

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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September 22, 2009

Start: xx:xx am

Recess: xx:xx am

HELD AT: Council Chambers
City Hall

B E F O R E:
TONY AVELLA
Chairperson

COUNCIL MEMBERS:
Simcha Felder
Sara M. Gonzalez
Robert Jackson
Letitia James
Joel Rivera
Helen Sears
Albert Vann

A P P E A R A N C E S [CONTINUED]

Yanko Bendella
Owner
Jasper's Pizza

Richard Bass
Herrick Feinstein
Representing
Briarwood Organization

Vincent L. Riso
Briarwood Organization

Redeemer Lutheran Church

Tony Avella
Speaking on Briarwood rezoning
Chairperson
Subcommittee on Zoning and Franchises

Puni Makapoor
Director
Brooklyn Office
City Planning

Iko Nosei
Planner and Project Manager for Sunset Park
Brooklyn Office
City Planning

Gabriella Amabeal
Department of Housing Preservation and Development

Randolph Pierce
Chair
Community Board 7

Brad Lander
Senior Fellow
Pratt Center for Community Development

A P P E A R A N C E S [CONTINUED]

Thomas Murphy
Resident
Sunset Park

Wendy Cheung
Resident
Sunset Park
Chinese Staffing Workers Association
The Committee to Protect Sunset Park

David Galarza
Sunset Park Alliance of Neighbors

Reuben Sosa
Sunset Park Alliance of Neighbors

Ginny Wood Murphy
Resident
Sunset Park

Kenny Quan
Resident
Sunset Park
President
Brooklyn Community Improvement Association
Member
Community Board 7

Raymond Figueroa
Resident and Worker
Sunset Park
Executive Director
Turning Point

Cory Kiljaroka
Resident
Sunset Park
Member
Friends of Sunset Park

A P P E A R A N C E S [CONTINUED]

Arun Agier
Former HPD worker

Maria Rocha
Resident
Sunset Park
Representative
League of Sunset Park Co-ops

Edgar Alvarez
Member
Community Board 7
Small Business Owner
Resident
Sunset Part

Sara M. Gonzalez
Speaking on Sunset Park rezoning
New York City Council Member

Carol Clark
Assistant Commissioner
Local Legislative Affairs
Department of Housing Preservation and Development

Shappa Chanda
Assistant Commissioner for Planning
Department of Housing Preservation and Development

Martin Dunn
Dunn Development

Letitia James
Speaking on Navy Green Project
New York City Council Member

Supports of Navy Green Project
Rebuild

Darnell Kennedy
President
Rebuild

A P P E A R A N C E S [CONTINUED]

Seth Akeem Hill
Job Developer
Rebuild

Thomas Montefiore?

Steven Horowitz
GFI Development Company

Deidre Carson
Land Use Attorney
GFI Development Company

Letitia James
Speaking on Vanderbilt Project
New York City Council Member

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CHAIRPERSON AVELLA: All set?

Okay.

[Gavel banging]

CHAIRPERSON AVELLA: Good morning everyone I'd like to call this meeting of the Subcommittee on Zoning and Franchises to order. Joining me are Committee members Helen Sears, Robert Jackson, Al Vann, Joel Rivera, did I miss anybody, and Al Vann. Oh I'm sorry I didn't see you and Simcha Felder who stepped out of the room for a second. We're also joined by Council Member Sara Gonzalez who has an item before this Committee this morning. I'll be skipping around the agenda a little bit so we can move some of the more simpler items out quickly.

First item that we'll take up is the application by Jasper's Italian Cuisine, 20095528 TCX. Application for an unenclosed sidewalk café at 3535 Riverdale Avenue. And I'll call up the applicant. Yeah.

[Pause]

MR. PEREZ: State your name and you're good to go.

MR. YANKO BANDELLA: Okay. Hi

1
2 good morning. My name is Yanko Bendella
3 [phonetic] I'm the owner of Jasper's Pizza on
4 Riverdale Avenue, 3535, Bronx, New York 10463.
5 I've been in business for 22 years. And I am
6 applying for a sidewalk café for two tables and
7 eight chairs. I plan to operate, as always, from
8 11:00 A.M. to 10:00 P.M. And I would like to get
9 this approved, please.

10 CHAIRPERSON AVELLA: Good. The
11 short and sweet. This application lies within
12 Council Member Oliver Koppell's District and he
13 supports the application. Any questions from
14 Council Members? Seeing none, thank you.

15 MR. BENDELLA: Thank you. Okay.

16 CHAIRPERSON AVELLA: I see no one
17 signed up to speak on this public hearing item, is
18 that correct? Seeing none, I will close the
19 public hearing on this item.

20 [Pause]

21 CHAIRPERSON AVELLA: Move to Land
22 Use 1213 the Briarwood Plaza rezoning, C080551
23 ZMQ, an application submitted by Briarwood
24 Organization for a change within an R-4 District,
25 a C2-2 District bounded by 38th Avenue and other

1 streets. Call up the applicant.

2 [Pause]

3 MR. RICHARD BASS: Good morning.

4 I'm Richard Bass with Herrick Feinstein. I'm here
5 with the applicant, Briarwood Organization,
6 Vincent Russo and the church which is selling a 50
7 by 150 parcel, 150 foot parcel to the Briarwood
8 Organization so they can expand their existing
9 commercial development. The Briarwood
10 Organization is a well-known affordable housing
11 developer both in this area and citywide. Luckily
12 even in this recession they are expanding their
13 business. For them to expand we need to expand
14 the existing commercial overlay by 50 feet so they
15 can build an addition to their existing building.
16 I can answer any questions or the client or the
17 church can answer any questions if you have any.

18 CHAIRPERSON AVELLA: Well is this
19 the only paper that you have, first of all that
20 you're, you know, you're distributing to Council
21 Members.

22 MR. BASS: That is correct. I
23 have--

24 CHAIRPERSON AVELLA: [Interposing]

1
2 Where is a... you know, like a map or a site map
3 that shows what you're talking about? I mean I've
4 got to tell you, first of all this application
5 lies within my Council District. I'm extremely
6 disappointed in the way you've conducted
7 yourselves during this process. We had a meeting.
8 We discussed two items. You were supposed to get
9 back to me. You didn't. You went to City
10 Planning. You didn't get back to me. And I
11 mentioned to you how the need to, you know, give
12 Council Members on the Committee a full package of
13 the proposal and this is woefully insignificant.
14 So I'm pretty disappointed.

15 MR. BASS: I apologize if I've
16 disappointed you, you know, Mr. Chair--

17 CHAIRPERSON AVELLA: [Interposing]
18 Do you have anything show Council Members?

19 MR. BASS: Again, I assume that the
20 City Planning package included all the packages--

21 CHAIRPERSON AVELLA: [Interposing]
22 That's not--it's not City Planning's
23 responsibility to give--

24 MR. BASS: [Interposing] I--

25 CHAIRPERSON AVELLA: --to give to

1
2 this Council information, it's your
3 responsibility.

4 MR. BASS: I apologize for that. I
5 will provide that this afternoon. Basically, if I
6 can show this, the--

7 CHAIRPERSON AVELLA: [Interposing]
8 They can't see it. They can't see it.

9 MR. BASS: Can I approach the--

10 CHAIRPERSON AVELLA: [Interposing]
11 No you cannot. Hold on. Council Member Sears.

12 COUNCIL MEMBER SEARS: Usually,
13 usually I listen but I have to say that I agree
14 with the Chair because this is the first time that
15 any project has come before us where we have not
16 been able to follow exactly what it is you're
17 doing. So this piece of paper, although I
18 understand is just not sufficient, so I don't know
19 how you're going to proceed Mr. Chair. But
20 certainly if this is an issue that we have to
21 consider and vote on, on Land Use, I think that we
22 need more to do that because I'm not going to be
23 able to vote for this at the moment. Thank you.

