You have many,
18 many buses. You have many, many train lines.
19 Everything is right there. Next slide, please.

20 The proposed design, what we sought to do
21 was to do something that was kind of like the heart
22 of the neighborhood, let's say, so this is something
23 that permeated the intent the whole way. This site is
24 right smack dab in the middle of the MCROWN district
25 on this Atlantic stretch, and there's a lot of empty

2 space around it so that's something that we were
3 considering. We are seeking to make something over
4 that is something that would be very much of use to
5 the neighborhood that would enrich the neighborhood
6 and also bring a lot of housing to the neighborhood.
7 Next slide, please.

8 This is looking westward towards downtown
9 Brooklyn. Next slide, please.

10 You can see here that we've tried to be
11 sensitive to the streetscape. The width of the street
12 is over 120 feet so really the only comp is Park
13 Avenue that we could really think of. There's a
14 certain height to street width ratio, which is
15 acceptable just in terms of letting sun down to the
16 street. We felt that this was a very apropos height
17 based on the width of the street also, and we've
18 taken great pains to make articulations to the
19 building façade and to kind of push and pull on it
20 such that you could open seams and open up areas for
21 light to get through so this is something that
22 creates a very interesting on the street and it's
23 very friendly to the street. You can see, for
24 example, on this left side over here we've set the
25 building back about 10 feet from the side and also on

2 the right side, although you can't really see it, and
3 we've notched the building. Something that this
4 height allows us is a way to actually make these
5 moves. If it's something which is lower than you end
6 up with a much more compressed building form and then
7 it's a lot blockier and it's a lot less friendly to
8 the street. I'm sure all of you can evoke memories of
9 Park Avenue and just having this really kind of stiff
10 street wall on either side, but in this case this
11 extra height gives an opportunity to do something
12 different. Next, please.

13 This was the foundational program that we
14 had anticipated that we were going back and forth
15 with the community on. It was a youth center, and
16 there's this extra sidewalk widening that we're
17 making an application for with DCP. In addition to
18 the extra width, what we were composing was another 6
19 to 8 feet of depth here such that you could get
20 something that kind of approximates a nice plaza in
21 its depth and its breadth. When we had originally
22 designed this, we had this double height space
23 looking down to the cellar where the youth center was
24 partially, and the idea was that you would have this
25 indoor/outdoor space where you could see what was

2 going on down there. There'd be sports. There would
3 be all sorts of amusement things that would be
4 happening down there and it could be something that
5 could really thicken the street experience because
6 Atlantic, as we know, is something which is primarily
7 traffic, primarily the east/west highway for freights
8 and material coming in and out of downtown Brooklyn
9 so this was something that we thought like we could
10 have this very organic program which could
11 organically influence the streetscape and also do
12 something that we're always trying to do with our
13 buildings which is increase porosity so we think it's
14 important to be able to look through a building, to
15 be able to kind of posit yourself as an individual
16 human to this larger scale and kind of interact. We
17 think it's a much more pleasant experience from the
18 street. You can also see something else that we had
19 proposed. There's a big art program component here.
20 We were thinking about doing panels that had
21 debossing or some other such inscription where you
22 would be able to work with a local artist and you
23 could basically commission this so the art is really
24 a big foundational part of this experience. Elie is
25 somebody who has another project going on in the

1 neighborhood, and he's already committed to doing
2 murals on that project, and his vision for this area,
3 in the absence of all this other building, was to
4 turn it into something kind of akin to the Wynwood
5 District, obviously at a different scale. You end up
6 with a bunch of murals, a bunch of art all over these
7 buildings so the thought is that as things come on
8 you want to make this as attractive as you can to
9 kind of foster the next round of development as it
10 all fills in. This is something where it just makes
11 it a much more pleasant experience, and we think it
12 has a lot of merit. Next.

14 You can see over here the mural so on the
15 sides of the buildings they'd be programmed with
16 these murals. The building to the far right is the
17 building which is under construction right now which
18 will have murals which will be visible from Atlantic,
19 and you can see kind of where we're starting to go
20 with this. Next slide, please.

21 This is the view from the back. This
22 would be the entry to the youth center. This is also
23 potentially the entry to any future MCROWN use. It's
24 a single building. You could access it from both
25 sides so you have the opportunity to have access to

2 the program from both sides. You also have a
3 residential lobby, and you have the R7D structure on
4 this back side over here. Next slide, please.

5 We made a lot of effort to reach out to
6 DOT on this. We had gotten feedback that it could be
7 helpful to us to kind of engage the City and move
8 things forward because right now there's no
9 comprehensive plan for Atlantic. In the absence of
10 there being a neighborhood rezoning backed by the
11 City, this is something which kind of falls to the
12 wayside so we took it upon ourselves to take these
13 first steps and kind of push things forward. We've
14 gotten a lot of feedback from DOT. We've gone back
15 and forth with them on this plan. There was also this
16 foundational element which is the rain swale which
17 came from Eric Adams' office back when he was Borough
18 president, and this is really kind of the master
19 stroke right here with this rain swale because this
20 thing sets up a certain rhythm on the street which is
21 both human scale and also lets you thicken the
22 sidewalk even further so you can see in these areas
23 where we have the rain swale, you can get to like 36-
24 feet depth so this is a very substantially scaled
25 urban place which kind of deals with the real politic

1 situation of Atlantic being something which is very,
2 very trafficky so we're not seeing to change the
3 essence of Atlantic which would be a horrible thing
4 for the City. We're just seeking to play the ball
5 where it lies, and I think we're a decent job. What
6 we're doing over here is we're protecting the
7 pedestrian experience with these trees. There's a
8 bollard set up at every single swell, and we had
9 protective cast in place dividers that are planted up
10 on top and there could be street plazas on the back
11 side of those. There could be dining sheds. There
12 could be unipods where you store bikes. There's a
13 bunch of different things that we could do. All of
14 this was made possible because between the 2
15 applications, 880 and 1042, we had enough traffic
16 data where we could kind of make an assessment that
17 the amount of parking could be reduced to some
18 extent. This is something that would have to be
19 furthered, and just to stress what this is, this is
20 not a final proposal. This is a set of like
21 individual tactics between the rain swales, the
22 bollards, the sidewalk widening, the street plaza,
23 all these different things are our constituent
24 pieces, parts that DOT has approved conceptually that
25

2 could be the start of something for this entire
3 corridor so we've done a lot to kind of bring it to
4 this point, and we're hoping that this process back
5 and forth between the community board, DOT, the
6 Council Member could continue so this could come to
7 fruition, or something like this. This is a very like
8 initial thing. Next, please.

9 This is what it would be without it and
10 even this we have some (INAUDIBLE) sidewalk stuff
11 happening here so it's nicer than regular sidewalk.
12 We can toggle back and forth. You can see what a
13 dramatic difference it is just in terms of the street
14 presence. Same thing over here. Next slide.

15 The building gets pushed back, the
16 sidewalk is incredibly thickened and you have these
17 oases for where you enter the building so it makes it
18 a much more pleasant streetside experience. Next
19 slide, please.

20 This is the site plan. Next, please.

21 You can see the sites. It's a through lot
22 situated between Atlantic and Pacific over here, the
23 bulk of it is on this Atlantic side. Next, please.

24 The building you can see is right now
25 proposed at 175 feet high, 17 floors. We have either

2 Option 1 or Option 3. My client is offering a higher
3 (INAUDIBLE) of affordability than is mandated by the
4 zoning. Next, please.

5 This is the rear view. This the Pacific
6 Street view. You can see the smaller building vis-à-
7 vis the big building. Even though they're actually
8 the same building, it has 2 different parts on each
9 side. Next, please.

10 What we had arrived at after going back
11 and forth with the community board and with the
12 Borough President's office was to put the youth
13 center to the side for now just because it seems like
14 there might be more a demand for an elderly center or
15 for some other MCROWN use so what my client is
16 committing to is 30 percent of the ground floor for
17 MCROWN, which is about 5,000 square feet, and then
18 another 5,000 square feet in the cellar. Now this
19 area that's in the cellar is roughly in the same spot
20 that it was before when we had the youth center so
21 there still is that opportunity should there be
22 public will for this to open the floor back up and to
23 have that indoor/outdoor setup which was nice-
24 looking. Next, please.

2 This is the distribution of these units.

3 Next, please.

4 Same for the back building portion. Next,
5 please.

6 The 2 potential levels of affordability
7 are 40 percent AMI and 60 percent, and these will be
8 the unit breakdowns based on these 2 different
9 levels. The zoning framework for Option 1 is 25
10 percent of the units, and my client is offering 30
11 percent so this is some 8 to 10 more units depending
12 on how it gets chopped up. Option 3, instead of 20
13 percent, he's offering 25 percent so to my knowledge
14 this is something that in this type of rezoning is
15 without precedent so hopefully this is something that
16 the Community Board and the Council Member can look
17 kindly on in light of the housing shortage we have
18 everywhere. Next, please.

19 This is the wonky slide that nobody wants
20 to see so with that, my presentation is over. I thank
21 you for your time, everybody.

22 CHAIRPERSON RILEY: The MCROWN framework
23 calls for the true mixed use development with
24 housing, jobs, and the diversity of community-
25 enhancing usage such as light industrial, community

1 facility, and art space. Does your proposal meet
2 these goals? What kind of mixed use spaces are you
3 proposing? Are you willing to enter into a binding
4 agreement to memorize this commitment?
5

6 ELIE PARIENTE: As the applicant of
7 record, I will take that question. As Nick Liberis,
8 the architect, just detailed, the original plan for
9 this particular MCROWN space was originally proposed
10 as a youth center, which was articulated in the
11 rendering that we just presented. After presenting to
12 the Community Board, we understood that they would
13 rather focus on an actual MCROWN use which is more of
14 a light industrial job creating type of space which
15 is why the plans that we just proposed subsequently
16 were reflecting 10,000 square feet of MCROWN space,
17 which is job creating. In addition to that, we also
18 understand the lack of senior care facility in the
19 immediate area and so depending on the ultimate will
20 of the community and the Council Member, we would be
21 happy to provide either of the 3 options, youth
22 center, MCROWN, or senior care facility, and yes, we
23 will be willing to enter a community benefits
24 agreement and restricted declaration to bind the
25 restricted use.

2 CHAIRPERSON RILEY: Do you have a plan in
3 place to ensure local hiring and M/WBE participation
4 during construction? If so, how many local hires do
5 you anticipate for a project like this and how can we
6 ensure followup and progress reports on these
7 commitments?

8 ELIE PARIENTE: As a matter-of-fact, we do
9 have a M/WBE contractor signed up to testify later at
10 the hearing. We anticipate to use anywhere from 25 to
11 35 percent of the labor during construction being
12 attributed to M/WBE vendors and about the same amount
13 of about a third of the labor being sourced by local
14 hires. At the peak of construction, we would
15 anticipate about 120 to 150 workers on site so that
16 equates to about 50 local hires during construction.
17 We also signed on 32BJ for the post construction to
18 make sure that the building offers prevailing wages.

19 CHAIRPERSON RILEY: Before I turn it over
20 to Council Member Hudson, she brought up a lot of
21 concerns with Atlantic Avenue. Can you just briefly
22 talk about how you're trying to collaborate with her
23 to address the concerns on Atlantic Avenue and the
24 comprehensive plan that we're trying to push the City
25 to come up with to address these concerns?

2 (INAUDIBLE) that you're trying to give the Council
3 Member, please?

4 ELIE PARIENTE: I'm sorry. You skipped for
5 the last sentence. I didn't hear the last sentence.

6 CHAIRPERSON RILEY: Sorry. Can you just
7 talk about the support that you're giving the Council
8 Member to push the City to come up with a
9 comprehensive plan for Atlantic Avenue?

10 ELIE PARIENTE: As Nick mentioned earlier,
11 we reached out back in January to Department of
12 Transportation to share with them our traffic
13 analysis studies and come up together with a plan for
14 Atlantic Avenue as far as the streetscape is
15 concerned and the sidewalk. As Nick mentioned
16 earlier, we proposed and we committed to an 8-foot
17 sidewalk widening that would make the sidewalk that
18 much wider. We also proposed that light canopy that
19 you saw in the rendering as well as the concept of an
20 urban plaza so our approach to additional safety for
21 the Atlantic Avenue corridor is more lively sidewalk
22 with light, trees, plants, seating area, benches, and
23 so we submitted these initial studies and renderings
24 to DOT who was very favorable to them. Obviously that
25 have to take it and make it their own, but we

2 initiated the discussion with them early January, and
3 we've had a tremendous amount of back and forth over
4 the past couple of months to come up with a pre-
5 vision. What I can say is that whatever ultimate
6 vision DOT ends up coming up with, we're willing to
7 commit, again under the CBA, to implement on our
8 project.

9 CHAIRPERSON RILEY: Thank you. I will now
10 turn it over to Council Member Hudson if she has any
11 questions. Council Member Hudson.

12 COUNCIL MEMBER HUDSON: Thank you, Chair
13 Riley. Before I get into the questions, I wanted to
14 clarify a point that Mr. Lobel made earlier.
15 Community Board 8 did not approve with conditions.
16 They disapproved with conditions, and I just want to
17 list the conditions in order of preference.

18 The first preference being that the
19 application be withdrawn in favor a neighborhood-wide
20 rezoning.

21 The second one that, if that is not
22 possible, the applicant removes lots 29, 33, and 40
23 from its applications and files a zoning text
24 amendment to create a contextual variation of the
25 existing C6-1 Zoning District with required

2 nonresidential frontage consistent with the
3 regulations of the special enhanced commercial
4 district with base FAR of 6 and incentive FAR of 1
5 for nonresidential use.

6 If this is not possible, that in lieu of
7 the proposed C6-3A district, lot 40 be removed from
8 the application and all lots be mapped MIH Options 1
9 and 3 and that the following further action be taken,
10 that the applicant make a binding commitment to
11 restrict use of minimum of 5,400 square feet of floor
12 area, I won't get into all the technical stuff, to
13 offer required affordable apartments under MIH Option
14 3, and to limit building height fronting Atlantic
15 Avenue to 15 stories.

16 If this is not possible, that lot 40 be
17 removed from the application and the applicant make a
18 binding commitment subjecting the establishment of
19 C6-2A zoning in lieu of the proposed C6-3A zoning to
20 restrict residential use on lots 29 and 33 to 5.2
21 FAR.

22 If this is not possible, the lots be
23 rezoned C4-5D.

24 I just wanted to make those points to
25 clarify.

2 Mr. Pariente, can I just ask how long
3 you've owned this property on Atlantic Avenue?

4 ELIE PARIENTE: About the equivalent of 2
5 years.

6 COUNCIL MEMBER HUDSON: Okay, and did you
7 purchase the property with the intent to develop a
8 residential building?

9 ELIE PARIENTE: Yes.

10 COUNCIL MEMBER HUDSON: If this
11 application is not approved, what would you do with
12 the property?

13 ELIE PARIENTE: Very limited uses given
14 the current market for rental space. Most of Atlantic
15 Avenue is currently either MTRs or storage space so
16 we would probably end up having to keep it, I mean
17 it's only M1 so there's really nothing else we could
18 do with it so we would just keep it as a storage
19 space.

20 COUNCIL MEMBER HUDSON: Keep it as a
21 storage space? Keep the existing lots as storage
22 space or build a storage facility...

23 ELIE PARIENTE: (INAUDIBLE) whatever is
24 built there (INAUDIBLE) what could be built so
25 there's nothing else we could with it.

2 COUNCIL MEMBER HUDSON: Okay, but you
3 would keep the property?

4 ELIE PARIENTE: Yeah.

5 COUNCIL MEMBER HUDSON: Okay. Since 2015,
6 Community Board 8 has worked on the MCROWN community
7 plan for this area. Did you participate in that
8 planning?

9 ELIE PARIENTE: Very much so.

10 COUNCIL MEMBER HUDSON: And how does this
11 proposal relate to the MCROWN framework?

12 ELIE PARIENTE: The MCROWN use on Atlantic
13 Avenue goes above and beyond the required framework.
14 The original MCROWN framework did not require MCROWN
15 uses on the Atlantic Avenue corridor. It required it
16 on the south avenues so we went above and beyond on
17 that. The density on Pacific Street at R7A follows
18 the exact for MCROWN and then the density on Atlantic
19 Avenue was originally proposed by Community Board 8
20 at C6-2A. City Planning requested us to make it C6-3A
21 as they thought it was more contextual to what was
22 currently being developed. In exchange for that, the
23 Community Board asked us to give more incentives in
24 order to justify the additional density. Hence, the
25 deeper affordability, the additional MCROWN space.

2 COUNCIL MEMBER HUDSON: Thank you for
3 that. Since 2019, there have been 5 private
4 applications approved in the MCROWN area that will
5 bring a total of nearly 1,000 projected units of
6 housing. If approved as proposed, your property, N
7 880 Atlantic Avenue, may bring over 500 further new
8 units and according to DCP's Housing Production
9 Database, over 6,000 new units of housing have
10 already been built within a half mile of the MCROWN
11 area since 2010. Do you believe that private
12 developers can deliver the infrastructure and
13 planning necessary to accommodate this growth?

14 ELIE PARIENTE: We can participate to the
15 extent possible to our property. Obviously, we cannot
16 participate beyond our property.