24 CHAIRPERSON AVELLA: What I would
25 suggest is you can go on with your presentation

2 but we'll obviously have to have a conversation as
3 to whether or not we actually take the vote today.

4 MR. BASS: Okay thank you. The
5 proposal is to expand by 50 feet the area in
6 orange is a 50 by 150 foot lot that we would
7 expand for the existing commercial overlay. The
8 existing commercial overlay is a C2-2; it allows
9 the Briarwood Organization to have their offices
10 today. It would be an expansion of only 50 feet.
11 The original proposal was to the corner, the City
12 Planning Commission reduced it to only the
13 project. This would allow for the Briarwood
14 Organization to expand their existing business.

15 I again apologize for not providing
16 additional information. I will by the end of the
17 day.

18 CHAIRPERSON AVELLA: And what about
19 the building that you're intending to construct?

20 MR. BASS: The building will be a 2
21 FAR building--

22 CHAIRPERSON AVELLA: [Interposing]
23 Do you have something that shows what the building
24 looks like?

25 MR. BASS: The existing building is

1 here. This would be the expansion so that the
2 proposed expansion would be contextual to the
3 existing building. The existing Briarwood
4 building was also built in phases. The first
5 building was 50 by 150, a second building; now
6 this is a third addition to the Briarwood
7 Organization at this site.

8
9 CHAIRPERSON AVELLA: Can you point
10 on the picture to where the expansion is?

11 MR. BASS: The expansion would be
12 the taller element. If--

13 CHAIRPERSON AVELLA: [Interposing]
14 If I may, the two issues that I had brought up
15 when we first met on this was one, reducing the
16 overlay just--or expanding the overlay just to the
17 piece of property that you bought, that 50 feet
18 which City Planning. I mean I was going to make
19 that modification if City Planning didn't. So
20 that one aspect of the application is taken care
21 of. The other thing I asked you to do was come
22 back and reduce the height of the building so that
23 the new building--the height of the new building
24 would match the existing building. What has
25 transpired on that?

2 MR. BASS: The proposed building is
3 a 2 FAR building. Currently under the existing
4 zoning we could build it--

5 CHAIRPERSON AVELLA: [Interposing]
6 That's not... answer the question. What have you
7 done about making sure that the height of the
8 building, as per my request, matches the height of
9 the existing building? It's a simple yes or no
10 answer, have you done anything?

11 MR. BASS: We have not reduced the
12 height of the building.

13 CHAIRPERSON AVELLA: Okay. Well
14 you know that's a major issue for the community
15 and myself.

16 MR. BASS: I understand that but...
17 Council Member--

18 CHAIRPERSON AVELLA: [Interposing]
19 The answer is you didn't--you have not made any
20 change.

21 MR. BASS: That is correct. But
22 under the existing zoning, this building could be
23 built today as a 2 FAR building--

24 CHAIRPERSON AVELLA: [Interposing]
25 That's--I am well aware of that. I'm just asking

1
2 you. Did you make a modification? The answer is
3 no.

4 MR. BASS: No.

5 CHAIRPERSON AVELLA: Council Member
6 Jackson has a question.

7 COUNCIL MEMBER JACKSON: I'm just
8 curious as a member of this Committee especially
9 if the Chair has requested that you provide
10 information, I just don't understand why the
11 information was not adhered to, considering the
12 fact that you know and your clients know that it's
13 his District. And you know that he Chairs the
14 Zoning Committee. I just don't understand why you
15 didn't adhere to his request or even if you
16 disagree with the fact that his latest question as
17 to the way he felt as a Council Member in
18 representing the community, that the expansion
19 should be the same size as the current structure.
20 It appears though in your response that you didn't
21 even get back to him and say listen, we disagree
22 with you and that we're not going to adhere to
23 your request. It appears as though you didn't
24 even do that. Did you do that or did you not do
25 that?

MR. BASS: I apologize--

COUNCIL MEMBER JACKSON:

[Interposing] No, no, no. Don't apologize.

Please answer my question. Did you do that? Did you get back to him to say listen your request, we disagree with, and we're not going to proceed with your request? Did you communicate with him one way or the other?

MR. BASS: Council Member Jackson let me explain my reasoning.

COUNCIL MEMBER JACKSON: Please. But don't apologize, just answer my question--

MR. BASS: [Interposing] I hear you. The Council--when we met with the Council Member, he raised certain issues. We believed that the City Planning Commission had in their amendments to the application addressed those concerns. That was a mistake on my part.

COUNCIL MEMBER JACKSON: So I'm sorry. I still didn't hear your answer.

MR. BASS: The building, the rezoning was reduced to the project's, the specific project from 300 feet to 50 feet wide. The height of the building, we could not reduce,

1
2 we did not reduce.

3 COUNCIL MEMBER JACKSON: So in
4 essence what I'm hearing from your response, an
5 indirect response to my direction question, was
6 you did not communicate back with Tony Avella as
7 Council Member for the District and as the Chair
8 of the Zoning Committee that you were not going to
9 adhere to his request that the new extension of
10 the building conform with the current size of the
11 current structure, is that correct?

12 MR. BASS: That is correct.

13 COUNCIL MEMBER JACKSON: Okay. And
14 you assumed that the City Planning had addressed
15 that in their response?

16 MR. BASS: City Planning reduced
17 the scope of the rezoning and the proposed
18 building is the same square footage as what could
19 be built today under the existing zoning. The
20 only different is it permits a 1 FAR commercial so
21 the Briarwood Organization could expand their
22 offices. Today a school, a doctor's office, a
23 community facility could be built at this site, 2
24 FAR to this scale. All we're asking for in this
25 amendment is to allow for some diversity in the

2 use so that the existing client can expand his
3 offices so he can do more business in the City of
4 New York.

5 COUNCIL MEMBER JACKSON: Sir, I
6 truly understand what your request is. And you
7 didn't answer my question. I've asked you a
8 direct question on whether or not, you know,
9 Tony's, Mr. Avella's, the Chair's request, you
10 assumed was responded to in City Planning. And my
11 question to you was, was it addressed in City
12 Planning's response or answer at all? It's either
13 yes or not. And from your responses, I get the
14 impression it was not addressed, is that correct?

15 MR. BASS: It's--well to answer
16 your question it's yes and no. The scope of the
17 rezoning was addressed by the City Planning
18 Commission which was a direct request--

19 COUNCIL MEMBER JACKSON:
20 [Interposing] What about the height?

21 MR. BASS: The height of the
22 building, it was not addressed by City Planning
23 because the zoning controls the height, by the
24 setbacks and by--

25 COUNCIL MEMBER JACKSON:

1
2 [Interposing] No I understand that. I understand
3 that the zoning determines everything that you can
4 do on a site, isn't that correct?

5 MR. BASS: That is correct.

6 COUNCIL MEMBER JACKSON: Okay. But
7 with regards to the request of the Council Member
8 as the representative for that community, you and
9 I know that if in fact a Council Member's request
10 for consideration based on what the community
11 feels, that's within the jurisdiction of the
12 developer in order to deal with that particular
13 request, isn't that correct?

14 MR. BASS: That is correct.

15 MR. VINCENT RISO: Committee member
16 Jackson, if I may?

17 COUNCIL MEMBER JACKSON: I don't
18 chair this meeting, you may, Sir, just identify
19 yourself and your position--

20 MR. RISO: [Interposing] Council
21 Member Avella? My name is Vincent Riso. I'm the
22 head of the Briarwood Organization. I need the
23 additional space, that's the reason we bought the
24 property from the church. We have, we're coming
25 up on three years for this overlay change.

1
2 Through all of that time we have kept Mr. Avella
3 aware of what's happened in the various meetings
4 that we went to. The local Community Board
5 meeting turned down the overall rezoning of the
6 property from my current building to the corner.
7 And said however that they would approve both the
8 50 foot that we are presenting here today and the
9 height. After that point, after that Community
10 Board hearing we had a meeting with Councilman
11 Avella at his office and I don't recall ever being
12 asked for a reduction in height. And I know
13 Councilman Avella very, very well.

14 COUNCIL MEMBER JACKSON: Okay. So
15 you don't recall him requesting that the
16 expansion, the height of the expanded part of your
17 structure, the new structure, be the same as the
18 current height of your current structure.

19 MR. RISO: No Sir.

20 COUNCIL MEMBER JACKSON: Now let me
21 ask you a question. If in fact you adhere to
22 Council Member Avella's request as a
23 representative, as the elected Council Member for
24 the District, how would that impact your expansion
25 if at all?

2 MR. RISO: The impact would result
3 in a substantially less, substantially less of a
4 purchase price to Redeemer Lutheran Church. Our
5 offer for the property was based upon the maximum
6 floor area and this would knock it down by at
7 least the purchase price by 25%.

8 COUNCIL MEMBER JACKSON: Well
9 really the price is determined by who's selling it
10 and who's purchasing it.

11 MR. RISO: The price in this area,
12 if it were a simple--

13 COUNCIL MEMBER JACKSON:
14 [Interposing] I mean there is no specific amount
15 of money put on a square footage of property, is
16 that correct?

17 MR. RISO: There is no specific--
18 yeah that's correct.

19 COUNCIL MEMBER JACKSON: Okay so in
20 essence if you as a developer wanted to pay the
21 church the same amount of money even though the
22 rezoning restriction or the request by Council
23 Member Avella went into effect, that--you could
24 still pay them that amount of money, isn't that
25 correct?

2 MR. RISO: I could if I was out of
3 my mind. I signed a contract with Redeemer
4 Lutheran Church based upon this overlay change
5 which would give me the stated number of FAR feet
6 in this new building.

7 COUNCIL MEMBER JACKSON: But the
8 church could not guarantee you the FARs
9 adjustments--

10 MR. RISO: [Interposing] It was--
11 no, no.

12 COUNCIL MEMBER JACKSON: --isn't
13 that correct?

14 MR. RISO: That's correct.

15 COUNCIL MEMBER JACKSON: Only the
16 City Council can, is that correct--

17 MR. RISO: [Interposing] That's
18 correct but--

19 COUNCIL MEMBER JACKSON: --okay.

20 MR. RISO: --my contract with the
21 church was based upon that many square feet--

22 COUNCIL MEMBER JACKSON:
23 [Interposing] I understand that so you--

24 MR. RISO: --of buildable area.
25 Therefore--

2 COUNCIL MEMBER JACKSON: --but
3 contracts can be amended, is that correct?

4 MR. RISO: No. I would back out.

5 COUNCIL MEMBER JACKSON: No, no,
6 no, I didn't ask you that. I didn't ask you what
7 you were going to do. I just asked you, contracts
8 can be amended is that correct--

9 MR. RISO: [Interposing]
10 Absolutely, you're correct.

11 COUNCIL MEMBER JACKSON: Okay.
12 Now, so, so is there any way that within the
13 requests of Council Member Avella, that the
14 structure could be reconfigured in order to obtain
15 the square footage that you desire, not
16 necessarily need but desire, is that correct? You
17 desire that amount of space.

18 MR. RISO: We desired more space.
19 As a matter of fact we have purchased additional
20 air rights from the church which are useless to us
21 today because of the fact that the zoning stops at
22 the property line that we're purchasing.

23 COUNCIL MEMBER JACKSON: Okay. So
24 okay. But is there any way under a reconfigured,
25 I guess, have your engineers or your architects

1
2 reconfigure to give you additional space on the
3 property and adhere to Council Member Avella's
4 request?

5 MR. RISO: No.

6 COUNCIL MEMBER JACKSON: No. Okay.

7 MR. BASS: Again, the building
8 complies with the setback regulations of the
9 zoning resolution to reduce the height would just
10 take off floors and square footage. You can't
11 reconfigure it on the site without violating
12 another aspect of the zoning resolution. So if
13 the height of the building was reduced, the square
14 footage of the building would be subsequently
15 reduced--

16 COUNCIL MEMBER JACKSON:

17 [Interposing] You mean the zoning resolution
18 that's been put forward by whom?

19 MR. BASS: No the zoning resolution
20 that governs height and setbacks--

21 COUNCIL MEMBER JACKSON:

22 [Interposing] Okay.

23 MR. BASS: --the existing one.

24 COUNCIL MEMBER JACKSON: Okay.

25 MR. RISO: As a matter of fact,

excuse me--

COUNCIL MEMBER JACKSON:

[Interposing] What percentage, sorry Sir, what percentage, if in fact you adhere to Council Member Avella's request, what percentage would be lost as far as the structure, 10%, 15%--

MR. BASS: [Interposing] No it's more like 25% to 40%. Again the--

COUNCIL MEMBER JACKSON:

[Interposing] 25% to 40%?

MR. BASS: Yes. The additional height or setback, they're smaller floor plates but the additional height would reduced two floors. So that, based on the reduced floor plate, I would guess 25% to 40%; I think it's closer to 40%. If you reduce a 4-story building to 2 stories it would normally be 50% but the base of the building has a larger footprint than the upper floors.

MR. RISO: Now just one simple explanation if I may. If you take a look at the building, at the street line, the new proposed building is exactly the same height as the existing buildings. The--

2 COUNCIL MEMBER JACKSON:

3 [Interposing] Except for the setback, is that
4 correct?

5 MR. RISO: Except for the set--at
6 the street line it's exactly the same height--

7 COUNCIL MEMBER JACKSON:

8 [Interposing] Street line, I can see that. Yeah.

9 MR. RISO: The setbacks, if you
10 stood on the sidewalk across the street, that
11 angle of repose, you will not see those extra two
12 stories. They are hidden from view.

13 COUNCIL MEMBER JACKSON: Based on
14 the angle looking up you mean?

15 MR. RISO: Right. A person, 5'6"
16 tall, standing on the sidewalk across Bell
17 Boulevard would not see the top of that extra
18 space.

19 COUNCIL MEMBER JACKSON: Really?
20 You've had someone 5'6" stand across the street
21 and actually look?

22 MR. RISO: I have, myself.

23 COUNCIL MEMBER JACKSON: You're not
24 5'6" though are you?

25 MR. RISO: I'm 6 foot.

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COUNCIL MEMBER JACKSON: Okay--

MR. RISO: [Interposing] But I--

COUNCIL MEMBER JACKSON: --but
you're not 5'6".

MR. RISO: But I stood, down--

COUNCIL MEMBER JACKSON:
[Interposing] [Laughing]

MR. RISO: --I stood down below the
curb on the street--

COUNCIL MEMBER JACKSON:
[Interposing] Right.

MR. RISO: And that reduced me by
eight inches, therefore I used that as an
explanation.

COUNCIL MEMBER JACKSON: Okay
that's good. I like that. Thank you very much.

MR. RISO: Thank you.

COUNCIL MEMBER JACKSON: You're
welcome.

CHAIRPERSON AVELLA: Council Member
Sears. You wanted to...?

COUNCIL MEMBER SEARS: Mr.
Chairman, in light of everything, I really move
that we hold this over. I understand that it

1
2 would not hinder this project in any way but I do
3 think that the Chair needs to--I must say
4 negotiate, not in the Committee meeting, but to
5 really work on this outside the Committee hearing.
6 We have people waiting and it's really not fair so
7 I move that we hold this over.

8 CHAIRPERSON AVELLA: Thank you
9 Council Member. You know it's always been my
10 intention, not only as Chair of this Committee but
11 within things in my District to work things out
12 before you get to this point. As I mentioned, I
13 am extremely disappointed with the applicant
14 because they did not follow up. And in reference
15 to the comment from the owner of the company, his
16 argument that he would have to go back and
17 renegotiate the contract with the church was
18 exactly what he brought up at the one meeting we
19 had on this. So in fact he was obviously aware
20 that the height was an issue.