17 COUNCIL MEMBER HUDSON: Okay. Do you
18 support a neighborhood-wide community plan for the
19 area?

20 ELIE PARIENTE: Yes, I do.

21 COUNCIL MEMBER HUDSON: If so, why should
22 we move forward with approving these applications
23 with no guarantee from the City on a plan or
24 community investments, or I guess I should say
25 considering you do approve, why should we move

2 forward with approving these applications, or yours
3 specifically, with no guarantee from the City on a
4 comprehensive plan or any community investments?

5 ELIE PARIENTE: Because one does not
6 preclude the other. I'm sorry. I'm so involved in
7 this neighborhood that I have to answer the question.
8 One obviously does not preclude the other. The
9 benefit of one private application so long as it
10 follows the guidelines of the MCROWN rezoning is the
11 certainty of delivering units and affordable units
12 now as opposed to the uncertainty that goes with
13 waiting for a neighborhood-wide rezoning. As we know,
14 even if a neighborhood-wide rezoning was to be
15 engaged now, it would be several years before it is
16 implemented between the environmental review, the
17 negotiation with the different community actors, and
18 then the final implementation, it will be somewhere
19 between 5 to 8 years before the first unit is
20 delivered. This allows for the development of like
21 you said between the 2 buildings over 120 units of
22 affordable units right now at Option 3 which is very,
23 very (INAUDIBLE). In addition to that, the fact that
24 we're willing to commit to more than MIH option is an
25 additional concession that would set a fantastic

2 precedent. I'm not aware of many developers who are
3 agreeing to not only provide Option 3 but offer more
4 units than required. As you know, Option 3 requires
5 20 percent to be reserved for 40 percent AMI. We are
6 willing to go to 25 percent which to my knowledge I
7 haven't seen recently or 30 percent of Option 1 which
8 would deliver on our project alone 62 to 65
9 affordable units. The difference is we would deliver
10 more units than we would be required to on the
11 neighborhood rezoning as far as affordability and we
12 would deliver then right now, meaning we would start
13 construction shortly thereafter and deliver them in
14 about 2 years.

15 COUNCIL MEMBER HUDSON: Thank you. I want
16 to give Mr. Lobel an opportunity to chime in if he
17 has anything to add.

18 RICHARD LOBEL: Thank you, Council Member.
19 Really just to echo Elie's statement with regards to
20 the opportunity for the City to proceed on an area-
21 wide rezoning. Having been involved in several of the
22 prior land use actions and Community Board 8 and
23 having maintained a relationship with the Community
24 Board throughout that time, I think one of the
25 important things to note here is that proceeding on

1 this rezoning doesn't preclude the are from being
2 rezoned generally. It's an important point because
3 when we talk to the City about this, and we're very
4 careful when file these actions, obviously it's a
5 great investment of people's time and energy to bring
6 an application, but one thing that the Department of
7 City Planning has always said is that the same tens
8 of thousands of people involved in planning for
9 infrastructure for the City and for Brooklyn and for
10 this Community Board that are present and doing so
11 before the rezoning are doing so after the rezoning.
12 The people who would most lose out in the event that
13 this property was not rezoned are people who would
14 benefit from this housing and importantly people who
15 would benefit from the affordable units which are
16 over and above what is required on other rezonings.
17 Again, other than the fact that you have our word and
18 Elie is someone who has now been through this process
19 with this Community Board more than once, we're
20 partners here. We want to be involved in an area-wide
21 rezoning. We want to be the ones who are the leaders
22 in terms of street improvements, infrastructure
23 improvements. Our work with DOT specifically on
24 Atlantic Avenue, we would value that opportunity to
25

2 be good neighbors and good partners but importantly
3 as Elie said, you're looking at years and years and
4 years. It can be 6 to 8 years before you're even in
5 hearings for a neighborhood-wide rezoning. Those
6 units are not coming on for a long, long time, and we
7 have the opportunity now to strike and to actually
8 put some people in challenging positions into units.

9 COUNCIL MEMBER HUDSON: Just a couple of
10 followup questions.

11 One is in the event government acts too
12 slow or not at all, do you think it is private
13 developers' responsibility to push forward something
14 like a comprehensive plan?

15 ELIE PARIENTE: I mean I can answer but
16 then again, Rich, you do much more of these. I
17 wouldn't say it's the responsibility of the developer
18 to put together a comprehensive plan. It is their
19 responsibility to contribute and participate and give
20 feedback on the feasibility of different scenarios,
21 which is exactly what I've personally been doing with
22 Community Board 8. I've been attending every meeting,
23 well 90 percent of their meetings, over the past 4 or
24 5 years, and I've constantly been giving feedback
25 from the development standpoint as to what is

2 feasible and what is not. The great thing about my
3 prior project, and hopefully this one, is that it
4 also sends a message to City Planning as to what is
5 actually feasible or not because for a few years
6 there was this constant debate between Community
7 Board and City Planning with City Planning saying if
8 you ask for such and such uses on the ground floor,
9 no developers will build it or if you ask for such
10 affordable options nobody will build it and with
11 somebody like me coming in and signs and restrictive
12 declaration that I will build just that, Community
13 Board has now that proof to show City Planning that
14 it can be done, here is a developer that's actually
15 doing it so why don't you implement it. That's my
16 interpretation of the participation that I can bring
17 to the table.

18 COUNCIL MEMBER HUDSON: I guess what I'm
19 trying to get at here is the fact that you're
20 expressing support for a comprehensive plan that
21 would presumably be led by the Department of City
22 Planning and at the same time stating that you could
23 be the one to sort of usher the City towards that
24 greater plan but at the same time implying that it is
25 the responsibility of folks like the Council Members

2 and the City to ultimately deliver a comprehensive
3 plan to the community so how can we do both things?
4 How can we both continue to approve projects one by
5 one that say they're going to adhere to a particular
6 framework without giving the City the opportunity to
7 create and implement said framework? I guess that's
8 what I'm struggling with, but I don't want to keep
9 going back and forth on that. I just wanted to make
10 my point for the record.

11 I do want to follow up with another
12 question about your commitment. You're saying that
13 you would be willing to commit beyond the 20 percent
14 deeply affordable housing at 40 percent AMI as part
15 of Option 3. Would this be a legally binding
16 commitment?

17 ELIE PARIENTE: Yes, it would be as part
18 of the CBA. And just to add to what you just said, it
19 could be one or the other. It could be an additional
20 5 percent on the Option 1, which would bring us to 30
21 percent of affordable units, and has some great
22 benefits as well which I'd love the opportunity to
23 discuss.

24 COUNCIL MEMBER HUDSON: Okay. Couple of
25 other questions. How do the anticipated housing, both

2 affordable and market-rate units and rent levels,
3 match neighborhood demographics and needs?

4 ELIE PARIENTE: We've designed the
5 building and the unit mix based on direct feedback
6 from the Community Board. If you notice on the
7 application, the square footage averages of the units
8 is larger than the typical new development mandate
9 that is focusing on microunits. The Community Board
10 was constantly asking for larger units, which is why
11 we basically increased the average sizes of the
12 apartments as well as delivered more family
13 apartments. We have decent amount of 2 and 3
14 bedrooms, which represents the actual demographic of
15 the neighborhood.

16 COUNCIL MEMBER HUDSON: I just want to
17 make a quick point that not everybody here and who
18 might be watching has necessarily read through the
19 proposals with the same level of detail as I have so
20 part of asking these questions is so we can get the
21 answers on the record.

22 ELIE PARIENTE: No, of course.

23 COUNCIL MEMBER HUDSON: What
24 sustainability and resiliency measures are
25 incorporated into the building's design and

2 construction such as incorporating blue, green, white
3 roof treatment, Passivhaus, rain garden, solar
4 panels, and/or wind turbines?

5 ELIE PARIENTE: I'm going to give this one
6 to Nick which is what he lives for. Just try to keep
7 within less than an hour, Nick.

8 NICK LIBERIS: We have green rooves
9 everywhere with Local Law 97 and a slew of other
10 local laws that came out in the past couple of years
11 compel us to do this. We have stormwater detention on
12 these rooves. The rain swale that we're proposing for
13 the sidewalk is something which will actually greatly
14 reduce (INAUDIBLE) overflow because what it's doing
15 is kind of increasing the catchment area into the
16 street, into the middle of Atlantic, basically
17 doubling the size of the catchment area that it would
18 otherwise handle with the building alone. Passivhaus
19 is an interesting question. There's a lot of money
20 right now in Passivhaus. We're currently doing 6
21 Passivhaus projects. I'm trying to push all of my
22 clients towards Passivhaus and also geothermal.
23 NYSERDA tax incentives, all sorts of other funding,
24 CON ED gives a ton of money for this stuff right now
25 so we're in this unique golden window right now to

2 really take advantage of all this stuff. If Elie
3 decides to hire us, then we will definitely push him
4 to do that type of thing, and it's really not a hard
5 push right now just because it makes a lot of
6 financial sense and the buyback is super quick. Thank
7 you.

8 COUNCIL MEMBER HUDSON: Thank you for
9 that. Another quick followup to that specifically and
10 then I want to go back to something really quickly.
11 Will you commit to an all-electric building?

12 NICK LIBERIS: Yeah. It makes sense. The
13 big issue typically has been make-up air for kitchen
14 hoods and make-up air for larger PA spaces, but the
15 geothermal is actually the cheat code for that so
16 once you put that in it's not an issue. We have
17 commitments now on several hospitality projects and
18 with very, very major chefs that are saying fine, we
19 can deal with this so yeah, there will be no gas.

20 COUNCIL MEMBER HUDSON: Okay, great. Just
21 going back to the CBA really quickly, it's not
22 legally binding so would you be open to a restrictive
23 declaration?

24 RICHARD LOBEL: Can I address this for a
25 second, Elie? Council Member, on the Pacific and

2 Grand rezoning in which Mr. Pariente was also the
3 applicant, we spent hours and hours with Community
4 Board 8 hammering out a CBA which was eventually
5 recorded for that property so there's already kind of
6 a framework in place that represents a lot of work on
7 behalf of the Community Board to make that a binding
8 agreement so as an initial matter we would seek to
9 replicate that exact agreement in terms of this
10 property. Elie, would that be accurate?

11 ELIE PARIENTE: Yeah, to the credit of the
12 Community Board and their legal counsel, we spent
13 more than hours, we spent several weeks hammering out
14 the structure so the benefit here would be to use the
15 same structure, which is legally binding and recorded
16 on title.

17 COUNCIL MEMBER HUDSON: Okay, thank you.
18 Your proposal includes a special permit to reduce
19 parking requirements but not eliminate them entirely.
20 Why include any parking spaces in this transit-rich
21 part of Brooklyn?

22 RICHARD LOBEL: Thank you, Council Member.
23 The special permit you refer to is 74-533. I know
24 that there's been a lot of discussion recently
25 particular in accordance with pronouncements of the

2 Brooklyn Borough President as well as certain Council
3 Members regarding the reduction or elimination of
4 parking. I probably would defer to Kevin Williams
5 who's on the call. Kevin is the environmental
6 consultant here. I would note that the parking
7 reduction is substantial and greater than 2/3 of the
8 parking would be reduced, leaving the entirety of the
9 development with 20 parking spaces, which from an
10 environmental standpoint, Kevin, maybe you can speak
11 to the sufficiency of that and any impact that that
12 might cause or lack thereof.

13 KEVIN WILLIAMS: Kevin Williams, Equity
14 Environmental. Council Member Hudson, thank you for
15 the question. As Mr. Lobel noted, we've encountered
16 this question and engaged directly with multiple
17 Council Members and we certainly, I think myself as
18 well as Rich and Mr. Pariente, certainly support this
19 notion that by providing parking that you're
20 basically potentially inducing car ownership which
21 exacerbates traffic problems. I think here the goal
22 was to find a balancing act. Given the lack of off-
23 street parking resources in the area and the fact
24 that it's sort of a very nominal amount of spaces, I
25 think it was seen as an attempt to acknowledge the

2 fact that we're in a transitive-supportive
3 environment but at the same time recognize the fact
4 that we have a lot of capacity issues in terms of on-
5 street parking. As you noted, there are multiple
6 other rezonings that were approved many years ago,
7 one of Mr. Pariente's projects currently coming out
8 of the ground, are being worked on at the foundation
9 level, and so I think it's with this notion that as
10 you sort of activate Atlantic Avenue and as some of
11 these other rezonings come online that a reasonable
12 amount of parking to support 20 residents is sort of
13 a balancing act between sort of going no parking and
14 trying to supply a little bit to prevent a potential
15 impact on street parking resources in the area.

16 COUNCIL MEMBER HUDSON: Okay, thank you.
17 Do you have a plan in place to ensure local hiring
18 and M/WBE participation during construction and, by
19 M/WBE, I specifically mean locally owned black and
20 brown subcontractors?

21 ELIE PARIENTE: As I told Chair Riley
22 earlier in the hearing, we are currently using on
23 another project close to a third of the building,
24 well, between 25 percent to a third with M/WBE trade
25 and subcontractors. We absolutely intend on doing the

2 same for this project. As a matter of fact, one of
3 them is signed on to testify on the project later
4 after this testimony.

5 COUNCIL MEMBER HUDSON: Great, and have
6 you thought about union jobs during construction?

7 ELIE PARIENTE: Yeah. The GC usually
8 really does the hiring. We're obviously not at that
9 stage yet, but yeah, inevitably, a decent chunk of
10 the trades would be union.

11 COUNCIL MEMBER HUDSON: Okay. I believe
12 this might be my last question. What is your response
13 to those who believe that approving additional large
14 scale, predominantly market-rate buildings may
15 encourage more gentrification and displacement?

16 ELIE PARIENTE: That's a simple question.
17 I can't claim to have full comprehension of the micro
18 impact and all of the many impacts involved. All I
19 can say is that by committing to provide more of the
20 tools that have already been created by the City, I
21 commit to doing more than necessary, right, so by
22 providing more than the required MIH units, I am
23 going above and beyond what City envisions as a
24 responsible development. After that, it's a
25 relatively deep question to answer. I would hope

2 that, like I said, the 25 to 30 percent affordable
3 units that we're providing really help alleviate that
4 issue. At the same time, one thing I would answered,
5 compared to many applications that I've seen is that
6 this is located on a strictly industrial site which
7 will generate absolutely no displacement from the
8 actual project. We're not demolishing any buildings.
9 We're not vacating any tenants. We have an empty
10 junkyard and storage space which is making way for a
11 residential building which contain 60 affordable
12 units amongst other things so I would hope that
13 really it doesn't end up causing any displacement,
14 quite the opposite.

15 COUNCIL MEMBER HUDSON: Thank you. I
16 appreciate everyone's time, Chair Riley, Subcommittee
17 Members, Counsel, and Staff. Thanks for allowing me
18 the opportunity to ask my questions.

19 CHAIRPERSON RILEY: Thank you, Council
20 Member Hudson.

21 Just so everyone's on notice, we're going
22 to be putting the panelists and the Council Members
23 on mute. If you want to ask a question or respond to
24 a question, just use the raise hand function and
25 Sergeant-at-Arms will call on you.

2 I now invite my Colleagues to ask
3 questions. If you have questions for the applicant
4 panel, please use the raise hand button on the
5 participant panel. Do any Council Members have any
6 questions for this panel?

7 SUBCOMMITTEE COUNSEL ANGELINA MARTINEZ-
8 RUBIO: I don't see any Council Members with
9 questions.

10 CHAIRPERSON RILEY: Thank you, Counsel.
11 There being no questions for this panel, the
12 applicant panel is excused.

13 Counsel, are there members of the public
14 who wish to testify on 1034-1042 Atlantic Avenue
15 proposal?

16 SUBCOMMITTEE COUNSEL ANGELINA MARTINEZ-
17 RUBIO: Yes, sir. We have several members of the
18 public that have signed up to speak for this item. I
19 will just make a brief announcement.

20 For members of the public here to
21 testify, please note that witnesses will generally be
22 called in panels of 4 and if you're a member of the
23 public signed up to testify on the 1034-1042 Atlantic
24 Avenue proposal, please standby when you hear your
25

2 name being called and prepared to speak when the
3 Chair says that you may begin.

4 Please also note that once all panelists
5 in your group have completed their testimony, you
6 will be removed from the meeting as a group and the
7 next group of speakers will be introduced.

8 Once removed, participants may continue
9 to view the livestream podcast of this hearing on the
10 Council website.

11 We will now hear from the first panel
12 which will be comprised of Sarah Lazur, Elaine
13 Weinstein, Peter Krashes, and Mimi Mitchell.

14 CHAIRPERSON RILEY: Members of the public
15 will be given 2 minutes to speak. Please do not begin
16 until the Sergeant-at-Arms has started the clock.
17 You'll be given 2 minutes. After 2 minutes is
18 finished, we will ask you if you could stop and you
19 can give the rest of your remarks to the Land Use
20 Committee. You may begin as soon as we get you guys
21 in. Do we have them in, Counsel?

22 SUBCOMMITTEE COUNSEL ANGELINA MARTINEZ-
23 RUBIO: Let me check, Chair. The first person on this
24 panel will be Sarah Lazur.