21 COUNCIL MEMBER SEARS: Okay and if
22 I... to what you're saying, is that this--I don't
23 think this should be any issue that places the
24 church in any kind of a position. It was bad and
25 poor presentation and it's poor whatever took

1
2 place with you and those that have this project.
3 So the church should certainly not feel that there
4 is any hostility towards affordable housing 'cause
5 that simply is not the case.

6 I think people should--is there a
7 second to this motion Mr. Chair because I could go
8 on and on--

9 CHAIRPERSON AVELLA: [Interposing]
10 It's not necessary--

11 COUNCIL MEMBER SEARS:
12 [Interposing] All right. Thanks.

13 CHAIRPERSON AVELLA: It's not
14 necessary. But what I'd like to do is make sure
15 that there are no other questions from Committee
16 members and just see--I don't believe we have
17 anybody signed up for the public hearing. Is
18 there any other question from Committee members?

19 MR. RISO: If I may, one other
20 statement?

21 CHAIRPERSON AVELLA: Sure.

22 MR. RISO: You are correct that we
23 discussed a renegotiated price should we not get
24 what we originally purchased in our contract.
25 However that discussion was on the 2,150 square

1
2 feet of additional air rights that we have
3 purchased, not on a lowering of the building.

4 CHAIRPERSON AVELLA: We disagree.
5 We disagree. Seeing no other questions, thank
6 you. I see no one signed up to speak on this
7 public hearing item, is that correct? In that
8 case I will close the public hearing on this item
9 but we will lay the vote over to a future date.

10 We'll now move on to the next item
11 which is the Sunset Park rezoning, Land Use
12 Numbers 1190 and 1191 and I'll call up City
13 Planning to give their presentation. This
14 application lies within Council Member Sara
15 Gonzalez' District.

16 COUNCIL MEMBER FELDER: Look at the
17 difference, Mr. Chairman, from City Planning, a
18 full package. With pictures.

19 MS. PUNI MAKAPOOR: Good morning
20 Chair Avella, members of the Committee and Council
21 Members. My name is Puni Makapoor. I am the
22 Director of the Brooklyn Office of City Planning.
23 With me here is Iko Nosei who is our planner for
24 Sunset Park and the project manager for this
25 rezoning. We are very pleased to be here today to

1
2 present to you the Department's proposal for
3 Sunset Park.

4 This is a rezoning that we
5 undertook at the request of the local Community
6 Board, several civic groups and Council Member
7 Gonzalez. We've been working closely with the
8 community for the last two and a half years on
9 this rezoning. And it is a real collaborative
10 effort where we've done more than eight public
11 meetings, private meetings, meetings in my office,
12 meetings at the Community Board, and numerous
13 phone calls and one to one meetings.

14 This rezoning really is geared
15 towards protecting the built form and the context
16 of Sunset Park. It covers 128 blocks and covers
17 everything in the district today that is zoned R6
18 and has no height limits. It is in response to
19 concerns expressed by the community about out of
20 context buildings in this overwhelmingly low and
21 mid density neighborhood.

22 This rezoning will protect the side
23 street, 3 to 4-story context of the townhouses as
24 well as put height limits on the avenues. There
25 is a modest up zoning on 4th Avenue and 7th Avenue

1
2 with inclusionary zoning included. And this is
3 intended to provide opportunities for growth on
4 the avenues that have the potential in land use in
5 physical terms to take some additional growth.

6 Sunset Park is a growing community
7 and the rezoning really is trying to balance the
8 overwhelming desire to see this context preserved
9 with some opportunity for growth in areas that are
10 appropriate. 4th Avenue is a 120-wide avenue with
11 a subway line running on it. 7th Avenue is close
12 to 8th Avenue which has the subway connections.

13 We are very pleased that both the
14 Community Board and the Borough President have
15 recommended adoption of this rezoning. And we are
16 hoping that you will too. With that I'm going to
17 pass it on to Iko Nosei for going into some detail
18 on this rezoning and then we are happy to take any
19 questions that you may have.

20 MS. IKO NOSEI: Good morning. My
21 name is Iko Nosei, and I'm from the Brooklyn
22 Office of City Planning and I'm the Project
23 Manager and Planner for the Sunset Park area.

24 This rezoning area covers 128
25 blocks and is generally bounded by 29th Street to

1
2 the north, 64th Street to the south and between 3rd
3 and 8th Avenues. 8th Avenue is also the District
4 boundary between Community 7 and 12 and we believe
5 that both sides of the avenue should be addressed
6 together. To help expedite the planning process
7 this rezoning keeps the existing zoning on both
8 sides of 8th Avenue as it. And we have committed
9 to working with the stakeholders of this corridor
10 to come to consensus for recommendations for
11 possible rezoning at a later date.

12 The current zoning has been in
13 place in Sunset Park for over 45 years which is
14 mostly R6 with a 6-block C4-3 commercial district
15 along 5th Avenue. R6 is a residential zoning
16 district with no height limits resulting in
17 buildings that can reach 12 to 13 stories, a stark
18 contrast to the 3 to 4 story row houses that lie
19 in the neighborhood. The side streets are lined
20 with these row houses while the avenues often have
21 ground floor commercial uses with residential
22 above.

23 The proposed zoning districts seek
24 to match new zoning to the existing build
25 character with contextual zoning districts. They

1
2 would provide predictable development with height
3 limits that are in keeping with the existing scale
4 of the buildings. The rezoning proposal would
5 preserve the residential row house character of
6 Sunset Park side streets by introducing the R6-B
7 zoning district that have height limits of 5
8 stories. And that affects over 129 mid-blocks
9 within the rezoning area. And for a very small 4-
10 block portion on the southwest corner of the
11 rezoning area that have detached and semi-detached
12 houses, we are addressing those with R4-A and R4-1
13 which are low density zoning districts.

14 Along the avenues and small areas
15 built with small apartment buildings, R6-A and R7-
16 A zoning districts would be mapped to require
17 height limits and also to require new buildings to
18 line up at the street with their neighbors.
19 Maximum height is 7 stories for R6-A and 8 stories
20 for R7-A, both after a setback of 4 to 6 stories.

21 Because contextual zoning districts
22 also take away the additional density allowed in
23 buildings with community facility uses, the
24 resulting buildings in the proposed R6-A and R7-A
25 districts would not be able to be as bulky or as

1
2 tall as currently permitted under R6. This means
3 that the residential FAR allowed in R6-A for 5th
4 and 6th Avenue stays the same but is significantly
5 lowered for the community facility FAR as well as
6 taking away the height factor option.

7 Similarly R7-A is a slight up
8 zoning for residential base but the higher FAR is
9 possible only when affordable housing is provided.
10 For a building using community facility uses, this
11 is a down zoning in terms of overall bulk and
12 height. The inclusionary housing program which
13 incentivizes affordable housing would be applied
14 on the R7-A zoning district provided on 4th and 7th
15 Avenues.

16 The program would allow a slight
17 increase in density only in exchange for the
18 provision that 20% of the building's floor area be
19 provided for permanently affordable housing to
20 those earning up to 80% of AMI. In practice
21 because the inclusionary housing program is
22 frequently combined with other City, State and
23 Federal subsidies, affordable housing is typically
24 serving much lower income bands. Since 2005 the
25 rezoning have utilized inclusionary housing

1
2 program more than 73% of affordable housing units
3 created have been at or below 60% of AMI.

4 In addition residents of the
5 community will be given preference for 50% of the
6 newly built affordable units through a lottery
7 system. And lastly recent text changes to the
8 inclusionary housing program offer more
9 flexibility, including an affordable home
10 ownership program. It works as a voluntary
11 incentive program for private developers and would
12 serve the people of this community.

13 The proposal also seeks to
14 strengthen commercial areas by replacing C1
15 commercial overlays with C2 overlays to add to the
16 allowable uses on the commercial corridors and
17 also to reflect the wide mix of uses already
18 existing. Commercial overlays would be mapped
19 also at a distance of 100 feet from the avenue to
20 reflect the depth of the existing commercial lots.

21 The commercial district on 5th
22 Avenue would also be expanded to allow for more
23 flexibility in the commercial mix of the street as
24 well as acknowledging the commercial uses exist on
25 second floors of mixed-use buildings which current

zoning does not reflect.

While promoting vibrant commercial uses in appropriate areas it would also prevent commercial intrusion on residential side streets in Sunset Park. Thank you and we'd be happy to answer any questions you may have.

CHAIRPERSON AVELLA: As this lies in Council Member Sara Gonzalez' District, I'd like to call on her first.

COUNCIL MEMBER GONZALEZ: Thank you Chair Avella. Thank you my colleagues. Before I begin with questions, I just want to thank the Commissioner, Amanda Burden, in respect to a letter that she wrote to us and to the Board in respect to moving forward with the 8th Avenue zoning as well which would be next. Thank you.

Please go into detail, though it seems redundant, because it is important in a hearing like this about the inclusionary zones on 4th and 7th Avenues. Under which scenario the current or the proposed zoning can a developer build a larger building? Also please describe the difference in incentives for developers to build affordable housing in comparison to the old plan

1
2 and this new plan. Thank you.

3 MS. MAKAPOOR: Okay. In terms of
4 the overall sort of bulk and height that is
5 permitted, I can address that question and we can
6 speak a little bit to the inclusionary zoning
7 provisions. If you want more detail on that
8 aspect, HPD is here and would be happy to answer
9 more detailed questions.

10 Currently the zoning in the area is
11 R6. It's a mid-density residential district that
12 allows all building types and also allows
13 buildings that have no height under the height
14 factor option. While the residential FAR under
15 the height factor option is 2.43, the quality
16 housing option on a wide street would allow the
17 residential FAR of 3.0.

18 In these options no inclusionary
19 zoning is permitted. In addition if a developer
20 chooses to provide community facilities in the
21 building, that could be a school, daycare center,
22 doctor's offices, any hospital related facilities
23 and such, they can get a higher FAR of 4.8.

24 Typically on wider streets if a
25 developer can put together a large parcel they

1
2 could go to a building with the 4.8 FAR with
3 commercial on the ground floor, community facility
4 and residential and get a pretty significant
5 building in our six districts. We have seen it in
6 various different areas in Brooklyn.

7 The other option that the
8 developers have today is what is called the
9 quality housing option. That limits the height in
10 the R6 district to 70 feet on the wide street.
11 The residential FAR in that option is 3.0.

12 What we are proposing on 4th and 7th
13 Avenues in particular is a zoning designation that
14 is R7-A so that would allow one more story than is
15 permitted today under the quality housing option.
16 You can go to 8 stories instead of 7. However the
17 FAR, the base FAR that you can get without quality
18 housing is 3.4 FAR--I mean without inclusionary
19 zoning, it's 3.4 FAR. If the developer chooses to
20 provide inclusionary housing that FAR goes up to
21 4.6.

22 So the higher FAR is only achieved
23 if affordable housing is provided. 20% of the
24 floor area, not the number of units, the floor
25 area, has to be devoted to affordable housing.

1
2 This housing has to be permanently affordable for
3 the life of the project that has been bonused.
4 The housing can be within the building, on site,
5 or off site. The off site option allows for
6 preservation of existing affordable housing that
7 may be there in the district. Again that housing
8 would have to be brought up to the standards that
9 are set by HPD and be permanently affordable as
10 well.

11 COUNCIL MEMBER GONZALEZ: Thank you
12 Commissioner. I just want to move on with another
13 question in respect to small businesses. Please
14 describe how this plan addresses small business.

15 MS. MAKAPOOR: What the plan does
16 is it's a land use plan that looks at what is
17 there today in terms of both residential and
18 retail uses. We have done a survey of all of the
19 streets; most of the businesses are on the
20 avenues. And what we are proposing to do here is
21 to address how those commercial overlays are
22 mapped on the avenues.

23 In areas where currently there is
24 commercial activity but the overlays do not exist,
25 we have mapped overlays. And this is particularly

1
2 the case on 7th Avenue which as you know in recent
3 years has seen a lot of new commercial growth
4 because of the commercial success on 8th Avenue.

5 In contrast, 6th Avenue has several
6 commercial overlays where commercial uses do not
7 currently exist and the street tends to be largely
8 residential. And we have removed some of the
9 commercial overlays on those streets.

10 On 5th Avenue there is a commercial
11 district that is mapped. It's a C4-3 district
12 that is mapped which allows a wider range of
13 commercial uses and also allows commercial on the
14 second floor which exists in that area. We looked
15 closely at the 5th Avenue context and looked at a
16 couple of blocks on both sides of the existing
17 district and realized that those areas had very
18 similar commercial uses. Retail uses that the C4-
19 3 district has, so we've expanded the C4
20 designation but made it into a C4-4-A designation
21 which also will put height limits, similar to the
22 height limits that we are putting for other
23 residential development.

24 COUNCIL MEMBER GONZALEZ: Thank
25 you. Please describe the potential impact of the

rezoning on the views from Sunset Park.

MS. MAKAPOOR: Okay. Yeah. Iko is going to put up some boards. This is an issue that as you are aware came up at various points during this process. There is a lot of concern about views from Sunset Park to the harbor below, the waterfront views and how this rezoning might impact those views.

As we have stated before the rezoning actually would put height limits not just on 4th Avenue but also on 5th, 6th Avenues, that do not exist today. The concern was that an 8-story building on 4th Avenue might prevent or block the views from Sunset Park to the harbor.

Sunset Park is significantly higher than 4th Avenue. The land slopes steeply towards the harbor. Sunset Park is close to 100 feet taller than--I mean lower than the top of the park from where the views would be taken. In these drawings we have sections and I believe this is also in your package in the very back. And then we have projected new buildings. We've taken all the vacant sites that exist on 4th Avenue and put buildings that are 8 stories tall in them. And

1
2 those buildings are shown in the yellow color
3 here.

4 So while you do see the new
5 buildings in the view corridor, they are
6 completely in context and within the height ranges
7 of the buildings that exist today. We do not
8 believe that new buildings at the 8-story height
9 limit that has been put would block views from the
10 Sunset Park to the harbor in any significant way.

11 COUNCIL MEMBER GONZALEZ: Thank
12 you. HPD, are they going to be available separate
13 or can I address some questions now?

14 MS. MAKAPOOR: We can get Gabriella
15 up now.

16 COUNCIL MEMBER GONZALEZ: Thank
17 you.

18 [Witness getting settled]

19 MS. GABRIELLA AMABEAL: Good
20 morning Council Member, I'm Gabriella Amabeal
21 [phonetic] with the Department of Housing
22 Preservation and Development.

23 COUNCIL MEMBER GONZALEZ: Good
24 morning. In terms of affordable housing, my
25 primary concern is for those families earning 60%

1
2 of the AMI and under. Can you please describe how
3 the inclusionary zoning plan benefits them? And
4 how these families have benefited from the program
5 elsewhere in the City? How does the inclusionary
6 housing program bonus preserve existing units as
7 permanently affordable?

8 MS. AMABEAL: As Iko stated in her
9 testimony, our experience with the inclusionary
10 housing program since it was amended in 2005 to
11 include lower density districts is that
12 approximately 70%, a little bit more than 70% of
13 the units actually serve families and individuals
14 earning 60% of AMI and below. And just for your
15 reference, that's approximately \$29,000 for an
16 individual and \$42,000 for a family of 4.

17 This is because the new
18 inclusionary housing program can be packaged with
19 other Federal, State and local housing programs
20 such as the Low Income Housing Tax Credit which is
21 really the strongest tool that we have for
22 developing low income housing. And that targets
23 the 605 of AMI and below level.