25 SERGEANT PEREZ: Time starts.

2 SUBCOMMITTEE COUNSEL ANGELINA MARTINEZ-

3 RUBIO: Sarah, are you there?

4 SARAH LAZUR: Hi. My name is Sarah Lazur,
5 and I am a member of the Crown Heights Tenant Union,
6 and I am also a member of the CB8 Land Use Committee.

7 One item that Council Member Hudson
8 brought up that's really important is the amount of
9 displacement and the racially specific displacement
10 that's taking place in this neighborhood. As a CHT
11 member, I want to sort of focus on that particular
12 angle at the moment. Some people have probably read
13 19,000 black people have already been displaced from
14 Community District 8, which is both Crown Heights
15 North and Prospect Heights between, 2010 and 2020,
16 and this is more than any other Community District in
17 the entire city, and DCP's own study of the MCROWN
18 area shows that 11,000 of those black people were
19 lost from the MCROWN area. During this time period,
20 the land values and rents have skyrocketed because
21 our neighborhood was targeted by the real estate
22 industry and of course the first casualties of this
23 were of course black tenants and homeowners. If
24 you've been following the news, the Crown Heights
25 Tenant Union has just fought a very intense battle

2 alongside a family of black owners and CB8 to prevent
3 them from being evicted from their home where they've
4 lived since 1951 because they were targeted for deed
5 theft like so many other black homeowners in central
6 Brooklyn where skyrocketing property values have made
7 deed theft to be a very attractive scheme. Our
8 Union's members are both long-term residents and new
9 arrivals and we fight together because we all lose
10 out when the real estate industry is given carte
11 blanche to maximize profits with no regard to the
12 community stability or well-being, and that's why
13 we're calling for the community to be allowed to set
14 the agenda for our own neighborhood. We want
15 community planning. Thank you.

16 SERGEANT PEREZ: Time.

17 CHAIRPERSON RILEY: Thank you, Sarah.

18 SUBCOMMITTEE COUNSEL ANGELINA MARTINEZ-

19 RUBIO: The next speaker on this panel is Elaine
20 Weinstein.

21 SERGEANT PEREZ: Time starts.

22 ELAINE WEINSTEIN: Thank you very much.

23 Good afternoon. I'm here to discuss my opposition to
24 this specific project as well as the project that's
25 coming up, 870-888 Atlantic Avenue. As a 7-year

1 resident of Prospect Heights, a lifelong Brooklynite.
2 My husband and I moved here from Park Slope for a
3 more diverse neighborhood. For 7 years, we've watched
4 the Heights become far less diverse due to ongoing
5 development of large luxury buildings with very
6 limited affordable housing. The developers have
7 successfully chased people from our neighborhood,
8 which has caused direct and indirect displacement. I
9 want to focus today on one specific factor because
10 there are many other speakers to focus on others, and
11 that is open space, or rather the absence of open
12 space. First, I want you to think about your own
13 life, your children, your grandchildren, your nieces,
14 your nephews, your dogs. What do you look forward to
15 doing with them? You want to go to a green space so
16 they can run, play, and enjoy the open area. There's
17 virtually no space for that in our neighborhood. The
18 need that we can all agree upon is, especially with
19 the escalation of the pandemic, has been for much
20 more open space. Let's look at the recent development
21 of the Atlantic Yards Pacific Park. The neighborhood
22 was promised private park areas and I'll give you one
23 data point to remember, not a great many, New York
24 City's goal for open space is 1.5 acres for every
25

2 1,000 people. By the time Atlantic Yards is
3 completed, we will have far less. In fact, due to the
4 numbers put out by New York City Environmental
5 Quality Review, we will have 0.15 acres per 1,000,
6 and this is prior to these 2 developments that are on
7 the docket today. It's totally unacceptable and
8 actually pathetic. Now add all the new residents
9 coming in, and we are discussing today, basically say
10 that we deserve nothing more in terms of open space.

11 SERGEANT PEREZ: Time.

12 ELAINE WEINSTEIN: Oh, sorry. I ask you as
13 our community leaders, that within your power it is
14 to vote down these requested developments. Thank you
15 for your time.

16 CHAIRPERSON RILEY: Thank you, Elaine.

17 SUBCOMMITTEE COUNSEL ANGELINA MARTINEZ-
18 RUBIO: The next speaker will be Peter Krashes.

19 SERGEANT PEREZ: Time starts.

20 PETER KRASHES: I'm Peter Krashes. I'm the
21 current president of the North Prospect Heights
22 Association. We're deeply concerned by the emergence
23 of individual private ULURP applications for Atlantic
24 Avenue. We call on the New York City Council to
25 reject them. The use of individual private

1 applications to unlock development potential on
2 Atlantic Avenue undercut the community's leverage to
3 develop a holistic plan that addresses an eventual
4 near doubling of Prospect Heights' population.
5 There's already 6,450 new units of housing approved
6 for Atlantic Yards Pacific Park so progression of
7 proposed new developments on Atlantic Avenue will add
8 thousands more residents and the impact on
9 infrastructure must be considered comprehensively.
10 The consideration of individual applications also
11 fails to address the very serious implications of
12 indirect displacement caused by the introduction of
13 such a large number of new market-rate units. These
14 proposals should be rejected, and we ask our new
15 Council Member, Borough President, and Mayor to work
16 with us, the community, to offer a better plan. The
17 absence of a transparently developed comprehensive
18 plan lets city agencies and our elected officials off
19 the hook and leaves the community with changes that
20 can in reality contradict declared goals. While
21 imperfect, neighborhood-wide plans have far broader
22 scope. With individual applications, any benefits are
23 largely limited to the property lines that are
24 controlled by the developer. This is compounded by
25

2 the approval of districts that include property
3 outside of any agreement because the property's not
4 controlled by the applicant and the need for the
5 Community Board to offer development bonuses in
6 exchange for benefits is then defined by a few behind
7 closed doors. Just look at the environmental study
8 for each of these individual developments across
9 numerous categories of studies, school, displacement,
10 open space, the impact of each individual development
11 does not meet the threshold for study. Yet we know
12 that in aggregate the combined impact of these
13 developments will be significant. This is why Mr.
14 Pariente couldn't answer the question about the
15 effect of all these market-rate units being
16 introduced into the neighborhood in relation to
17 displacement. This is why we say the City is letting
18 the community down and itself off the hook. It is not
19 the first time we've gone through this. With Atlantic
20 Yards, the city let a private developer use a state
21 process to escape any enforceable obligations it did
22 not choose to meet.

23 SERGEANT PEREZ: Time.

24 PETER KRASHES: (INAUDIBLE) problems like
25 1,877 elementary school seats if the project is built

2 full, regularly congested intersections, etc. Really
3 plead with the City Council just to stick with the
4 plan and let's get a community plan for the
5 neighborhood. Thank you very much.

6 CHAIRPERSON RILEY: Thank you, Peter.

7 SUBCOMMITTEE COUNSEL ANGELINA MARTINEZ-
8 RUBIO: The last speaker on this panelist is Mimi
9 Mitchell.

10 SERGEANT PEREZ: Time starts.

11 MIMI MITCHELL: Hi, my name is Mimi
12 Mitchell. I am a tenant. I've been here for over 17
13 years in the Prospect Heights area. I am also a
14 member of Crown Heights Tenant Union, and I also am a
15 volunteer advocate at Legal Hand Crown Heights which
16 serves Crown Heights, Prospect Heights, and all the
17 surrounding areas in Brooklyn.

18 I just want to talk to you guys about, I
19 didn't prepare a statement simply because I wanted to
20 be open-minded and I wanted to hear what the
21 developers had to say, and I'm sorry, but there's
22 nothing that they've said, in fact they've made me
23 even more nervous and scared about this development.
24 With that, I cannot lend my support, and I am
25 representing a whole community of people who are also

1 not going to be able to lend their support to this
2 development. The effects of displacement are a lot
3 more than where you just build, than the site you
4 build on, and I think that the developers need to
5 understand that. Me, as a tenant, I've been taken to
6 court over 8 times by my landlord simply because the
7 rent I pay just isn't up to par with the
8 gentrification that has been taking place in the
9 area. I am also not what the area wants to see
10 anymore visually in terms of culture and in terms of
11 race. I am a black female. My building was 99 percent
12 black when I moved in. It is now 1 percent black, and
13 that 1 percent is me. I never envisioned a day that I
14 would be uncomfortable in my own home or I would be
15 uncomfortable in my own neighborhood. The
16 gentrification that has taken place has not been one
17 where communities collaborate. It has been one where
18 communities divide against each other. This
19 development will only create more of that, and that's
20 also due to the economic disparity that happens
21 between our communities.

22
23 SERGEANT PEREZ: Time.

24 MIMI MITCHELL: Thank you.
25

2 CHAIRPERSON RILEY: Thank you, Miss
3 Mitchell.

4 SUBCOMMITTEE COUNSEL ANGELINA MARTINEZ-
5 RUBIO: Chair, the next panel will be Sharon
6 Wedderburn, Marrissa Williams, Reverend W Taharka
7 Robinson, James Neville, and Blima Perlstein. The
8 first speaker on the second panel is Sharon
9 Wedderburn.

10 SERGEANT PEREZ: Time starts.

11 CHAIRPERSON RILEY: We can't hear you,
12 Miss Wedderburn.

13 SERGEANT PEREZ: Sir, I think she is
14 unmuted. I believe she's having some trouble with her
15 audio.

16 CHAIRPERSON RILEY: Yeah. Miss Wedderburn,
17 I think it's your audio. We can circle back with you
18 if you want to just fix it real quick. Is that okay?
19 Just give me a thumbs up if that's okay. All right.
20 Let's circle back to Miss Wedderburn, Counsel,
21 please.

22 SUBCOMMITTEE COUNSEL ANGELINA MARTINEZ-
23 RUBIO: The next speaker while Miss Wedderburn works
24 on her audio will be Marrissa Williams.

25 SERGEANT PEREZ: Time starts.

2 MARRISSA WILLIAMS: Good afternoon, Chair
3 Riley and Members of the Committee. My name is
4 Marrison Williams, and I am a representative of 32BJ
5 here on behalf of the more than 85,000 members to
6 express our support for this project. We are please
7 to announce that the developer, EMP Capital, has
8 reached out early to make a credible commitment to
9 provide prevailing wage jobs to the future building
10 service workers at this site. These jobs are
11 typically filled by local members of the community
12 and because of this commitment will pay family-
13 sustaining wages which help bring working families
14 into the middle class. These apartments are needed
15 for working people in Brooklyn. This commitment to
16 good prevailing wage jobs will give opportunity for
17 upward mobility, security, and dignity to working
18 class families. 32BJ supports responsible developers
19 who invest in the communities where they build. We
20 know that this development will continue to uphold
21 the industry standard and provide opportunities for
22 working families to thrive. Thank you.

23 CHAIRPERSON RILEY: Thank you, Marrison.

24

25

2 SUBCOMMITTEE COUNSEL ANGELINA MARTINEZ-

3 RUBIO: The next speaker on this panel will be
4 Reverend W. Taharka Robinson.

5 SERGEANT PEREZ: Time starts.

6 REVEREND W. TAHARKA ROBINSON: Good
7 afternoon. Thank you, Mr. Chair and to the Members of
8 the Committee. I just want to say first of all that
9 everyone's talking about people being displaced and
10 it seems that this project would allow an amount of
11 housing, permanently affordable housing providing a
12 high percentage of affordable housing at a deeper
13 affordability than any other prior rezonings. Also,
14 this project was approved by the former Borough
15 President, who's now Mayor, and the former City
16 Councilwoman and so what I'm trying to state is that
17 we do need more housing and more affordable housing,
18 housing that we need to do and we can get this
19 housing as soon as possible. We are for rezoning, but
20 it doesn't need to be delayed because what will
21 happen is it will take a number of years to put this
22 project back together that's also already been
23 approved by Community Board 8. Thank you.

24

25

2 CHAIRPERSON RILEY: Thank you, Reverend.
3 Counsel, can we try Miss Wedderburn to see if she's
4 working.

5 SUBCOMMITTEE COUNSEL ANGELINA MARTINEZ-
6 RUBIO: Miss Wedderburn, can you try your audio?

7 CHAIRPERSON RILEY: No, we still can't
8 hear you, Miss Wedderburn so you want to sign out and
9 then sign back in and we'll make sure we bring you
10 back. Sign out then sign back in just to see if it
11 works, okay? We'll bring you back. All right.

12 SUBCOMMITTEE COUNSEL ANGELINA MARTINEZ-
13 RUBIO: Thank you. The next speaker will be James
14 Neville.

15 SERGEANT PEREZ: Time starts.

16 JAMES NEVILLE: Good afternoon, Committee.
17 As you know, New York City is in a very much housing
18 crisis. As a resident of Brooklyn for the past 35, 40
19 years, we can't afford to delay the construction of
20 this new housing. This project will bring deeply
21 affordable apartments to the building and will
22 upgrade the area. Partnering with private sectors has
23 helped move these projects along faster. I'm a
24 resident, I've traveled Atlantic Avenue for years,
25 the Barclay Center, actually worked with James

2 Cardwell who initiated this project years and years
3 ago, I believe that we definitely need to move
4 forward to support this project on Atlantic Avenue.
5 Thank you very much.

6 CHAIRPERSON RILEY: Thank you, James.
7 Counsel, real quick, I see Council Member Hudson's
8 hand up. Council Member Hudson.

9 COUNCIL MEMBER HUDSON: Thank you. I just
10 wanted to make a note. I have to actually hop off and
11 go to another hearing for another committee but I
12 will be back in just a bit, and I have staff on the
13 line listening, watching, and taking notes so I just
14 wanted to make a note of that. Thank you.

15 CHAIRPERSON RILEY: Thank you, Council
16 Member Hudson. Counsel, you may continue.

17 SUBCOMMITTEE COUNSEL ANGELINA MARTINEZ-
18 RUBIO: The next speaker, and I believe is the last
19 speaker on this panel, Blima Perlstein.

20 SERGEANT PEREZ: Time starts.

21 SUBCOMMITTEE COUNSEL ANGELINA MARTINEZ-
22 RUBIO: Blima, are you there?

23 BLIMA PERLSTEIN: Hi. I'm Blima Perlstein.
24 My company is Perfect Enterprise Dist. I'm a minority
25 women's owned city certified construction business

2 company. I've been working with Mr. Elie at his
3 Pacific Street project right now. He has awarded me
4 and I'm doing the entire envelope of the building.
5 I'm doing his exterior, his (INAUDIBLE),
6 waterproofing, and roofing, and this job has been so
7 amazing to me. It has been helping me (INAUDIBLE) I
8 have the nicest things to say about (INAUDIBLE) Sorry
9 about that. Can you hear me?

10 CHAIRPERSON RILEY: Yes, we can hear you
11 now. You keep going mute and then you're unmuted.

12 BLIMA PERLSTEIN: Okay, sorry, because
13 someone was calling. I just have the nicest things to
14 say about these people. Their goal is to help the
15 community, to help the local businesses, to help us,
16 the minority businesses out there that struggle
17 sometimes to get work, especially as a woman. I'm
18 always the underdog in the construction field so
19 having this opportunity with him on this other
20 project and hopefully if he gets awarded this, if I
21 can do some more business with him, I definitely
22 highly recommend it. I think it's a project we all
23 need, the city, the locals, the residents, everyone's
24 greatly going to benefit from this so definitely a
25 yes for me. Thank you.

2 CHAIRPERSON RILEY: Thank you.

3 SUBCOMMITTEE COUNSEL ANGELINA MARTINEZ-

4 RUBIO: Chair, that was the last speaker on that
5 panel, and I don't see any Council Members with
6 questions so I'm going to move on to call the next
7 panel which will be Jack Robinson, Nicole Laemmle,
8 Kaja Kuehl, Cathy Iselin, and Esteban Giron. First
9 speaker will be Jack Robinson.

10 SERGEANT PEREZ: Time starts.

11 JACK ROBINSON: Thank you for the
12 opportunity to speak. I live at 1022 Pacific Street.
13 The 1034-1042 Atlantic Avenue proposal is directly
14 across the street from me, and it unprecedentedly cuts
15 transcontinentally through the block from Atlantic to
16 Pacific. Much of this neighborhood is zoned
17 commercial and industrial, and I understand the
18 zoning is not correct. It's not what we need, and I
19 get that we need more housing in our neighborhood,
20 and our neighborhood is going to change. New York is
21 not for the nostalgic. The vision of this change is
22 missing. The 2 Atlantic Avenue proposal before you
23 are haphazard and lack the context and cohesiveness
24 that our real beautiful Brooklyn neighborhood
25 deserves. My main issue is infrastructure. We do not

2 have a comprehensive neighborhood plan, a plan where
3 schools and transportation, open space, green space,
4 and sewage are taken into mind. MCROWN seemed like a
5 big compromise weighted towards the developers. Now
6 that plan is even being trampled on by these
7 proposals. There's a well-thought through plan I saw
8 for East New York. I'd like to see something like
9 that for Atlantic Avenue between Flatbush and Bedford
10 Avenues. In my opinion, MCROWN does not exist
11 anymore. As a member of the CB8 Land Use Committee,
12 I've been shocked to see these 2 Atlantic Avenue
13 proposals have been handled. On top of the monthly
14 meetings that we had, we had 2 special meetings which
15 consisted of developers and lawyers spouting
16 propaganda. Without a cohesive neighborhood plan, I
17 urge you to reject 1034-1042 Atlantic Avenue project.
18 We want planned development that keeps neighborhood
19 people and infrastructures in mind. The developer and
20 lawyers seem to be the only ones that succeed in this
21 current process.