24 COUNCIL MEMBER GONZALEZ: Would HPD
25 be willing to come to Sunset Park regularly to

1
2 meet with responsible developers about
3 opportunities for affordable housing development
4 to ensure as much affordable housing is preserved
5 and created as is possible?

6 MS. AMABEAL: Absolutely Council
7 Member. We hope to see this program utilized to
8 its fullest extent and outreach would absolutely
9 help that to happen.

10 COUNCIL MEMBER GONZALEZ: Would HPD
11 be willing to come to Sunset Park regularly to
12 meet with community organizations and residents
13 about anti-harassment policy in order to educate
14 the community about what can be done to ensure
15 harassment does not take place?

16 MS. AMABEAL: Yes.

17 COUNCIL MEMBER GONZALEZ: Thank
18 you--

19 MS. AMABEAL: [Interposing] That's
20 an easy question.

21 COUNCIL MEMBER GONZALEZ: --would
22 HPD be willing to closely monitor the progress of
23 the inclusionary housing program in Sunset Park
24 and share that information regularly with my
25 office and the local Community Board? Also how

1
2 can we include community in a continuing dialog
3 about new housing opportunities? How do we make
4 community residents aware of the new units?

5 MS. AMABEAL: We would be happy to
6 work with your office and the community to monitor
7 and report back on the new housing that we see
8 through the inclusionary housing program. And
9 additionally all HPD housing is advertised in both
10 City and local newspapers at the time when
11 marketing is available for the new units. And we
12 would certainly continue to do that and work on
13 getting information out to the community about our
14 new housing units.

15 COUNCIL MEMBER GONZALEZ: Thank
16 you. How can we educate and provide incentives
17 for responsible developers to build affordable
18 housing in the R7-A district and encourage
19 development that will be affordable to low income
20 households? What programs are available to
21 encourage this in addition to the housing bonus?

22 MS. AMABEAL: In addition to the
23 housing bonus as Iko stated in her testimony, the
24 new inclusionary housing program has been modified
25 to allow for a home ownership option. And we can

1
2 help inform your constituents about the first-time
3 home buyers' assistance program that we have that
4 will help for new home owners in the ownership
5 option of inclusionary housing as well as getting
6 more information out about the other units that we
7 would develop.

8 COUNCIL MEMBER GONZALEZ: Is there
9 a community preference for these new affordable
10 units?

11 MS. AMABEAL: Yes there is. We do
12 a 50% community preference so that--and that's the
13 minimum. There certainly could be all community
14 members in the new units.

15 COUNCIL MEMBER GONZALEZ: Thank
16 you. Is there any City-owned land within the
17 rezoning area other than the library on 4th Avenue?
18 How can we ensure that that library site is used
19 to provide housing to lower income households if
20 development takes place?

21 MR. AMABEAL: The library site is
22 something that we're very interested in pursuing
23 with the Brooklyn Library System for redevelopment
24 at the time when they're needing a new library
25 there. That is something we haven't done yet but

1
2 would love to explore. It's a great idea to
3 collocate housing and library facilities on the
4 same site and we'd be very happy to work with
5 them.

6 COUNCIL MEMBER GONZALEZ: A great
7 idea. Thank you. Okay thank you Chair.

8 CHAIRPERSON AVELLA: Thank you.
9 Questions from Committee members? Sure, Council
10 Member Sears.

11 COUNCIL MEMBER SEARS: Just a
12 comment. Although I'm in Queens, I started out in
13 Brooklyn and visited the pool in Sunset Park all
14 summer long. And I have to say this is a
15 wonderful presentation. I want to congratulate
16 City Planning and Councilwoman Gonzalez and the
17 community. 'Cause you've come out, you've
18 supported it and it's just a wonderful plan. And
19 you're to be congratulated. Thank you.

20 CHAIRPERSON AVELLA: Any other
21 questions? We do have a number of people signed
22 up to speak on this item. Okay. Seeing none,
23 thank you. We'll proceed with the public hearing.
24 What we normally do is two minutes per person. I
25 do not cut off somebody in the middle of a

1 sentence but I do ask that you sort of sum up if,
2 you know, the two minutes has elapsed. We do
3 panel in favor, we do a panel in opposition and we
4 keep going until we've heard from everybody.
5

6 First panel will be a panel in
7 support of the application, Brad Lander, Randolph
8 Pierce, John Habib.

9 [Pause]

10 CHAIRPERSON AVELLA: Who am I
11 missing? I see Brad is there. Randall, John
12 Habib? Is John here? Okay. Thomas Murphy, is
13 Tom Murphy here? Okay. Oh.

14 [Pause]

15 MR. RANDOLPH PIERCE: Good morning.
16 Council Members, Chair Avella, thank you for
17 having me. My name is Randy Pierce, I'm Chair of
18 Community Board 7.

19 I'm just going to read you the
20 resolution that was passed by the Community Board
21 and then answer any questions you may have,
22 particularly on process.

23 Whereas Community Board 7 along
24 with Councilwoman Sara M. Gonzalez and countless
25 numbers of residents and community groups from

1
2 Sunset Park as the City of New York to conduct a
3 contextual zoning study of the area, out of
4 ongoing frustration with out-of-scale
5 overdevelopment.

6 And whereas Community Board 7 along
7 with residents and community groups provided
8 guiding principles to the New York City Department
9 of city Planning regarding express community
10 zoning principles including protection from non-
11 contextual development, especially on the side
12 street by imposing height limitations,
13 preservation of the view of New York City Harbor
14 from the top of Sunset Park, the park itself,
15 which we believe is the most majestic in the City,
16 preservation of existing affordable housing in our
17 community and where possible the promotion of new
18 affordable housing. And where feasible allow for
19 higher density to accommodate the natural growth
20 within the community.

21 And whereas the Brooklyn Office of
22 the Department of City Planning conducted a
23 community-wide zoning study and developed a set of
24 recommendations that attempted to address the
25 express community principles.

1
2 And whereas Community Board 7 along
3 with City Planning and Councilwoman Sara Gonzales'
4 office conducted two community zoning forums and
5 two public information sessions prior to the ULURP
6 filing while also encouraging other groups to meet
7 directly with City Planning about the plan.

8 And whereas Community Board 7 held
9 an unprecedented two public hearings regarding the
10 filed ULURP application,

11 Be it resolved that Community Board
12 Number 7 endorses the plan as proposed with the
13 following two recommendations which we believe
14 will further align the plan to the community
15 interest.

16 First that 4th Avenue be zoned R6-A
17 as opposed to R7-A in an effort to protect
18 existing affordable housing stock which is
19 concentrated along 4th Avenue as well as to ensure
20 with any doubt that the harbor will remain
21 unobstructed, the view from Sunset Park of the
22 harbor.

23 And number two that the City
24 designate the rezoned areas as an anti-harassment
25 special district that will provide additional

1
2 protections to area residents, especially low
3 income residents, from landlords seeking to
4 demolish buildings or change the existing use of
5 their property.

6 Subsequent to our hearings we were
7 in discussions with the Department of City
8 Planning. We recognize that particularly the
9 recommendation along 4th Avenue cannot be done
10 within the context of this existing application.
11 We accept that. We look forward to working
12 further with the City Planning Department as well
13 as the Councilwoman's Office after this rezoning,
14 both on 8th Avenue as well as some of these
15 additional protections. Thank you.

16 MR. BRAD LANDER: Good morning, I'm
17 Brad Lander. I'm here today in my capacity as a
18 Senior Fellow at the Pratt Center for Community
19 Development where we had the honor to work with
20 Community Board 7 with Council Member Gonzalez to
21 hold several kind of community zoning workshops
22 and some public input processes before the
23 rezoning was sort of finally developed and
24 certified for ULURP.