22 SERGEANT PEREZ: Time.

23 JACK ROBINSON: Thank you.

24

25

2 CHAIRPERSON RILEY: Thank you, Jack.
3 Counsel, before we continue, I see that Sharon
4 Wedderburn has joined us.

5 SUBCOMMITTEE COUNSEL ANGELINA MARTINEZ-
6 RUBIO: Yeah, Miss Wedderburn, can you hear us and can
7 you unmute yourself so that you can speak.

8 SHARON WEDDERBURN: Let's hope. Do you
9 hear me now?

10 CHAIRPERSON RILEY: Yes, we hear you Miss
11 Wedderburn.

12 SHARON WEDDERBURN: Okay, perfect. I'm
13 very excited. Thank you again for the opportunity and
14 allowing me the time to which I would be able to
15 rejoin this meeting.

16 My name is Sharon Wedderburn. I currently
17 chair the Land Use Committee for Community Board 8.
18 When Community Board 8 began its work on the M1 zone
19 along Atlantic Avenue it was conceived as a community
20 rezoning. Earlier in the presentation, you know that
21 the M1's light manufacturing zone was excluded from
22 the Crown Heights West rezoning simply because of the
23 additional requirements for this. With such, we
24 envision a district where we would be able to have
25 affordable housing, light manufacturing use, and

community uses. We've worked on this for a long time. We've worked on this for 7 years. We support this project, and the reason why we support the project is it adheres to the Board's vision and we won support from the past Borough President and the previous City Council Member. There have been several private zonings in this area, and it's simply because the Department of City Planning, we have been unable to move forward with which we could create the MCROWN zone. As such, all applications that have come before adhere to the MCROWN zone's vision, especially with regards to deep affordability and to be able to make sure that we limit the height to 15 stories for these buildings. The applicant has worked consistently with the community and has demonstrated that they will adhere to restrictions such that they will be able to build and continue to build some place where there is affordable housing that the Department of City Planning and Community Board have resolved that these applications when entered into will be a binding commitment.

 Last, what I would like to talk about is the references of apartment buildings being built in this area within a half mile zone. That project which

2 is being referred to is explicitly Atlantic Yards or
3 Pacific Park. The community board was unable to
4 participate in those negotiations, especially for
5 green space, because it became a state project. As a
6 city project, the Land Use Committee supported the
7 work of MCROWN which is a subcommittee and it is a
8 community rezoning endeavor simply because the people
9 who belong to MCROWN are not just community board
10 members but people and stakeholders who have invested
11 in themselves and the community over a long-term
12 vision.

13 SERGEANT PEREZ: Time.

14 SHARON WEDDERBURN: Thank you.

15 CHAIRPERSON RILEY: Thank you, Miss
16 Wedderburn.

17 SUBCOMMITTEE COUNSEL ANGELINA MARTINEZ-
18 RUBIO: The next speaker on this panel is Nicole
19 Laemmle. I'm sorry, Nicole, if I mispronounce your
20 name.

21 SERGEANT PEREZ: Time starts.

22 NICOLE LAEMMLE: Wonderful. Thank you very
23 much for letting me speak. I live at 1022 Pacific
24 Street which is in close proximity to the proposed
25 project. I've lived there for 20 years. I'm also a

2 Land Use Committee voting member so I urge you to
3 please reject these proposals and my reasons are I
4 believe that we need a holistic neighborhood plan for
5 Atlantic Avenue, not a series of disconnected private
6 developments, but we need to reassess what our
7 neighborhood truly needs given the changes cost by
8 the already built or approved new developments. We
9 need to cherish our existing neighbors, protect them
10 from the possibility of losing their homes, becoming
11 unable to afford the rent or being displaced.

12 To my understanding, the average income
13 has already increased over the last few years due to
14 the new arrivals, which is what the affordable
15 housing is based upon. As a Land Use Committee
16 Member, the actual community that we live in feels on
17 the side of constraining construction. As a Committee
18 Member, I think I should amplify my neighbor's
19 voices.

20 I also would like to state that to my
21 understanding the Community Board rejected their
22 applications in favor of a neighborhood-wide
23 rezoning. As I said before, I've lived in the same
24 apartment for 20 years. Since the Barclay Center was
25 approved, the neighborhood has changed drastically. I

2 used to be surrounded by lots of little businesses.

3 There are only a few left. One of the last standing

4 business, a carpentry shop on my block, might have to

5 leave due to increasing property tax and blocked

6 access to their shop caused by the construction

7 vehicles and workers' parking needs caused by the

8 ongoing and increasing development. I'm not against

9 change, but we need to be careful. These 2 rezoning

10 applications won't give us nearly as much affordable

11 housing as we could get with a serious neighborhood

12 plan.

13 SERGEANT PEREZ: Time.

14 NICOLE LAEMMLE: We need to keep the

15 neighbors, nature, and our beloved neighborhood in

16 mind. Thank you for letting me speak.

17 CHAIRPERSON RILEY: Thank you, Nicole.

18 SUBCOMMITTEE COUNSEL ANGELINA MARTINEZ-

19 RUBIO: The next speaker on this panel will be Kaja

20 Kuehl.

21 SERGEANT PEREZ: Time starts.

22 KAJA KUEHL: Hi, my name is Kaja Kuehl.

23 I'm an urban planner. I'm the principal of a Brooklyn

24 based planning firm called You are the City. We do

25 community engagement and urban design. As the 2

1 previous speakers, I'm here to ask you to consider
2 rejecting this and the following application for 17-
3 story market-rate residential buildings and instead
4 support what Council Member Hudson has asked for, a
5 community-led comprehensive planning effort for this
6 stretch of Atlantic Avenue that could generate much
7 needed affordable housing. As we just seen with the
8 Gowanus plan at 35 percent of units being affordable
9 there, it's really worth it to go through the effort
10 and negotiate a comprehensive plan that can deliver
11 so much more than the breadcrumbs that individual
12 haggling over MIH options can offer here, and we can
13 coordinate a development with non-zoning actions such
14 a plan for improvement to transportation, open space,
15 schools as well as strategies for family sustaining
16 jobs, infrastructure, so many of the things that
17 previous speakers have said.

19 I'm going to focus on one thing. I
20 really, really applaud the developer's support for a
21 neighborhood plan. I also applaud the attempts to
22 sort of look at streetscape improvements more
23 comprehensively. I want to point out one thing that
24 we don't get by this piecemeal moving forward, and
25 that is really a true consideration of the impact and

2 the ability to mitigate them and find strategies to
3 mitigate them. These 2 proposals are part of the
4 densest cluster of private rezonings, 8 in total,
5 within a half mile radius on Atlantic Avenue from
6 Vanderbilt to, I believe it's Bedford or Franklin, in
7 less than 3 years and here I contradict the Council
8 Member, this is more than 2,000 units of housing or
9 5,000 new residents and no one has ever studied the
10 collective impact on the neighboring communities that
11 have to support all of this additional development
12 and that is because environmental review is done on a
13 piece by piece fashion where...

14 SERGEANT PEREZ: Time.

15 KAJA KUEHL: We cannot get a full look at
16 it. Thank you.

17 SUBCOMMITTEE COUNSEL ANGELINA MARTINEZ-

18 RUBIO: Chair, the last speaker on this panel is
19 Esteban Giron.

20 SERGEANT PEREZ: Time starts.

21 ESTEBAN GIRON: Thank you. My name is
22 Esteban Giron. Good afternoon. I'm a rent stabilized
23 tenant here in Crown Heights and a member of the
24 Crown Heights Tenant Union as well as a member of the
25 Board of Directors of Tenants PAC. We will be

2 submitting written testimony today, but I just wanted
3 to address a couple of things that have come up so
4 far. We need to hear the developer and other
5 supporters of this application speak about community
6 benefits, and I think it's very important to be
7 specific about what that means and what it doesn't
8 mean because you would think that it's a good thing.
9 Who doesn't want community benefits, but the problem
10 is that the actual community was never consulted
11 about what we needed and what we would actually
12 benefit from. The community benefits didn't come from
13 any sort of engagement process. The former Council
14 Member told the developer what they wanted there and
15 then without any notice to the wider community or the
16 Community Board or the Land Use Committee, an
17 unelected self-appointed representative along with a
18 couple of members of the Executive Committee hammered
19 out the details so when they say they're negotiating
20 with the community, they mean 3 people who don't
21 consult with any authoritative body or community
22 group. With all due respect to Miss Wedderburn, her
23 testimony completely misrepresented the vote of the
24 board. As Council Member Hudson correctly stated,
25 this application was disapproved with condition, the

2 main condition being development of a neighborhood
3 plan. It's not surprising then when we say that we
4 aren't being heard, this is what we mean. We're
5 sitting here talking about rain swales and murals
6 when I had to be late this morning to this hearing
7 because I had a court appearance in my own case. So
8 the CHTU urges this subcommittee to reject the
9 application. Tenants are deep in the heat of battle
10 for our homes. We are barely hanging on. We know what
11 this project will mean for us. Please believe us.

12 CHAIRPERSON RILEY: Thank you, Esteban.

13 SUBCOMMITTEE COUNSEL ANGELINA MARTINEZ-

14 RUBIO: Chair, we have one last speaker on this panel
15 actually who called so we have Cathy Iselin. Cathy,
16 are you there? Can you hear us?

17 SERGEANT PEREZ: Time starts.

18 CATHY ISELIN: Thank you. There's an
19 Optimum outage in the north part of Prospect Heights
20 oddly enough. My name is Cathy Iselin. I thank you
21 for this opportunity to speak. I like many of the
22 other speakers am a member of the CB8 Land Use
23 Committee, a board member of North Prospect Heights
24 Association, and a North Prospect Heights resident.

1 I'm testifying because I am deeply
2 concerned about this private ULURP application and
3 request that it be rejected. In particular as many of
4 my Colleagues and friends have noted already, I
5 object strongly to the use of CB8 agreements as part
6 of individual application as a replacement for city
7 planning and for a neighborhood-wide plan, which
8 would allow our neighborhood and this large section
9 of Brooklyn to secure the attention and proper review
10 by city agencies that we deserve and which will
11 improve our city for current and future residents.
12 City planning should not be relegated to for-profit
13 developers negotiating deals with individuals in
14 private exchanges for benefits that we're not sure
15 for whom and by whom they were agreed upon. One only
16 has to look at the skewed outcome and private CBA
17 negotiations that have recently approved 848 Atlantic
18 Avenue to recognize that the community was not well-
19 served by the outcome of these kinds of negotiations.
20 This application combined with that at 870-888
21 Atlantic Avenue will not yield nearly as much
22 affordable housing nor the other possible benefits we
23 can achieve with serious neighborhood planning.
24 Improving a vital neighborhood requires a wide range
25

2 of planning including public input from as wide
3 ranging cross-sections of residents as possible to
4 discuss generally affordable housing, displacement
5 and racial impact studies, consideration of public
6 transit, street, sidewalk, pedestrian crossing,
7 wastewater, school seats, and lest we forget open
8 space deficits. Please reject this application in
9 favor of a better outcome for our neighborhood and
10 for Brooklyn, and one should think that the time it
11 would take to do this is much more important than
12 establishing these 2 buildings within the next 2
13 years. Thank you very much.

14 CHAIRPERSON RILEY: Thank you, Cathy.

15 SUBCOMMITTEE COUNSEL ANGELINA MARTINEZ-

16 RUBIO: Chair, that was the last speaker on this
17 panel, and I don't have any more panels to announce
18 so I will just do a last call. Are there any members
19 of the public who wish to testify on the 1034-1042
20 Atlantic Avenue proposal, please press your raise
21 hand button now. We will stand at ease for a seconds
22 just to check for any newly registered members of the
23 public.

24 Chair, I don't see any additional members
25 of the public so we can proceed to closing.

2 CHAIRPERSON RILEY: Counsel, I do see one
3 hand raised. Can you just make sure?

4 SUBCOMMITTEE COUNSEL ANGELINA MARTINEZ-
5 RUBIO: Will do. Let me double check. Yes, you're
6 correct, Chair. We have Ankur Dalal. Can we admit
7 Ankur so we can have Ankur testify?

8 ANKUR DALAL: Thank you for letting me
9 speak. I'm actually registered to speak for the next
10 proposal, but I also wanted to just voice my support
11 for this project. I am enthusiastic about the
12 possibility of new affordable housing in the
13 neighborhood, and as I'll testify further in the next
14 application, I strongly believe that the best way to
15 combat displacement is to just build more homes. We
16 desperately need more housing in New York City. Over
17 the last 10 years, according to the Census, has grown
18 by more than 600,000. That's the size of some major
19 cities in this country, and we just added to that to
20 our city in the last 10 years, but we don't build
21 enough housing to house all of these new people. We
22 built only about 200,000 homes in the last 10 years
23 and since the pandemic things have gotten only worse
24 because after the pandemic has begun to end, many
25 more people want to come back to the city and rents

2 are going through the roof. The only way to help
3 mitigate this problem is to actually build more
4 housing. I know some of the speakers said it's worth
5 waiting until we get a comprehensive plan passed. I
6 have no objection to a comprehensive plan, but these
7 things can take a very long time. The Gowanus
8 comprehensive plan took almost 10 years to complete.
9 We don't have 10 years to wait for homes if you're
10 somebody who's looking for a home or somebody who's
11 rent has gone up 30 or 40 percent in the last year.
12 We need new homes as soon as possible, and this
13 project will deliver that so I support it. Thank you.

14 CHAIRPERSON RILEY: Thank you, Ankur.
15 Counsel, I think we have one more person.

16 SUBCOMMITTEE COUNSEL ANGELINA MARTINEZ-
17 RUBIO: We have Alan Rosner, Chair. Alan, are you
18 there? Can we unmute Alan Rosner?

19 ALAN ROSNER: I'm really scheduled to
20 speak for the next building, but it's really the same
21 issue for both of these buildings in that there is no
22 plan for open space in development and, in fact,
23 that's the problem with the MCROWN. There really is
24 nothing in MCROWN that deals with creating open
25 space. It's all about just how to use space that's

2 already there, but there's no open space to be had.

3 There's also the MCROWN didn't deal with the issue of

4 secondary displacement so now you have more

5 development, rising incomes, and you're going to have

6 more secondary displacement. There's nothing looking

7 at that and so maybe you'll have affordable housing

8 on one hand but you'll have people losing their

9 apartments and their homes on the other hand. It

10 doesn't balance out very well in my estimation.

11 The other thing you have to remember

12 especially with anything about open space for people

13 is Atlantic Yards was supposed to be done already and

14 they only have private open space so there's nothing

15 to be had there. People are talking about the amount

16 of people coming in. You haven't even factored in the

17 numbers that are going to be coming from the Atlantic

18 Yards development. We do need some comprehensive

19 planning for both the infrastructure, the open space,

20 and even in regards to overall housing and

21 displacement. Those are some of my big concerns. I'm

22 against this kind of piecemeal development, and as

23 others have said this needs to be addressed

24 comprehensively. This is kind of giving away things

25

2 that don't have to be given away simply because
3 there's a sense of desperation.

4 SERGEANT KOTOWSKI: Time expired.

5 ALAN ROSNER: Thank you.

6 CHAIRPERSON RILEY: Thank you.

7 SUBCOMMITTEE COUNSEL ANGELINA MARTINEZ-

8 RUBIO: There is one more hand up, Elaine Weinstein.

9 Elaine, can you hear us?

10 ELAINE WEINSTEIN: It was a mistake,
11 sorry.

12 SUBCOMMITTEE COUNSEL ANGELINA MARTINEZ-

13 RUBIO: She already testified, Chair, so apologies.

14 Thanks, Elaine, but lower your hand. Chair, I don't
15 see any other hands up of people waiting to testify
16 so we can go ahead and close this hearing.

17 CHAIRPERSON RILEY: Thank you, Counsel.

18 There being no other members of the public who wish
19 to testify on LUs 20, 21, and 22 relating to the
20 1034-1042 Atlantic Avenue proposal, the public
21 hearing is now closed and the items are laid over.

22 I will now open the public hearing on LUs
23 23, 24, and 25 relating to the 870-888 Atlantic
24 Avenue proposal in Council Member Hudson's district
25 in Brooklyn. This application seeks a zoning map

2 amendment to rezone an existing M1-1 District to a
3 C6-3A District and a related zoning text amendment to
4 establish an MIH program area and a special permit to
5 reduce residential off-street parking.

6 For anyone wishing to testify on this
7 item, if you have not already done so, you must
8 register online and you may do that now by visiting
9 the Council's website at council.nyc.gov/landuse.
10 Once again, council.nyc.gov/landuse.

11 Counsel, please call the first panel for
12 this item.

13 SUBCOMMITTEE COUNSEL ANGELINA MARTINEZ-
14 RUBIO: Panel for this item will be Richard Lobel,
15 FAYANNE BATAN, Noah Bernstein, Joel Teitlebaum, and
16 Nick Liberis.