25 And I'm here to support the

1 rezoning. Out of those workshops, they really be
2 gain and I think folks should just remember this,
3 at a time when a couple of buildings had been
4 proposed for side streets between 4th Avenue and 5th
5 Avenue that would have had a very severe impact on
6 the view from Sunset Park. And that the community
7 came together to say we must move forward on a
8 rezoning that applies down zoning, contextual
9 rezoning to those side streets.
10

11 In the workshops that we held there
12 was real openness to figuring out okay if we're
13 going to do that and cap heights, how are we going
14 to address the challenges of additional growth and
15 density in Sunset Park in a growing neighborhood,
16 try to preserve and create all the affordable
17 housing that we can? At the time I think people
18 anticipated based on the earlier rezonings of 4th
19 Avenue and Park Slope that City Planning might
20 even propose R8 on 4th Avenue, as it has all the
21 way up to this rezoning so far.

22 So just proposing R7-A is already
23 recognizing how important it is to the community
24 protect the view corridor from the park and to
25 avoid the demolition of rent stabilized existing

1
2 housing on 4th Avenue. That said I do want to echo
3 the concern that I know people have because
4 looking at what's happened in the earlier Park
5 Slope rezonings, unfortunately, as of yet no new
6 affordable housing as been created on 4th Avenue as
7 a result of the inclusionary zoning program. I'm
8 not a big supporter of the inclusionary zoning
9 program broadly but 4th Avenue hasn't seen any new
10 units yet. And there is one place where we've
11 lost rent stabilized units.

12 Now that's much less likely to
13 happen with this rezoning because R7-A is a full
14 third lower than R8-A, so I think there's must
15 less reason, but there is every reason and I think
16 it's incumbent on City Planning, incumbent on HPD
17 and incumbent on the Community Board, incumbent on
18 the Councilwoman, incumbent on all of us to really
19 work hard and make sure that the new anti-
20 harassment provisions that the City Council has
21 adopted are really--there's a lot of education and
22 there's a lot of follow-through and a lot of work
23 to make that the library gets, you know, created
24 as affordable housing that's successful to the
25 community to make sure that those affordable

1 housing goals are met. So thank you. Sorry I
2 overstayed my time.

3
4 CHAIRPERSON AVELLA: Push the
5 button.

6 MR. THOMAS MURPHY: They stole my
7 speech. My name's Tom Murphy. I'm, together with
8 my wife, a resident, home owner in Sunset Park.
9 And I'm here to support the rezoning.

10 I do agree with all the points that
11 were raised in the resolution passed by the Board
12 and want to emphasize that there is some
13 opposition that will speak. But please examine
14 what they say. I think what you will see is they
15 are not against the provisions of the rezoning,
16 they feel it should go further and but a wiser man
17 than I in City Hall here, once upon a time I had a
18 job here, told me that get what you need and come
19 back later--get as much as you can get and come
20 back later for what is missing. And so respect
21 the Mayor. He is a major part of this. And this
22 is a compromise in that we have made a request of
23 the City Planning Commission, the Mayor, to do
24 rezoning here and they have come back with this.
25 It is much, much an improvement on the existing

1
2 situation.

3 One point I think nobody has
4 brought up is in terms of protection of Sunset
5 Park. There was a discussion of the increase in
6 the length of the commercial streets. If you
7 examined the rezoning you will note that there has
8 been an 18% decrease in the commercial
9 neighborhood, thus protecting residences on side
10 streets.

11 If you want proof of that, how
12 dangerous that is, you go to 53rd Street and 5th
13 Avenue where a man has ripped out the first
14 stories in one building and the first stories of
15 two apartment houses in order to put in commercial
16 businesses, which would not be allowed under the
17 new rezoning. The overlay has been moved around--
18 yes. And I see I'm cut off. I did share with you
19 a piece of literature. The Mayor likes the view
20 from Sunset Park. And--

21 CHAIRPERSON AVELLA: [Interposing]
22 That doesn't impress us.

23 MR. MURPHY: Even Walter Cronkite
24 used the same view. Thank you.

25 CHAIRPERSON AVELLA: Any questions?

1
2 Thank you. We'll now proceed with a panel in
3 opposition. Wendy, is it Cheung? C-H-E-U-N-G?
4 Is Wendy here? Oh okay. David Galarza? David?
5 Okay. And Arun Agila [phonetic], Arun, A-R-U-N,
6 first name. Not here? Reuben Sosa? Reuben.

7 [Pause]

8 MS. WENDY CHEUNG: Hi. My name is
9 Wendy Cheung. I'm a resident in Sunset Park,
10 Brooklyn. I'm a native New Yorker from the Lower
11 East Side but have been a resident here for about
12 two years.

13 [Off mic]

14 MS. CHEUNG: Okay. I'm a resident
15 in Sunset Park but today I'm also representing
16 workers from Chinese Staffing Workers Association.
17 We're a community Center and workers center based
18 in Sunset Park and also in Chinatown. And so many
19 of our workers, of the workers, couldn't be here
20 today because of this timing. So I'm here to urge
21 the City, all of you, to vote against this plan
22 because contrary to what we've been seeing and
23 what was presented this plan will up zone the
24 avenues was talked about and what this will do is
25 encourage luxury development in the area. And

1
2 particular this plan, rather than focusing on the
3 view, what is the impact of this plan on low
4 income working people? And so this plan as we've
5 seen in other neighborhoods will continue to
6 displace low income people in our community.

7 Most of the people in this area are
8 low income Chinese and Latino. And so
9 inclusionary housing, that's not going to work.
10 We haven't seen it work in Park Slope and so why
11 are we getting this plan when this is actually not
12 protecting this area? And I'm sure some of David
13 and Reuben will speak more to this, why this plan
14 was developed in the first place and how this came
15 about. But particularly something that wasn't
16 addressed earlier is that there has been no
17 environmental impact study. We sent you all a
18 copy of a letter that we wrote as a coalition
19 because we're in a coalition, The Committee to
20 Protect Sunset Park, so we're residents, church
21 members, members in the community and also some of
22 the lawyers who've been working with us who
23 couldn't be here today. But we want, we urge you
24 to vote against this plan and to take a look at
25 what this plan is going to--how this plan is going

1
2 to impact the community. The Environmental Impact
3 Study was not conducted and so we really urge you
4 to say no and to take a hard look at what this
5 plan will mean.

6 MR. DAVID GALARZA: Good morning.
7 Good morning, my name is David Galarza [phonetic]
8 and I'm a member of the Sunset Park Alliance of
9 Neighbors, SPAN, a local independent grassroots
10 group that led the effort to defeat a 12-story
11 luxury building planned for a low rise block.

12 I grew up in Sunset Park but I'm
13 currently help to integrate another neighborhood
14 within Community Board 7, a neighborhood that
15 would not tolerate a rezoning like the one
16 proposed in Sunset Park. SPAN is also the group
17 that led the call for responsible rezoning in
18 Sunset Park. Sadly as the old adage goes, be
19 careful what you wish for.

20 This rezoning proposal, despite its
21 modifications, continues to be a flawed plan that
22 we in the Latino and Asian community especially
23 believe will lead to greater displacement of long-
24 time poor and low income families and individuals
25 from our community. One look down 4th Avenue as

1
2 Brad and others have mentioned in Park Slope at
3 the canyon of mostly empty luxury condos tells the
4 whole story.

5 Though I personally have much
6 respect for the Chair of this Committee and the
7 principle stands he and Council Member Barron have
8 taken on many of these rezonings throughout the
9 City, we suspect that the results have already
10 been preordained by King Bloomberg.

11 Sadly we have not been asking for
12 anything radical or controversial. We just seek a
13 comprehensive plan for the entire community. We
14 are people, not buildings. We also want to the
15 equal protection from irresponsible development
16 that has been afforded to other homogenous, more
17 affluent communities nearby. We are asking for
18 greater transparence and inclusiveness, not
19 backroom deals with developers and other groups.