17 CHAIRPERSON RILEY: Counsel, please
18 administer the affirmation.

19 SUBCOMMITTEE COUNSEL ANGELINA MARTINEZ-
20 RUBIO: There are some of you who are sworn in already
21 so Richard Lobel, FAYANNE, and Nick, you have been
22 sworn in so for Noah Bernstein and Joel Teitlebaum,
23 can you respond to my question when I call your name
24 and raise your right hand. Do you affirm to tell the
25 truth, the whole truth, and nothing but the truth in

2 your testimony before the Subcommittee and in your
3 answers to all Council Member questions? Joel
4 Teitlebaum.

5 JOEL TEITLEBAUM: Yes, I do.

6 SUBCOMMITTEE COUNSEL ANGELINA MARTINEZ-
7 RUBIO: Noah Bernstein.

8 NOAH BERNSTEIN: I do.

9 CHAIRPERSON RILEY: Thank you. For the
10 benefit of the viewing public, if you need an
11 accessible version of these presentations, please
12 send an email request to
13 landusetestimony@council.nyc.gov. Once again,
14 landusetestimony@council.nyc.gov.

15 Now the applicant team may begin.
16 Panelists, as you begin I'll just ask you to please
17 restate your name and your organization for the
18 record and you may begin.

19 RICHARD LOBEL: Thank you, Chair Riley,
20 Council Members, Members of the Zoning Subcommittee.
21 Good afternoon. Richard Lobel of Sheldon Lobel PC. I
22 join the applicant team in representing Joel
23 Teitlebaum on the 870-888 Atlantic Avenue rezoning.
24 Can you please load the slide presentation?

1 This is a rezoning on 870-888 Atlantic
2
3 Avenue. Next slide.

4 The project area consists of 7 and a
5 partial 8th lot and the subject site is 20,000 square
6 feet as a 20,000 square foot parcel located along
7 Atlantic Avenue. The following are the proposed
8 actions. A zoning map amendment to change the
9 existing M1-1 to a C6-3A zoning district, again
10 requesting R9A bulk. The second action of course a
11 zoning text amendment with regards to mandatory
12 inclusionary housing to require 25 to 30 percent
13 affordability for the project, depending on Option 1
14 or 2. In actuality, after discussion again with the
15 Community Boards and stakeholders, we are introducing
16 Option 1 and Option 3 which can be discussed later in
17 the presentation. Third, a text amendment to modify
18 Section 35-66 to permit a wide 20-foot wide sidewalk
19 along Atlantic Avenue and for this special permit
20 pursuant to 74-533 to reduce accessory parking. The
21 proposed actions here would facilitate the
22 development with a new at the time 17-story mixed
23 residential, commercial, and community facility
24 building with retail and approximately 228 dwelling
25 units. Nick Liberis, the project architect, will be

1 able to discuss the breakdown in square footages and
2 layouts later in the presentation. Here we would be
3 creating approximately 57 to 69 affording units
4 depending on whether Option 1 or 3 was selected.
5 Again, the applicant here was choosing to provide
6 greater affordability than is required in area-wide
7 rezonings generally by the city. We note again and
8 will read the Community Board approval so there's no
9 questions about the nature of the approval. Community
10 Board did issue a determination that said that they
11 wanted to allow for an area-wide rezoning. This is
12 something which we had mentioned and agree with.
13 However, understanding that, the text was that if
14 that is not possible for an area-wide rezoning, the
15 Committee recommends the following possible
16 scenarios. As were detailed previously, these include
17 mixed residential and commercial (INAUDIBLE) so the
18 idea here is yes, there's an understanding that an
19 area-wide rezoning is preferred and was preferred but
20 again in the absence of that area-wide rezoning you
21 now have 7 years of increased population not matched
22 by an increase in residential units and rents which
23 now exceed 30 to 40 percent greater over that 10-year
24 timespan. This is, as has been described, a dire

2 situation and one which would be addressed by the
3 application which is before the Council. Next slide.

4 I'm going to go over a brief retelling of
5 the zoning basics with regards to the application and
6 then Nick Liberis will discuss the particularities of
7 the building. Again, you can see from the circled
8 area this is along Atlantic Avenue in an area
9 currently zone M1-1. For the benefit of the Council
10 Members, M1-1 is a terrible zoning district in
11 certain respects in that it doesn't allow residential
12 but, more importantly, even for manufacturing and
13 commercial uses, it provides for a low floor area
14 ratio of 1 and for a high parking requirement which
15 leads to a lack of development and really the open
16 uses which you see before you including underutilized
17 and poorly utilized lots, warehouse buildings, auto
18 repair, and such. Again here you can see the area to
19 the south of this map, the 2013 Crown Heights West
20 rezoning which rezoned 55 blocks or portions of
21 blocks to residential contextual zoning. To recap,
22 these 6 blocks with M1-1 zoning were left out. It is
23 a financial burden to provide the environmental and
24 other diligence required to rezone these parcels in
25 an area-wide rezoning. That is why individual

1 developers have come in, and they've spent the money.
2 They haven't just spent the money on their own
3 parcels. They've spent the money on greater than
4 their own parcels to include other parcels in these
5 proposed rezonings. Again, we note the area's
6 preference for an area-wide rezoning, in the absence
7 of that you literally have hundreds of people who as
8 a matter of public record are now being priced out
9 and forced to move out of the district and now you
10 have an opportunity to provide some of these units
11 for them. Next slide.

13 This is the zoning. This is a very
14 straightforward rezoning. The area in question, you
15 can see the 7 to 8 lots that are within the dotted
16 area would be rezoned to a C6-3A. This is an R9
17 equivalent and a floor area ratio of 8.5. We note
18 that the prior rezonings within Community Board 8
19 which have been cited before the Council have
20 included a 4.6 FAR on Pacific Street when the
21 Community Board had requested 3 to 4 FAR, have
22 included a 5.6 FAR on Pacific and Grand when the
23 Community Board had requested 4 to 5 FAR. City
24 Planning has deemed in their professional experience

1 that Atlantic Avenue here merits a R9A rezoning. Why
2 is that? Next slide please.

4 Again, with regards to the area map.

5 First, this is a different application in that we
6 know that 840 Atlantic Avenue immediately to the west
7 of the rezoning area has previously been rezoned to
8 R9X with an even greater density than is proposed
9 here. That's on the same block, and that's something
10 the Council did within the last 6 to 8 months. We
11 further note that the C6-3A as proposed here is
12 something which is not unknown to the area. Again,
13 higher density densities on this block. Across
14 Atlantic Avenue, you have C6-3A with R9A equivalent
15 districts. This is something which is appropriate
16 here. City Planning has presented to the Community
17 Board and to the Commission itself with regards to
18 the impact of a building of 15, 16 stories on
19 Atlantic Avenue. The bulk is acceptable in terms of
20 land use planning. You have an extra wide street on
21 Atlantic Avenue. You have a multitude of
22 transportation options. This is something which is
23 merited for the area and with the street improvements
24 that are proposed is something which would deliver a
25 benefit to the area, not just in terms of housing but

2 in terms of commercial and other activity. Next
3 slide.

4 With that, I would just again touch on
5 the proposed zoning change map and then allow Nick to
6 complete his portion of the presentation. Again, you
7 can see on the left the area in question which is
8 currently zone M1-1 adjacent to R6A and R6B districts
9 as well as an R9 district. Here we have a C6-3A
10 district as would be proposed which would rezone this
11 parcel and surrounding parcels to an R9A residential
12 equivalent.

13 With that, I would hand the presentation
14 over to Nick who can discuss the layouts as well as
15 context of the area and why from an architectural
16 standpoint the proposal is appropriate. Nick.

17 NICK LIBERIS: Thank you, Rich. Nick
18 Liberis with Archimaera. Next slide, please.

19 The site again is extremely proximal to
20 the Pacific Park development coming up and there's a
21 natural barrier that City Planning had originally
22 contemplated as being at Vanderbilt Avenue, but when
23 we with City Planning looked at it more closely it
24 became apparent that the Washington Underhill area
25 right to the east of the block was the more natural

1 boundary for a step down for bulk, and this is what
2 opened up the conversation initially about the bulk
3 that Rich was mentioning. Again, same as 1042, this
4 is on a very busy street. It is anticipated as being
5 a commercial strip. Next slide, please.

6
7 Again, this is the MCROWN. I think
8 despite the feelings pro or con against it, I think
9 there's some things that kind of make indisputable
10 sense in that Atlantic is a very broad and very
11 active street and it's something that elsewhere in
12 the city would be developed as a high density mixed
13 use area so this is that MCROWN vision. Next slide.

14 The proximity to all of the
15 transportation infrastructure is quite good on this
16 site. It's as densely innervated as any other place
17 in the city just in terms of how much access it has
18 to buses, to train stops, etc. Next slide, please.

19 This is the subject building. We've also
20 taken care with this building to kind of disaggregate
21 the form so as to allow as much light to the street
22 as we can. We've also suggested per our client to do
23 both Options 1 and 3 at a level that is higher than
24 the framework that's in the zoning. The building is
25 200 feet by 100 feet deep at the base and then it has

1 the regular setbacks at the front and at the rear
2 that we could briefly touch on later, but the subject
3 site is 20,000 square feet. The building would be
4 about 210,000 square feet gross including a single
5 cellar. There would be some limited parking provided.
6 The way that it's set up right now, there's 228 units
7 proposed and between 25 and 30 percent of that would
8 be proposed to go to permanently affordable MIH
9 units. Next slide, please.

11 This is a unique Community Board in that
12 they're one of the I think two in the City that has
13 been able to get these restrictive declarations done
14 so this was the same model that we assumed for this,
15 and this was something that when my client had
16 reached out to several community groups on this was
17 the space that seemed to make the most sense both in
18 terms of its proximity to the more quiet Washington
19 side of the block and also in how it was able to kind
20 of cleanly turn into a 2-floor type of offering so
21 what's offered right now is 4,200 square feet between
22 the ground and the cellar floor of school use and
23 this is approximately 30 percent of the ground floor
24 commercial which has been proposed. Next slide,
25 please.

2 This is a slide showing the unit
3 distribution and the front elevation throughout the
4 building. You can see 17 stories. As it tapers up to
5 the top, there's fewer and fewer units. Next slide,
6 please.

7 This is a look west down into the more
8 dense downtown Brooklyn fabric so you can see that
9 there's still a Cube Smart to our immediate east, but
10 what's been contemplated here is much like the other
11 project, the same type of DOT improvements. You can
12 see that there's a more densely planted median in the
13 middle. We have been talking to DOT about these trees
14 on Atlantic going back well over a year, and there
15 were issues potentially with LIRR that have since
16 been ironed out so again we've been instrumental in
17 making this thing move forward in this realm of
18 public space improvements. Next slide, please.

19 This is a front elevation. You might note
20 the 2 objects that are kind of nestled in the portal
21 forms. At one point, we were talking to this local
22 gallery, and it had been suggested that we could have
23 these types of vitrine objects that would become
24 incorporated into the façade that would display all
25 manner and media of art so right now it's just a

2 placeholder, but again we feel like this is something
3 that could be a very playful and pleasant addition to
4 the streetscape over here. Next slide.

5 This is a more close-up elevation
6 perspective, and you'll note again the disaggregated
7 building form and how it's not as blocky as it could
8 or would be were it shorter. Next slide, please.

9 We went back and forth with the Borough
10 President's office and something that was brought up
11 also by the Community Board was that when you have
12 these rezonings, there's often proximal conditions
13 where you're on a street which is right next to the
14 rezoning and you're presented with some bulk which is
15 a typically oppressive and large, but this is a very
16 common thing that's done when you're doing landmark
17 work where you're able to demonstrate that the
18 contextual condition is such that you won't be able
19 to perceive what something is at a certain distance,
20 whether it's from the street or in this case from the
21 back side of the block. There were several neighbors
22 that had asked us about this, and we took them
23 seriously and we went back to the Burrough President
24 with this and this is something that they were
25 pleased with. What we've done is we've stepped the

2 back such that the typical scale of development on
3 the back side of the block would occlude view and
4 basically any presence of this larger scale structure
5 on the north side of the block. Again, there is no
6 issue with any kind of shading because we are to the
7 north of everything to the south which is generally
8 lower and smaller scale. We think this is a good
9 sensitive solution that solves a lot of problems.
10 Obviously on vacant lots, you won't have the building
11 blocking your view so if you have a vacant lot or if
12 you're seeing it from an oblique perspective where
13 you have something that's atypically low you would
14 still perceive some little bit of something, a little
15 sliver at the top, but we've taken care to make sure
16 that this works, and this is also part of why we're
17 requesting this height because once you nip and tuck
18 front and back like this you end up with a lot of
19 difficulty of how to deploy the floor area. Next
20 slide, please.

21 This is a slide that shows the 2 AMI
22 Options that are being suggested here, the 40 percent
23 AMI and the 60 percent AMI. You can see that it's
24 between 57 and 69 units for the 2 Options. Again,

2 this is in excess of the framework that's in the
3 zoning. Next slide.

4 This is kind of a bird's eye view showing
5 what those DOT improvement building blocks would look
6 like on this side. It's the same building blocks.
7 Part of what we had suggested is that the developer
8 be responsible for stuff that's within a few hundred
9 feet of them so that would be corner conditions.
10 There's a precedent for this right now. DOT compels
11 you if you have corner sites to fix handicap ramps
12 and also crosswalks that cross the street from you
13 cattycornered in both directions. Excuse me, not
14 cattycornered, but at the 2 perpendicular directions.
15 What we're proposing as far as the building blocks
16 here would also be raised crosswalks and the bump
17 outs at the corner which would go a long ways towards
18 reducing the chance of a lot of these recent
19 accidents that we've been seeing in this area down
20 close to Prospect Park. One other thing, there's been
21 community requests for open space and how the open
22 space will be considered if there was a neighborhood-
23 wide rezoning and something that's come up during
24 these talks with DOT is that they would support
25 closing down Underhill for the 1 block stretch from

2 Atlantic and the Pacific and this would create an
3 open space that would otherwise not be possible
4 because I think there's a lot of understandable
5 desire for this open space. It's always nice to have
6 pocket parks. It's always nice to have a relief of
7 the urban fabric with some open sky and some green,
8 but it's often difficult because most of this stuff
9 is privately owned. In such a neighborhood over here,
10 it's difficult to do eminent domain for smaller
11 pieces. It's something where if you're in (INAUDIBLE)
12 and you have these substantial pieces that the City
13 has been working on for a long time, it's something
14 that can happen but this is a very interesting gift
15 that kind of fell into our laps so it seems that this
16 could happen. Thank you, Joel, for helping us push
17 this through. Anyway, so what we get over here, when
18 you consider these 2 projects, 1042 and 880, over a
19 5-block stretch between Vanderbilt and Franklin,
20 excluding the Armory block, you can basically take
21 care of 40 percent of the stretch on the southside of
22 the street so this is something that we think is a
23 major benefit here. Again, just to be clear, the big
24 sustainable (INAUDIBLE) here would be that the
25 catchment area that's directly in front of the

2 building, which in this case it's not a small
3 catchment area, it's like another probably let's say
4 70 by 200, like another 14,000 square feet, would be
5 directed into the building's detention tank which
6 would upsize the detention tank and you'd end up
7 doing a lot to combine this very serious problem of
8 combined sewer overflow. You can see here the typical
9 (INAUDIBLE) if you can just go to the last slide,
10 please. Can you go 2 slides back, please? There's a
11 premium placed on the safety of the sidewalk occupant
12 and of people crossing the street just in general
13 with that raised crosswalk, and you can see that
14 there are cast-in-place barriers here which have been
15 painted, which are (INAUDIBLE) top and these are
16 standard DOT elements so each of these is of a piece
17 of the DOT Street Design Manual, and we've taken care
18 to make sure that this is all stuff DOT can recognize
19 and easily work through if and when the Community
20 Board gets involved with this. Next slide, please.

21 This is a reverse shot, just showing how
22 it goes a lot ways towards making this sidewalk,
23 which right now is very thin and very, very barren
24 into something which is much more pleasantly
25 habitable. Next slide, please.

2 I think this is the last shot, this next
3 slide, of right in front of the building and you can
4 see that the combination of that rain swale and of
5 the street plaza and of the width and of the trees
6 and all the stuff goes a long way towards making a
7 much more pleasant experience for people coming here
8 because the worst thing, well obviously not the worst
9 thing, but something which would be horrible is if
10 you had development even with the neighborhood-wide
11 rezoning and you didn't include such elements and you
12 end up with something that even though you have the
13 potential for density it just isn't attractive enough
14 to compete with other neighborhoods in the area so
15 this is something where we think you could have a
16 very much more pleasant sidewalk experience and we
17 think it would be a great model for the north side of
18 the street and further places up and down Atlantic.
19 Next slide, please. That might be the last slide.
20 With that, my presentation concludes. Thank you.

21 CHAIRPERSON RILEY: Thanks, Nick.

22 NICK LIBERIS: Sure.

23 CHAIRPERSON RILEY: Give me one second.

24 Sorry. Thank you, Nick. I have a few questions.

25 Actually, I'm sorry, Nick. I actually don't have any

2 questions. Those are from the last one. I apologize.
3 Council Member Hudson, do you have any questions for
4 this applicant panel? I would like to turn it over to
5 Council Member Hudson to ask her questions.

6 COUNCIL MEMBER HUDSON: Thank you, Chair
7 Riley. A couple of questions. How long have you owned
8 the property on Atlantic Avenue?

9 RICHARD LOBEL: I can talk about that.
10 Joel, you can always weigh in, but Joel's currently
11 in contract to purchase the property.

12 COUNCIL MEMBER HUDSON: Okay. When do we
13 think that's going to be finalized?

14 RICHARD LOBEL: I'm not sure if there's a
15 closing date that's been schedule yet. I know that
16 it's intended right now, but Joel.

17 JOEL TEITLEBAUM: Yeah, there's a closing
18 date January 7, 2023. That's in around 9 months from
19 now.

20 COUNCIL MEMBER HUDSON: So you will assume
21 ownership of the property January of next year?

22 JOEL TEITLEBAUM: Correct. I mean it might
23 be even earlier, but that's the latest day that we
24 can close on the property.

2 COUNCIL MEMBER HUDSON: So who currently
3 owns the property and is the sale of the property
4 contingent upon a rezoning?

5 JOEL TEITLEBAUM: No, the purchase is not
6 contingent. I'm in contract hard on the property so I
7 have to close when the time comes.

8 RICHARD LOBEL: Just as an aside, pursuant
9 to the City Charter, you actually don't have to own a
10 property in order to rezone it as a legal matter as
11 long as you're a tax-paying entity in the City of New
12 York you're able to rezone a property so here the
13 application comports with the Charter and with law.
14 It's just that Joel won't assume ownership until
15 January.

16 COUNCIL MEMBER HUDSON: Copy. If this
17 project is not approved, will you continue on with
18 the purchase of the property?

19 JOEL TEITLEBAUM: Yes.

20 COUNCIL MEMBER HUDSON: What would you do
21 with it after the time of purchase if the project
22 isn't approved?

23 JOEL TEITLEBAUM: I'll continue to rent it
24 to any future tenants. Right now the property is
25 vacant pretty much so if there are any future

2 tenants, I'll continue to rent it out to any
3 community space that's needed.

4 COUNCIL MEMBER HUDSON: Okay. What
5 sustainability and resiliency measures are
6 incorporated into the building's design and
7 construction such as incorporating blue, green, white
8 roof treatment, Passivhaus, rain garden, solar
9 panels, and/or wind turbines?

10 NICK LIBERIS: We'd be seeking to do all
11 of the above except for the wind turbines. Typically
12 we've been using triple pane glazing almost
13 exclusively going back to 2011. We have a few
14 Passivhaus projects. We'd be pushing geothermal. This
15 is a really good site for geothermal over here. To
16 anticipate your next question, it would be all
17 electric.

18 COUNCIL MEMBER HUDSON: Okay, cool. Thank
19 you. How does this proposal address making Atlantic
20 Avenue safer for pedestrians and cyclists.

21 NICK LIBERIS: I think the way that we've
22 drawn up, even if we, I mean let's say the worst case
23 scenario we weren't able to get something done with
24 DOT, we would still be doing the rain swales. They
25 would just be pushed back a bit and I think there's

2 always, on such a street, you have to be very, very
3 mindful of how you're trying to curate this sidewalk
4 environment so we would still have the bollards. In
5 the event that we had streetside dining, we would be
6 providing the concrete barriers as well. We're always
7 thinking about it.

8 COUNCIL MEMBER HUDSON: Okay, thank you.
9 Do you have a plan in place to ensure local hiring
10 and M/WBE participation during construction and
11 specifically locally owned black and brown
12 subcontractors?

13 RICHARD LOBEL: In the course of our other
14 hearings including with the Brooklyn Borough
15 President, one of the conditions of that approval
16 which Joel executed a letter of consent was that he
17 retain Brooklyn based contractors and subcontractors,
18 especially those designated as local business
19 enterprises, LBES, consistent with Section 61081 of
20 the City's Admin Code and minority and women-owned
21 business enterprises, M/WBES. The commitment there
22 was to meet or exceed standards per Local Law 1. At
23 that point, it was no less than 20 percent
24 participation. My understanding from Joel, you can
25 correct me if I'm wrong, was that we wanted a minimum

2 of 25 percent and in addition to which through the
3 Brooklyn Borough President's office, they requested
4 that he coordinate oversight of participation with an
5 appropriate monitoring agency and he agreed to that.
6 While no monitoring agency has been selected, we
7 would be happy to submit to that.

8 COUNCIL MEMBER HUDSON: Thank you. Good to
9 know. What about union jobs during construction?

10 RICHARD LOBEL: I don't think, and again,
11 Joel, feel free to answer, but I don't think that a
12 general contractor has been selected, and I know that
13 while there is going to be union involvement,
14 particularly in terms of 32BJ that there's no
15 specific designs right now as far as whether union
16 contracting would be used by the GC.

17 COUNCIL MEMBER HUDSON: Okay, thank you.
18 The MCROWN framework calls for true mixed use
19 development with housing, jobs, and a diversity of
20 community-enhancing uses such as light industrial,
21 community facility, and art space. Does your proposal
22 meet these goals? What kind of mixed use spaces are
23 you proposing?

24 RICHARD LOBEL: Nick, can you address the
25 breakdown?

2 NICK LIBERIS: On the mixed use basis,
3 right now we are currently contemplating school use
4 and then we have another about 12,000 square feet
5 that's currently contemplated as any use Group 6 type
6 of use, whether that be office or retail, just
7 whatever the market bears. So it's a very wide
8 street. we think that there's a good chance that some
9 sort of retail or some sort of restaurant use goes in
10 and that's what's being currently contemplated.

11 COUNCIL MEMBER HUDSON: Okay, thank you.
12 Since 2019, there have been 5 private applications
13 approved in the MCROWN area that will bring a total
14 of nearly 1,000 projected units of housing. If
15 approved as proposed, this project as well as 1034
16 Atlantic Avenue may bring over 500 further new units
17 and according to CPS's Housing Production Database,
18 over 6,000 new units of housing have already been
19 built within a half mile of the MCROWN area since
20 2010. Do you believe that private developers can
21 deliver the infrastructure and planning necessary to
22 accommodate this growth?

23 RICHARD LOBEL: I'll start. I think the
24 answer is yes. I mean there's discussions with
25 regards to DOT and street improvements which were a

2 large part of our discussions to date. I think
3 probably to the extent that Noah Bernstein who is
4 here from AKRF can just address the environmental
5 issues for a moment. As part and parcel of every
6 project, when we go through DCP we go through
7 Environmental Assessment and Review, and I believe
8 that EARD issued a negative declaration in that
9 regard so particularly with regards to this project
10 and any impacts, Noah, could you just briefly address
11 with regards to review whether or not there were any
12 unmitigable impacts?

13 NOAH BERNSTEIN: Noah Bernstein, AKRF, for
14 the applicant. We prepared an EAS and went through
15 the 19 technical areas that seeker requires. Some of
16 those areas screened out and there were about 10
17 areas that required further analysis. However, after
18 further detailed analysis on those areas, no
19 significant adverse impacts were identified, and City
20 Planning Commission issued a negative declaration in
21 September.

22 COUNCIL MEMBER HUDSON: Thank you. Do you
23 support a neighborhood-wide community plan for the
24 area?

25 JOEL TEITLEBAUM: Yes.

2 RICHARD LOBEL: Yes. There you go.

3 COUNCIL MEMBER HUDSON: Go ahead. Did you
4 want to say more.

5 RICHARD LOBEL: I wouldn't mind addressing
6 this, Council Member.

7 COUNCIL MEMBER HUDSON: Since I'm sure
8 you're going to anticipate the next question I'm
9 going to ask, let me just ask it and then you can
10 answer it all together. Since you do support a
11 neighborhood-wide community plan for the area, why
12 should we move forward with approving these
13 applications with no guarantee from the city on a
14 plan or community investments? Thank you.

15 RICHARD LOBEL: Sure. We do a number of
16 rezonings as you're aware, and we've been in front of
17 Community Board 8 as well as the Brooklyn Office of
18 the Department of City Planning and the Commission in
19 general over the last 6 to 7 years. The MCROWN
20 resolutions as found their origins in 2015, what were
21 they really about? They were really about affordable
22 housing and they were about job creation, and so when
23 you talk about the prior rezonings that have been
24 done in the area, 3 of those were handled by our
25 office. You've got 1010 and 1050 Pacific as well as

1 the Pacific and Grand Avenue rezonings, and as far as
2 1010 and 1050 Pacific were concerned the Community
3 Board weighed in and in accordance with their
4 resolutions wanted mixed use development at a scale
5 of 3 to 4 FAR and the applicant there delivered in
6 terms of a 4.6 FAR and mixed use district. With
7 regards to Pacific and Grand, the Community Board
8 wanted again mixed use development at an FAR of 4 to
9 5, and again the applicant there delivered. At that
10 point, the major difference, Council Member, was that
11 a community benefits agreement was sought and was
12 delivered as well which was the subject of much
13 discussion and work by the community and the
14 applicant. Now you're on Atlantic Avenue. The
15 underlying desires of the MCROWN resolution and the
16 Community Board have now changed in that regard in
17 that mixed use development is sought and a certain
18 amount of square footage is sought, types of
19 buildings, etc. I think the challenge here and the
20 difference here is that the city in terms of City
21 Planning has said that the grades are different here,
22 that when you go from a 70-foot wide street in terms
23 of Pacific Street and a 70-foot wide street in terms
24 of Grand, you now are stepped up to Atlantic Avenue
25

2 which is 120 feet wide so when you ask about a
3 neighborhood-wide rezoning and what would be the
4 benefit of proceeding here, I would say 2 things.

5 The first is that numbers don't lie, and
6 the numbers basically indicate that in the last 10
7 years over this census tract, you've had over a 15
8 percent increase in population with a roughly over 7
9 percent increase in available housing which has
10 resulted in 30 to 40 percent increases in asking
11 rents as well as in median rents for the area. That's
12 a crisis. Obviously, there's very difficult and
13 technical issues involved, but in general if you're
14 providing more of these units, and particularly more
15 of these affordable units, more people will be able
16 to use this housing and more people in dire economic
17 circumstances will be able to use this housing.
18 Regardless of whether Option 1 or Option 3 is sought
19 with regards to this proposal, the numbers with
20 regards to rental and income are very stark. 10
21 percent of the units in Option 1 or more than that in
22 Option 3 would be at 40 percent AMI which would
23 result in rental rates of 598 dollars to 1,000
24 dollars for a 3 bedroom with most of them being 756
25 dollars and 900 dollars so I think the issue here,

1 why we think that there's a certain immediacy to this
2 application in the course of a neighborhood-wide
3 rezoning is because there's families right now who
4 are being priced out of the district and don't have
5 anywhere to live. Again, the numbers, the data, the
6 facts are what they are. When people cite the Gowanus
7 rezoning, Gowanus offers a good example. You've got a
8 district there in an area where there were an
9 abundant number of manufacturing uses. The Crown
10 Heights West Rezoning rezoned 55 blocks in this area
11 to residential districts. That was the easy part. The
12 hard part is to do the work that's required with
13 regards to these M1 lots. It's not a perfect
14 solution, but the applicant here is offering deeper
15 and more meaningful affordability and other amenities
16 that are not offered in many area-wide rezonings and
17 so it helps, and every little bit helps. That's why
18 we think that it can be done, that it's important to
19 do that now, and I also would reiterate that the City
20 themselves when asked about this, don't say that
21 these applications are a disincentive to an area-wide
22 rezoning. You're not letting anyone off the hook.
23 They still have to address infrastructure. It's just
24 a matter of whether or not you're able in the next 3
25

2 years to deliver and to allow some people who are in
3 tough circumstances to be here or whether or not you
4 have to wait 8, 9, or 10 years so that's I think
5 really the reason behind the application and one of
6 the reasons that Joel feels strongly about going
7 forward.

8 COUNCIL MEMBER HUDSON: Thank you for
9 that. Joel, we don't know much about your track
10 record in terms of development so do you have
11 experience developing a building of this scale?

12 JOEL TEITLEBAUM: First, I was born in
13 Israel. My family moved here when I was the age of 2.
14 I've grew up in Brooklyn since the age of 2. I'm 37
15 now. I've seen a lot of growth in Brooklyn in the
16 past years. I've gotten into real estate since 2009.
17 I've built a lot of smaller sites of developments in
18 the past 20 years. The last 2, 3 years I've grown a
19 lot. I own actually a big development site in Jersey
20 City. We are building now 55 units. This is one of
21 our next biggest projects that we're working on and I
22 feel very strongly and comfortable if this gets
23 approved, this building will be up in the next 3
24 years.

2 COUNCIL MEMBER HUDSON: Thank you. In all
3 of your experience, have you been through a rezoning
4 prior to this one?

5 JOEL TEITLEBAUM: No, this is my first
6 one.

7 COUNCIL MEMBER HUDSON: Okay. I think that
8 is all from me.

9 CHAIRPERSON RILEY: Thank you, Council
10 Member Hudson. I would be remiss if I did not give
11 everyone a happy International Women's Day
12 celebration to celebrate all our queens in City
13 Council. Thank you for everything that you're doing
14 in your district, Council Member Hudson, and coming
15 today and advocating for everyone in your district.

16 I will now invite my Colleagues to ask
17 any questions. If you have any questions for the
18 applicant panel, please use the raise hand button on
19 the participant panel.

20 Counsel, are there any Council Member
21 questions?

22 SUBCOMMITTEE COUNSEL ANGELINA MARTINEZ-
23 RUBIO: Chair, I don't see any Council Members with
24 hands up at this time, and thank you for that

2 shoutout to the women. That was nice. No Council
3 Members.

4 CHAIRPERSON RILEY: There being no further
5 questions, the applicant panel is accused.

6 Counsel, are there any members of the
7 public who wish to testify on 870-888 Atlantic Avenue
8 proposal?

9 SUBCOMMITTEE COUNSEL ANGELINA MARTINEZ-
10 RUBIO: Yes, Chair, we do have several members of the
11 public who are here to testify and although some of
12 you are the same people that are testifying, I'm just
13 going to give the same announcement for the benefit
14 of those that haven't.

15 For the members of the public here to
16 testify, please know that witnesses will generally be
17 called in panels of 4. If you're a member of the
18 public signed up to testify on the 870-888 Atlantic
19 Avenue proposal, please standby when you hear your
20 name being called and prepare to speak when the Chair
21 says you may begin.

22 Please also know that once all panelists
23 in your group have completed their testimony, you
24 will be removed from the meeting as a group and the
25 next group of speakers will be introduced. Once

2 removed, participants may continue to continue to
3 view the live-streamed broadcast of this hearing on
4 the council website.

5 We will now hear from the first panel,
6 which will be Sarah Lazur, Sharon Wedderburn, Elaine
7 Weinstein, and Peter Krashes. Sarah Lazur will be the
8 first speaker on the panel.

9 CHAIRPERSON RILEY: Thank you, Counsel.
10 Members of the public will be given 2 minutes to
11 speak. Please do not begin until the Sergeant-at-Arms
12 has started to clock. Once again, we will only be
13 giving 2 minutes to speak, and you will be able to
14 provide written testimony to the Subcommittee.

15 Sergeant, you may begin the clock.
16 Counsel, who was the first panelist?

17 SUBCOMMITTEE COUNSEL ANGELINA MARTINEZ-
18 RUBIO: We have Sarah Lazur, which I believe that
19 we're still admitting the speakers so let's just give
20 everyone a couple minutes.

21 CHAIRPERSON RILEY: Once again, testimony
22 can be emailed to landusetestimony@council.nyc.gov up
23 to 72 hours after the end of the hearing.

24

25

2 SUBCOMMITTEE COUNSEL ANGELINA MARTINEZ-

3 RUBIO: I believe Sarah is in the meeting already so
4 Sarah, are you there? Can you hear us?

5 SARAH LAZUR: Yes. Can you hear me?

6 CHAIRPERSON RILEY: Yes, Sarah, you may
7 begin.

8 SARAH LAZUR: Great. Thank you, everyone.
9 I'm sorry I'm not able to be on video at the moment.
10 I'm again with the Crown Heights Tenant Union, and I
11 wanted to bring up the fact that the proponents of
12 this rezoning are constantly telling us to look at
13 the benefit of the affordable units that they're
14 going to offer, which is nice, but they're also
15 telling us to ignore the impact that the unaffordable
16 units that come along with them will have on our
17 community. The arcane goals of EIS statements allow
18 developers to ignore impacts to the community because
19 each project is considered in a vacuum and they never
20 reach the threshold so it would be necessary. For our
21 elected officials, it would be completely
22 unacceptable to you who should be accountable to the
23 public to ignore these impacts. Crown Heights Tenant
24 Union members have learned through experience that
25 even just the specter of more unaffordable housing or

1 luxury housing causes the existing housing all around
2 it to become more unaffordable. Our landlords saw the
3 writing on the wall at Atlantic Yards and went on a
4 decades-long rampage of tenant harassment through
5 neglect or denying repairs, displacement, and then
6 overcharging deregulation starting in Prospect
7 Heights and moving eastward. We fought back and
8 learned a legislative victory in HSTPA in 2019, but
9 we will still rent-stabilized tenants under attack.
10 Rent-stabilized units are being warehoused or
11 frankensteined in hopes of condo conversion.
12 Unregulated tenants are facing impossible rent
13 increases, and this is all because our landlords are
14 expecting the displacement in the neighborhood to
15 continue. They're expected the land values to keep
16 rising. They're expecting our electeds to do
17 absolutely nothing about it. Again, I urge the
18 Council to reject these applications in favor of a
19 true community planning process. Thank you.

21 SUBCOMMITTEE COUNSEL ANGELINA MARTINEZ-

22 RUBIO: The next speaker on this panel will be Sharon
23 Wedderburn.

24 SERGEANT KOTOWSKI: Time starts now.

2 SHARON WEDDERBURN: Good afternoon. Once
3 again my name is Sharon Wedderburn. I am currently
4 the Land Use Chair for Community Board 8. It is the
5 Community Board's strong preference for the rezoning
6 that is known as MCROWN. However, we have been unable
7 to make progress with the Department of City
8 Planning. Therefore, in the interim, we don't have
9 the plan. We've had many private applications, of
10 this is one of many. Here's the thing. We absolutely
11 support it because it adheres to the MCROWN vision
12 and the provision of deep affordability in housing.
13 Our preference is that we have affordable housing.
14 Our preference is that our community residents who
15 are presently here will be able to find housing
16 within this development because the displacement
17 efforts are very real because of rising rents, and
18 we'd like to keep members of the community who have
19 been an active part of the community and made it what
20 it is to now a desirable place to live to be able to
21 stay here. If the applicant adheres to the agreements
22 that have been made, we will continue to support
23 their endeavors.

24 SUBCOMMITTEE COUNSEL ANGELINA MARTINEZ-

25 RUBIO: Next speaker will be Peter Krashes.

2 SERGEANT KOTOWSKI: Time starts now.

3 PETER KRASHES: Hi. I'm once again the
4 current President of Prospect Heights Association and
5 actually also a public member of the Community Board
6 8 Land Use Committee. Instead of just rereading the
7 same statement that we made before because we
8 submitted that in writing, I'm just going to try to
9 hit some of the points again because I feel first I
10 think that there's a kind of wordplay happening.
11 Community Board certainly supported a city-wide
12 rezoning because where the Council Member is now
13 herself saying is what she supports. We think it's
14 really important to say that MCROWN itself, what's
15 being described as MCROWN, but Mr. Lobel would have
16 you believe it is only benefits. MCROWN had multiple
17 elements to it. It had a zoning framework, and most
18 importantly it was a neighborhood-wide plan, and
19 there also was benefits which were setting
20 priorities, and those priorities are part of a
21 discussion that should happen through an ever-
22 increasing public process which includes broader
23 participation. Many of the tenants who you've heard
24 from today, in fact, I would say are probably very
25 limited tenant's voices inside of the MCROWN

2 discussion. We need to broaden the discussion.

3 Another example is actually the site Mr. Lobels'

4 citing of the Lowry Triangle, which is adjacent to

5 the potentially rezoned area, as an open space. That

6 was one of very few public realm improvements

7 presented to the Community Board at the start of a

8 process by the previous Council Member, a process

9 that never took place. There has been no public

10 discussion about how to have public realm

11 improvements here. We need a neighborhood-wide

12 rezoning. The Council Member has said during her

13 campaign that she wanted to center..

14 SERGEANT KOTOWSKI: Time expired.

15 PETER KRASHES: She wanted to center land

16 use on racial equity. This is an opportunity to do

17 that. Let's keep this process moving in a way in

18 which we can actually center the changes to a

19 neighborhood, build a vital neighborhood centered on

20 what the declared goals for building this

21 neighborhood are set to be. Thank you.

22 SUBCOMMITTEE COUNSEL ANGELINA MARTINEZ-

23 RUBIO: The next speaker on this panel, the last one

24 on this panel, will be Elaine Weinstein.

25 SERGEANT KOTOWSKI: Time starts now.

2 ELAINE WEINSTEIN: Good afternoon again.
3 I'm not going to reiterate everything that I said
4 previously regarding open space. I think if we all
5 look at one another in the eye and we say to
6 ourselves is this a neighborhood that has enough open
7 space, we know the answer is absolutely not. I
8 believe with all of these individual development
9 projects with people not holding each other
10 accountable to provide open space to a community, to
11 the families that live here, it's never going to
12 happen. My belief is that the only power our
13 neighborhood has is that in cooperation with the city
14 and all the city agencies to develop this holistic
15 plan that respects the value of both diversity,
16 deeply affordable housing, and open space. We
17 actually have the ability to create a vital and a
18 welcoming community in which to live, and if we
19 reject these applications we have that ability to
20 move forward and make this plan vital and respectful
21 of what the neighborhood wants and needs. Thank you
22 very much.

23 SUBCOMMITTEE COUNSEL ANGELINA MARTINEZ-
24 RUBIO: Thank you, Elaine. Chair, that was the last
25 speaker on that panel, and I don't see any Council

2 Members with hands up so I'm going to call on the
3 second panel which will be William Thomas, Saskia
4 Haegens, Rabbi Hecht, and Marrison Williams. The
5 first speaker on that panel will be William Thomas.

6 SERGEANT KOTOWSKI: Time starts now.

7 WILLIAM THOMAS: Hello, Chair Riley and
8 Members of the Subcommittee. My name is Will Thomas,
9 and I serve as the Executive Director of Open New
10 York. I'm excited to testify today in support of the
11 land use application for 870-888 Atlantic Avenue.
12 Open New York is an independent grassroots pro-
13 housing organization and we support the project
14 because allowing more homes in Prospect Height would
15 both help to alleviate New York's housing shortage
16 and help to fight displacement in other
17 neighborhoods. I believe that everyone knows that New
18 York has a terrible housing shortage, but let me add
19 some context to this conversation. Right now, New
20 Yorkers are facing rent increases of 50, 60, 70
21 percent as rent discounts offered during the pandemic
22 expire. Homelessness is at the highest rate since the
23 Great Depression. There are over 14,000 children who
24 sleep in city shelters each night. The 69 affordable
25 homes this rezoning would provide are desperately

needed. Furthermore, allowing more market-rate homes in Prospect Heights, an objectively wealthy enclave of the city, will also help by preventing displacement in other neighborhoods. The census tract for the rezoning area has a median household income of over 6 figures. Prospect Heights is a desirable neighborhood, and although it would be likely many families first choice, if they can't find a place to live here they will move to a more affordable neighborhood as displacement increases in those neighborhoods, the rent will increase and force permanent tenants to allocate ever larger shares of their income to stay in their homes and knock those who can't pay to the street. If neighborhoods like Prospect Heights don't build their fair share of housing, long-term residents of neighborhoods further in Brooklyn like Crown Heights, Bedford-Stuyvesant, Brownsville will continue to be displaced. Approving this application is the first step in sparing families in less wealthy neighborhoods the pressure of displacement. This project has already been downsized since its initial submission. We hope to work in partnership with the local Member, Council Member Crystal Hudson, to fully realize her campaign

2 platform of up-zoning wealthy neighborhoods for mixed
3 income housing by asking that the full size original
4 proposal be equally considered. We must maximize the
5 opportunity for mixed income...

6 SERGEANT KOTOWSKI: Time is expired.

7 WILLIAM THOMAS: I hope to work with you
8 to approve the project. Thank you.

9 SUBCOMMITTEE COUNSEL ANGELINA MARTINEZ-
10 RUBIO: Thank you. The next speaker on this panel will
11 be Rabbi Hecht.

12 SERGEANT KOTOWSKI: Time starts now.

13 RABBI HECHT: Hi, my name is Rabbi Mendy
14 Hecht, and I am in the neighborhood Prospect Heights
15 close to 20 years personally as well as the
16 organization that I'm involved in has been in the
17 greater neighborhood close to 80 years. I just want
18 to take a moment to speak about Joel who is the owner
19 of this project, has shown a concern for the
20 neighborhood and is willing to work and try to make a
21 project that truly will benefit the neighborhood time
22 and time again. As well as as an organization that is
23 involved in the neighborhood, our organization,
24 although we are a Jewish organization, but those that
25 are familiar with the Chabad and specifically in

2 Prospect Heights and also generally is one that has
3 concern for all our neighbors. We specifically have 5
4 schools in the greater Prospect Heights, Brownstone,
5 Brooklyn area, which are preschools which help
6 working families have their children being taken care
7 of and have both Jews and non-Jews who truly enjoy
8 our program. As well as the Chabad has many different
9 many programs. There are between 80 educational and
10 humanitarian programs that this facility will help
11 the greater Prospect Heights, maybe for people with
12 disabilities, maybe for the youth and teen lounges,
13 maybe for afterschool programming. Therefore, I truly
14 think that this project will be something that will
15 enhance the neighborhood and lend itself to truly
16 make it a great area. I know with speaking a little
17 bit with the developer, he has a plan for a green
18 area on the Underhill area so I think there's
19 something that could address many of the issues. I
20 thank you and I appreciate your support and shoutout
21 to our Council Woman, Crystal Hudson. Great job.

22 SUBCOMMITTEE COUNSEL ANGELINA MARTINEZ-

23 RUBIO: Thank you. The next speaker will be Saskia
24 Haegens.

25 SERGEANT KOTOWSKI: Time starts now.

2 SASKIA HAEGENS: Thank you. My name is
3 Saskia Haegens, and I'm the Vice Chair of the
4 Prospect Heights Neighborhood Development Council, or
5 PHNDC. We are concerned about housing displacement
6 and market pressures on housing and affordable rents.
7 Census data over the last 10 years shows that the
8 increase in the population of Prospect Heights
9 consistently surpasses the increase in the number of
10 housing units. Meanwhile, the neighborhood population
11 has become less diverse. First and foremost, PHNDC
12 supports a neighborhood-wide rezoning as contemplated
13 in CB8 MCROWN proposal. We believe that MCROWN is the
14 best strategy to obtain the state of desires of the
15 Prospect Heights community for an equitable and
16 logical development with areas historically zoned as
17 low density manufacturing districts which would
18 preserve diversity, avoid displacement, and encourage
19 the creation of well-paying quality jobs for
20 residents without a college degree. We share the
21 Community Board's frustration with the lack of
22 progress on the implementation of MCROWN by DCP.
23 However, we also recognize that the applicant's
24 proposal presents an opportunity to approve such
25 private application in a matter that is consistent

2 with MCROWN. As such (INAUDIBLE) C6-3A district
3 proposed by the applicant, PHNDC supports the
4 rezoning of block 1120 to, lots 10, 11, 12, 14, 15,
5 and 16, to a C6-2A district with all lots mapped
6 under MIH Options 1 and 3. Additionally, our support
7 is conditioned upon the applicant making a binding
8 commitment with respect to the development site to
9 restrict use of a minimum of 4,700 square feet of
10 floor area to youth groups 7B, 8B, 9A, 11, 16A, 16B,
11 17B, and 18A to offer the required affordable
12 apartments under MIH Option 3 and to limit building
13 height to 15 stories. It is consistent with the
14 second option outlined in CB8's letter to DCP dated
15 November 24, 2021, which accompanied the Community
16 Board recommendation regarding the applicant's
17 private application. Under the Deep Affordability MIH
18 Option 3, the applicant would create 42 permanently
19 affordable apartments at an average of 40 percent of
20 AMI...

21 SERGEANT KOTOWSKI: Time expired.

22 SASKRIA HAEGENS: (INAUDIBLE) deeply
23 affordable housing the development site at 870
24 Atlantic will help promote social and economic
25 diversity in Prospect Heights. We believe the

2 applicant's proposed development subject to the
3 parameters set forth here captures the sentiments
4 behind and goals of MCROWN to address the need for
5 more affordable housing and more living wage jobs in
6 Prospect Heights. Thank you.

7 SUBCOMMITTEE COUNSEL ANGELINA MARTINEZ-
8 RUBIO: Thank you, Saskria. The next and last speaker
9 on this panel is Marrison Williams.

10 SERGEANT KOTOWSKI: Time starts now.

11 MARRISSA WILLIAMS: Good afternoon, Chair
12 Riley and Members of the Committee. My name is
13 Marrison Williams, and I'm a representative of 32BJ
14 SCIU. I'm here again on behalf of the members to
15 express our strong support of this project. The
16 developer (INAUDIBLE) has applied to build a new
17 mixed used storied building with 4,200 square feet
18 being allocated for a community school. We are
19 pleased to announce that the developer has reached
20 out to make an early and credible commitment to
21 provide prevailing wage jobs to the future building
22 service jobs at this site. We estimate that this
23 rezoning will allow for the creation of new property
24 service jobs and 57 to 69 affordable units. These
25 jobs are typically filled by the local members of the

2 community and because of this commitment will pay
3 family-sustaining wages which will help bring working
4 families into the middle class. These apartments and
5 community services are needed for working people in
6 Brooklyn. This commitment to good prevailing wage
7 jobs will give opportunity for upward mobility,
8 security, and dignity for working class families.
9 32BJ supports responsible developers who invest in
10 the communities where they build, and we know that
11 this development will continue to uphold the industry
12 standard and provide opportunities for working
13 families to thrive. Thank you.

14 SUBCOMMITTEE COUNSEL ANGELINA MARTINEZ-

15 RUBIO: Thank you, Marrassa. Chair, there are no
16 Council Members with questions for this panel so I'm
17 going to call the next panel which will be Esteban
18 Giron, Cathy Iselin, Jack Robinson, Mimi Mitchell,
19 and Kaja Kuehl. First speaker on this next panel is
20 Esteban Giron.

21 SERGEANT KOTOWSKI: Time starts now.

22 ESTEBAN GIRON: Thank you. Building upon
23 the testimony from the previous application, I just
24 want to once again point out that the language is
25 very tricky here when they're saying approval, that

2 the Community Board somehow approved this. What the
3 Community Board approved was the recommendation to
4 have these applications sent back, withdrawn, and
5 then do a neighborhood-wide rezoning so it is a bit
6 of a tricky language (INAUDIBLE) the Community Board
7 intended here. I just want to also point out that out
8 of everybody that's spoken today, every single
9 tenant, low income, black and brown New Yorker is
10 obviously on the same side so that should tell you
11 something about how we feel which is going to affect
12 us. It gets really frustrating to hear basically
13 everyone who's not in our situation tell us what's
14 best for us and we're pretty tired of it so we really
15 need you to not approve this application. Let us go
16 back and actually have a process that is integrated
17 with what the Council Member wants, what the former
18 Mayor said that he wanted, like this is possible so
19 give us a chance to do it. Thank you.

20 SUBCOMMITTEE COUNSEL ANGELINA MARTINEZ-
21 RUBIO: Thank you. The next speaker on this panel is
22 Cathy Iselin.

23 SERGEANT KOTOWSKI: Time starts now.

24 CATHY ISELIN: Hello. Thank you for
25 letting me speak again. I don't want to reread my

2 statement that I read for the first application. I
3 just would like to say that I too believe that this
4 application should be rejected. Not that it's not a
5 good faith effort as is the other application and
6 that the applicant's haven't tried to work with us,
7 both the Community Board and with DOT and DCP. It's
8 very different than working with the whole community
9 and listening to what the community really needs as
10 opposed to what DCP or the developers believe the
11 community needs. I'd also like to say particularly in
12 response to the Open New York gentleman that it's
13 clear that you don't live in our neighborhood if you
14 can say that Prospect Heights hasn't done its share
15 of developing new housing. We certainly have, and I
16 think the Council Member understands that as do other
17 members of the Land Use Committee and the Community
18 Board and I would really urge the Council to reject
19 this application. Thank you very much.

20 SUBCOMMITTEE COUNSEL ANGELINA MARTINEZ-
21 RUBIO: Thank you, Cathy. The next speaker on this
22 panel is Jack Robinson.

23 SERGEANT KOTOWSKI: Time starts now.

24 JACK ROBINSON: Hi. Thank you for giving
25 me the opportunity to speak again. It's Jack

1 Robinson. I live at 1022 Pacific Street. I'm a member
2 of the CB8 Land Use Committee, a new one, and it's
3 been a really challenging couple of months with that.
4 We care and we are here. It was said that there was a
5 conditional approval from the CB8. The only consensus
6 from CB8 was that we should have a neighborhood-wide
7 plan. The CB8 vote was very close which was made more
8 contentious by the leadership's decision to eliminate
9 the chat function in the meetings leaving dissent and
10 discussion between members silenced. The resolution
11 was like if not able to, but I think we're able to.
12 Can one of the most powerful legislative bodies in
13 the country, the City Council, help DCP to make this
14 work? We're making some major changes to our
15 neighborhood in the way that it's used, and that's
16 important. We need to do that, but we need to do it
17 holistically. The actual community I live in leans on
18 the side of constraining construction. As a member, I
19 think I should amplify my neighbor's voices. It seems
20 like the EISs for the Atlantic Avenue projects are
21 being watered down by separate applications and not
22 being considered into a whole neighborhood plan. The
23 shadows alone by the 1010 Pacific Street development,
24 there's still snow on the ground because of the
25

2 shadows. It's not allowing it to melt. We want
3 planned development and infrastructure in mind.
4 Please do not favor this proposal. Thank you.

5 SUBCOMMITTEE COUNSEL ANGELINA MARTINEZ-
6 RUBIO: Thank you, Jack. The next speaker on this
7 panel is Mimi Mitchell.

8 SERGEANT KOTOWSKI: Time starts now.

9 MIMI MITCHELL: I'm also going to be
10 taking an extra minute from Mr. Esteban Giron's
11 speaking because he only went a minute and he just
12 yielded it to me. My name is Mimi Mitchell. I'm a
13 long-time tenant. I've been here for over 17 years in
14 Prospect Heights. I am a member of Crown Height
15 Tenant Union and also a volunteer advocate of Legal
16 Hand Crown Heights. We serve Crown Heights and
17 surrounding communities. I didn't want to repeat my
18 prior testimony, but I do want to talk about the
19 definition of affordability. It seems to be that
20 phrase affordability, that word's just being thrown
21 around a little bit loosely. I've been hearing it
22 being thrown around a little loosely. We need to
23 understand what affordability means, and we also need
24 to understand who needs the housing. I keep hearing
25 you all say that oh Prospect Heights needs more

1 housing, it needs more housing. Who exactly are you
2 referring to when you say that? Are you referring to
3 the people who can afford the housing, the current
4 housing, or are you referring to people who can
5 afford the old housing, i.e. the old rents or the
6 current rents, because it isn't affordable currently
7 right now, and it's just increasing daily. It's
8 developments like this that contribute to that mess.
9 The gentleman from Open New York said that if
10 Prospect Heights didn't continue to build more
11 housing that displacement would happen in other
12 communities, in its surrounding communities, my
13 question is why are we the ones who have to bear the
14 brunt of that. Why is Prospect Heights the one who
15 has to continue, I should say, not even bear it, but
16 to continue to have to bear that brunt? We've been
17 bearing it. We've been bearing it for the last 7
18 years plus, and it's had disastrous effects. It's
19 without a comprehensive community-based, community-
20 led housing plan that brought us here in the first
21 place.
22

23 SERGEANT KOTOWSKI: Time is expired.

24 MIMI MITCHELL: I'm taking my one minute.

25 The lack of it is how we arrived here in the first

2 place so this is our opportunity not to repeat the
3 mistakes of our past but to actually create a
4 beautiful blueprint that we can all use going forward
5 so that we can all have our goals met and not be
6 pushed out of our neighborhood. With that, I and the
7 people that support me strongly, strongly reject this
8 plan. Thank you.

9 CHAIRPERSON RILEY: Thank you, Miss
10 Mitchell, and for further clarification, you cannot
11 yield your time to another member, but I do mind
12 giving you additional time. Thank you, Miss Mitchell,
13 for your testimony.

14 SUBCOMMITTEE COUNSEL ANGELINA MARTINEZ-
15 RUBIO: Chair, the last speaker on this panel is Kaja
16 Kuehl.

17 SERGEANT KOTOWSKI: Time starts now.

18 KAJA KUEHL: Hi again. Thank you for
19 letting me speak again. I just want to say how much I
20 appreciate Council Member Hudson's effort having
21 stepped into this process at the last minute. As you
22 could hear from previous testimony, it's really
23 messed up. Opinions of what the Community Board
24 actually decided they want to recommend or not
25 recommend are not even entirely clear. I want to

1 point out one thing, and that is about the sense of
2 urgency. We heard both developers support a
3 neighborhood plan so why don't we do that? I
4 wholeheartedly believe it's not going to take us 7
5 years. We can do this quick. We're all committed to
6 it, but we would come out with a better process. Just
7 to give you an example of how the sense of urgency
8 can also go terribly wrong, this is exactly what
9 happened with the neighboring property, 840 Atlantic.
10 The same argument was used to rush and negotiate the
11 so-called community benefits agreement, which to my
12 knowledge is not something the community has actually
13 access to. I don't really know what's in it. As far
14 as I know, the commercial tenant is litigating now,
15 harassment, on that property so who knows when the 27
16 affordable units that are being reserved for the
17 community will actually be built, but we do know, or
18 we can assume, that the 24 residents that live there
19 now will be harassed out within the next couple of
20 weeks and months. We just heard this developer
21 doesn't even own the property yet. How could he ever
22 sign a restrictive declaration? I'm no legal expert.
23 I don't know, but I really don't see why we need to
24 rush this if this Council Member is really leading us
25

2 into a more comprehensive process where everybody can
3 have a voice. Thank you.

4 SUBCOMMITTEE COUNSEL ANGELINA MARTINEZ-

5 RUBIO: Thank you, Kaja. Chair, I see no Council
6 Members with questions for this panel so I'm going to
7 go ahead and call the next panel. The next panel will
8 be Ankur Dalal, Reginald Bowman, Reverend W. Taharka
9 Robinson, James Neville, and Tim Dingman. Ankur Dalal
10 will be the first panelist soon as he's admitted.

11 SERGEANT KOTOWSKI: Time starts now.

12 SUBCOMMITTEE COUNSEL ANGELINA MARTINEZ-

13 RUBIO: I believe he's not in the meeting yet. Ankur,
14 are you there? He's in now.

15 ANKUR DALAL: Hi. Can you hear me now?

16 CHAIRPERSON RILEY: Yes, we can hear you,
17 Ankur.

18 ANKUR DALAL: Thank you. I'm here to speak
19 in favor of 870-888 Atlantic. I think it's an
20 excellent proposal. It's 228 new homes including 69
21 affordable homes in a neighborhood the census tract
22 of which has median neighborhood household incomes
23 above 100,000. As the current zoning is industrial,
24 not a single existing resident will be displaced by
25 this rezoning. To the contrary, it is my belief as I

2 said before that the only way to prevent the
3 displacement is to build new homes. If new homes
4 aren't built here, the people who want to live here
5 just won't disappear. They'll move further along the
6 subway lines into Crown Heights, into Bedford-
7 Stuyvesant, further into Brooklyn. New York City is
8 growing quickly. We added 600,000 people in the last
9 10 years, and we need to build homes for these
10 people. If we make it illegal to build those homes,
11 existing prices will only rise. Leaving things as is
12 results in displacement. New affordable housing does
13 not. The Council Member expressed concern that
14 individual rezonings are being brought forward
15 without a comprehensive rezoning for the community.
16 While I am certainly happy to work with the Community
17 Council Member and the Community Board on a
18 comprehensive plan, I don't think we should deny new
19 housing until such a plan is approved. The recent
20 Gowanus comprehensive rezoning took over 10 years to
21 complete, and our housing crisis is profound. We
22 can't afford to wait 10 years for more homes. I know
23 several people who have spoken before said we don't
24 have to rush things, but I think it's an easy thing
25 to say when you already have a home. There are people

2 who are facing rent increases of 30 or 40 percent if
3 they live in a free market rental, and there are
4 people who want to move here today. For them, the
5 uncertain prospect of a rezoning that may or may not
6 happen over the next 2, 3, 4 years is not worth it.
7 You have to build the homes for people who need them
8 today. I also think that the MCROWN framework is a
9 fine start, but I don't know if it's sufficient for
10 the neighborhood's current housing needs. I've been
11 to many CB8 Land Use meetings, and my overwhelming
12 impression is that a lot of people are using this
13 desire for a comprehensive rezoning to kind of make
14 excuses for other things that they don't like..

15 SERGEANT KOTOWSKI: To this neighborhood
16 including complaints about lights, about shadow.
17 Really the most important things we need right now
18 are homes. That's more important than anything else,
19 and we need to develop them as quickly as possible.
20 Thank you.

21 SUBCOMMITTEE COUNSEL ANGELINA MARTINEZ-
22 RUBIO: Thank you. The next speaker is Reginald
23 Bowman.

24 SERGEANT KOTOWSKI: Time starts now.

2 REGINAL BOWMAN: Good afternoon, everyone,
3 Chairman, and to the distinguished panelists and
4 elected officials.

5 My name is Reginald Bowman. I'm the
6 senior member of the Citywide Council of Presidents
7 that represents the public housing in the entire city
8 of New York. I'm also a former resident of Clinton
9 Hill. I was born in 1952 and raised on Green Avenue
10 so I have somewhat of a serious familiarity with this
11 entire area. I'd like to add my voice of support for
12 this project.

13 I think it's important to understand that
14 as we move forward in the 21st century and we look at
15 the housing problem in our city that one of the
16 things was that I was surprised that at this age in
17 my life in the 22nd year of the 21st century that we
18 would still be debating how to construct urban living
19 spaces in these areas. I think that the combination
20 of partnering with the private sector and the public
21 sector has been evident in some of this process, and
22 I think it's important to take into consideration
23 that during this time, especially after the pandemic,
24 that it's important right now for us to have a sense
25 of urgency to construct housing and livable units so

2 that the people of the communities not only in the
3 one that we're discussing, but the ones in the
4 immediate area that are impacted by this type of
5 project will all have some place to live and that
6 these areas be collaborated on so that these types of
7 facilities and homes can be constructed in a timely
8 fashion. I think that there is no question that right
9 now if you look across the Bay or look across the
10 river...

11 SERGEANT KOTOWSKI: Time expired.

12 REGINALD BOWMAN: To close, you see high-
13 rise buildings being built up for luxury people going
14 up 100 stories high and what have you. We are living
15 in an urban area where it's time to understand that
16 this type of project is necessary, it's valuable, and
17 it needs to be constructed as soon as possible to
18 meet the area needs for the people of this community
19 and I saw this as a person who was born and raised in
20 Clinton Hill and knew that it was back then, that
21 area's always been integrated and the people worked
22 together to make sure that the environment and the
23 community was built and constructed to meet the needs
24 of the community so we worked together. I think we
25 need to support this project and others like it so

2 that we can see affordable housing get built for the
3 people of the community and this city who much, much
4 need it. Thank you very much.

5 SUBCOMMITTEE COUNSEL ANGELINA MARTINEZ-
6 RUBIO: Thank you, Reginald. The next speaker on this
7 panel is Reverend W. Taharka Robinson.

8 SERGEANT KOTOWSKI: Time starts now.

9 REVEREND W. TAHARKA ROBINSON: Thank you
10 for allowing me back on. I had made an error, and I
11 was actually on the wrong panel so I thank you for
12 allowing me to come back and testify in this
13 situation. I'm the founder of the Brooklyn
14 Antiviolence Coalition, an organization that deals
15 with crime and violence in the community and we work
16 very, very much in the Prospect Heights community
17 within the 77th Precinct Community Council and along
18 with Community Board 8. We see a tremendous need as
19 the neighborhood changes to have affordable housing
20 so I really would like to be in support of this.
21 Atlantic Avenue needs to be upgraded. As we travel
22 back and forth through that corridor daily, there's
23 constant blight of not having enough affordable
24 houses for community members. We have homelessness
25 running up and down the street. I think that at this

2 time at this juncture when we're looking at in a post
3 pandemic time that affordable housing for all should
4 be constructed in this community. I don't see the
5 correlation of building affordable housing and
6 individuals being displaced. I see the correlation of
7 people having affordable housing and having a place
8 to live. There are so many families that have been
9 displaced in certain communities, even in this
10 community, so this project is needed. What's going up
11 will provide over 60 affordable units for the
12 community residents and so we are in support of this
13 and we ask you to approve it. Thank you for the time.
14 Thank you, Chair. Thank you, Council Members.

15 SUBCOMMITTEE COUNSEL ANGELINA MARTINEZ-
16 RUBIO: Thank you, Reverend. The next speaker on the
17 panel is James Neville.

18 SERGEANT KOTOWSKI: Time starts now.

19 JAMES NEVILLE: Thank you, everyone.

20 First, I want to thank the Chair for that
21 clarification of the yielding of time one to another.
22 That was very appropriate. Also, the greatest of the
23 people is how they treat their less fortunate. I
24 believe that it should be maybe 50 percent affordable
25 housing. As you know, New York City is in a housing

1 crisis. Thank you, Mr. Bowman, for your testimony. We
2 can't afford to delay this construction of this new
3 project. This project will deeply bring affordable
4 apartments and upgrade the area, and that's what's
5 needed the most. Partnering with the private sector
6 has helped move forward on projects along faster so
7 we just need to get this thing up on board. We need
8 to get this thing working as soon as possible and as
9 I said I think it should be at least 50 percent
10 affordable units that should be developed. All this
11 stuff right here about 25 percent of even the
12 construction process. We're going to designate 25
13 percent. I think these guys should be like 50
14 percent. What is this 25 percent? Why are we being
15 cut short? Why are minorities being cut, like 25
16 percent is a privilege. That's not a privilege. It
17 should be 50 percent of minority construction
18 workers, not 20 percent, 25, 50 percent needs to be
19 construction in that project doing this here. That's
20 like handing me a fishbone when I want the whole
21 fish. I want a sea bass. I don't want no fishbone so
22 I think we should consider doing more work when the
23 project begins, get 50 percent of minority workers
24 inside there. I'm not after 75 percent, but let's at
25

2 least get 50 percent of our minority contractors in
3 there by getting this project up and developing our
4 communities, our neighborhoods, which I love Brooklyn
5 so much, get it up and running in a positive manner.
6 Thank you very much.

7 SUBCOMMITTEE COUNSEL ANGELINA MARTINEZ-
8 RUBIO: Thank you, James. The last speaker on this
9 panel is Tim Dingman.

10 SERGEANT KOTOWSKI: Time starts now.

11 TIM DINGMAN: Hi, everyone. I'm just a
12 tenant in the neighborhood. I live in Clinton Hill at
13 the corner of Claremont and Fulton, which is right at
14 up the street from the proposed development site. My
15 wife and I just had a kid. We currently rent a 1
16 bedroom. We're looking at 2 beds for the summer when
17 our lease comes due, and I think we're going to get
18 priced out honestly because there's just way less
19 housing than we need, especially I think in the
20 higher number of bedrooms, but overall as some other
21 panelists pointed out just way underbuilt compared to
22 the number of people moving into the neighborhood. I
23 volunteered for Council Member Hudson's campaign. I'm
24 very excited that she won. I'm doing Rep my Block.
25 I'm very involved in the community here. I'd love to

2 be able to stay, but again just afraid that my wife
3 and my child and I are going to get priced out come
4 June. Plus, Atlantic Avenue, I have not taken my
5 child there yet. It's not a great place to be for the
6 most of it. The street improvements looked excellent.
7 I would really value that for the community and the
8 pedestrian and also a bike rider in the neighborhood.
9 The more space that we can make safe for both of
10 those activities I really appreciate. I just want to
11 emphasize, yeah, we've got a housing shortage, but we
12 need to do our part in our community and other
13 neighborhoods also need to do their part. I'm not
14 saying that our area is the only one that needs to
15 take on more units. I was very excited to see
16 (INAUDIBLE) get up-zoned. It's a city-wide effort,
17 but we do need to do our apartment and it's going to
18 happen. Thanks, everyone.

19 SUBCOMMITTEE COUNSEL ANGELINA MARTINEZ-
20 RUBIO: Thank you, Tim. Chair, that was the last
21 speaker on that panel, and I see no Council Members
22 with questions so I'm going to call the last panel
23 for this item, which will be made of Nicole Laemmle.

24 SERGEANT KOTOWSKI: Time starts now.

2 SUBCOMMITTEE COUNSEL ANGELINA MARTINEZ-

3 RUBIO: Nicole, can you hear us?

4 NICOLE LAEMMLE: Yes. Can you hear me?

5 CHAIRPERSON RILEY: Yes.

6 NICOLE LAEMMLE: Hello again. I am also
7 not going to reread what I said earlier, but I urge
8 to please reject this proposal in favor of other
9 community-wide rezoning idea. I understand that we
10 all need housing, of course, and that the
11 affordability is very, very, very important. That's
12 why we need to rethink this proposal. I'm on Google
13 Alert about our neighborhood and all the apartments
14 that I get alerted for are like 3,000 dollars for a 2
15 bedroom, like prices that are outrageous. I'm lucky
16 to be able to have lived in this neighborhood for 20
17 years because I'm in a rent-stabilized situation, and
18 I wish that situation upon everybody. Therefore, I
19 urge that we rethink these proposals. Again, I'm not
20 development, and we need new buildings but just not
21 of this nature. Thank you for giving me the
22 opportunity to speak again and thank you for all you
23 do.

24 SUBCOMMITTEE COUNSEL ANGELINA MARTINEZ-

25 RUBIO: Thank you, Nicole. Chair, I see no other

speakers lined up to testify so I'm going to go ahead and do a last call just in case.

Is there any members of the public who wish to testify on the 870-888 Atlantic Avenue proposal, please press the raise hand button now. The meeting will briefly stand at ease while we check for any newly registered members of the public.

Looks like no one is raising their hand, Chair, so we can go ahead and close this one.

CHAIRPERSON RILEY: There being no other members of the public who wish to testify on LUs 23, 24, and 25 relating to the 870-888 Atlantic Avenue proposal, the public hearing is now closed and the items are laid over.

That concludes today's business. I would like to thank the members of the public, my Colleagues, Subcommittee Counsel, Land Use and other Council Staff, and the Sergeant-at-Arms for participating in today's hearing. This meeting is hereby adjourned. Thank you, everyone. [GAVEL]

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C E R T I F I C A T E

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



Date April 18, 2022