20 We're asking for real community
21 participation where the sentiments and desires of
22 the people are respected and not dismissed,
23 disregarded, disrespected. Time and again members
24 of our community have come out day and night to
25 participate in this farce. It's a cruel,

1
2 heartless game. These so-called public hearings
3 are attended by less than half the Community
4 Board, who then vote for a flawed rezoning despite
5 overwhelming opposition from the public. The same
6 show repeating itself in the Borough President's
7 Office and before the Mayor's very privileged City
8 Planning Commissioner.

9 Disgracefully the issue of race and
10 class is evident in letters and statements like
11 those from the Community Board Chair where he
12 categorically dismissed over 4,000 signatures
13 collected from mostly Latino and Asian residents
14 opposed to this rezoning, not something that he
15 would get away with in Windsor Terrace. We have
16 seen our local organizations co-opted and coerced.
17 We have resisted attempts to divide and conquer
18 our own grassroots coalition and we have witnessed
19 how individuals in our own local Council Person
20 whose lead you are expected to follow was
21 effectively bought out by the Mayor, developers
22 and other entities with all her expression you
23 don't bite the hand that feeds you.

24 We can only hope that the City
25 Department of Investigation or the Federal probe

2 into the Council slush fund will probe and punish
3 those involved--

4 CHAIRPERSON AVELLA: [Interposing]
5 If you can sort of sum up.

6 MR. GALARZA: --very--I'm going to
7 sum up. You gave the Community Board Chair a
8 couple of extra minutes. I'd like to have the
9 same. And as such, she was paid to place schemes
10 between Council Members, Community Boards and
11 community groups like those in Sunset Park. And
12 it's nice to see that United Senior Citizens of
13 Sunset Park are here. And it would be nice to
14 hear the millions of dollars that haven't been
15 accounted for in discretionary funds given by the
16 Council Member.

17 Years ago thousands of poor people
18 of color were displaced and permanently separated
19 from their communities by an official act that
20 carried a fancy, almost upbeat name, called Urban
21 Renewal. Today it's called rezoning. Different
22 name, same game, being played with the lives of
23 thousands of good, honest, hard-working people who
24 are rapidly being pushed out--

25 CHAIRPERSON AVELLA: [Interposing] I

1
2 think--

3 MR. GALARZA: --by the
4 neighborhoods they love. Please vote no. thank
5 you.

6 CHAIRPERSON AVELLA: Okay.

7 [Pause]

8 MR. REUBEN SOSA: My name is Reuben
9 Sosa. I'm with the Sunset Park Alliance of
10 Neighbors. The Sunset--

11 [Mic turned off]

12 MR. SOSA: --I think it's--yeah
13 okay. The Sunset Park Alliance of Neighbors
14 initiated the rezoning by collecting over 4,000
15 signatures. And we also had numerous meetings in
16 the community where over 200 people would attend
17 in each meeting. And overwhelmingly the community
18 wants low income housing. However the process has
19 been hijacked by the Community Board 7 and
20 Councilwoman Sara Gonzalez who do not represent
21 us. They represent the developers and Mayor
22 Bloomberg. They've tried to discredit our group
23 because they don't want the true voice of the
24 community to be heard. So like the rest of the
25 City, the most vulnerable will be displaced.

Thank you.

CHAIRPERSON AVELLA: If I may, I'd like to ask a question of the panel, anybody can respond. I mean you've obviously made the conscious decision that you'd want the entire thing voted down. You know, I always say to people, you know, is it, you know, and only you can make this decision, is it worth it to try and fight to have the whole thing turned down or to make some alternative suggestions?

So obviously you made the decision to turn the whole thing down but is there any modifications that you've suggested that you still would like to see that might make the application better in your opinion. I'm curious.

MR. GALARZA: Well the lawsuit speaks for itself. I mean again, a proper Environmental Impact Statement was not done in this particular instance. And going back to transparency and openness, you know, that hasn't been a part of the process. This is the first time that we actually see Sara Gonzalez, the Council Member in any of these proceedings. I know that she sends representatives who have, you

1
2 know, read statements, but this is the first and
3 absolute first time that she's actually made it to
4 any one of these hearings.

5 We know that there's been a lot of
6 money going back and forth to community based
7 organizations, to the City Council, to the
8 Community Board and to the--and it's just very
9 incestuous. There is money going back and forth.
10 We know that there's a lot of funny games in play--

11 -

12 CHAIRPERSON AVELLA: [Interposing]
13 I think you made that point but that's not my
14 question--

15 MR. GALARZA: [Interposing] No we
16 don't--yeah, this is not acceptable--

17 CHAIRPERSON AVELLA: [Interposing]
18 Okay.

19 MR. GALARZA: --this plan. It
20 doesn't go far enough--

21 CHAIRPERSON AVELLA: [Interposing]
22 Okay.

23 MR. GALARZA: --you go to Bay Ridge
24 and ask Vinnie Gentile what an effective Council
25 Member really did to protect his community and it

2 goes much further in protecting, again, a more
3 homogenous, you know, wealthier, more well-to-do
4 community.

5 CHAIRPERSON AVELLA: Okay. Thank
6 you. Next panel will be a panel in favor. Do you
7 want to? Council Member Jackson has some
8 questions. Hold on.

9 COUNCIL MEMBER JACKSON: Thank you.
10 Thank you Mr. Chair. You're saying that no
11 Environmental Impact Statement has been done,
12 either by City Planning or anyone else concerning
13 this rezoning?

14 MR. GALARZA: That's right.

15 MS. CHEUNG: Um-hum.

16 COUNCIL MEMBER JACKSON: Mr. Chair.

17 [Off mic]

18 COUNCIL MEMBER JACKSON: I'm sorry-
19 -go ahead. Talk to him first.

20 [Pause]

21 COUNCIL MEMBER JACKSON: I would
22 like to have someone respond to the fact, at least
23 to the allegation, that's been put forward by this
24 panel that no Environmental Impact Statement has
25 been done regarding this rezoning. And is that a

1
2 requirement of the City of New York as far as this
3 particular rezoning? That's one question that I
4 have. I have other questions of the panel itself
5 but now--and so, you're opposed to this rezoning.
6 I assume that your organizations have been
7 involved since day one, this rezoning. Meaning
8 City Planning said or it's been said that this
9 rezoning has been going on for now on about, the
10 planning of it, for at least two years. I assume
11 that there are representatives on the Community
12 Board and the Park Alliance or the other
13 organizations that you're involved in, in the
14 community, as far as attending the hearings,
15 attending the meetings and giving your input into
16 what you, I guess, would like to see as part of
17 the rezoning or your total opposition to the
18 rezoning. Is that correct?

19 MR. GALARZA: Councilman Jackson,
20 if you had an opportunity to come to some of the
21 hearings, the two hearings that were held for DCP,
22 and the Borough President's--even, he stated in
23 his own report, overwhelming opposition from the
24 public, from members of the public, despite
25 allegations by the Community Board and by the

2 Council Member's staff that people that were there
3 opposing the plan weren't actually living in the
4 community which is false. And it's also the same
5 rationale the Community Board Chair too used to
6 dismiss over 4,000 signatures that we collected
7 day in and day out over a process of months in the
8 Chinese, in the heart of the Chinese and Latino
9 community against this proposal.

10 COUNCIL MEMBER JACKSON: But now
11 with respects to the Community Board, the
12 Community Board acted on this particular matter.
13 And what was the vote of the Community Board, I
14 may have it in front of me but I'm asking you.
15 I'm asking either one of you.

16 MR. GALARZA: It's interesting you
17 would ask that because approximately, maybe at one
18 point or another, maybe half if that much of the
19 Community Board actually attended either of these
20 hearings yet they voted unanimously with I think
21 one abstention and most of the people that
22 actually voted for it weren't even at some of
23 these hearings.

24 COUNCIL MEMBER JACKSON: Yeah. I'm
25 looking at our sheet. It says approved with

1
2 conditions on May 20th, 2009, 34 in favor, no
3 people against and no abstentions. So do you
4 know--and then this was approved by the Borough
5 President on 6/22/09. And approved by the City
6 Planning Commission on 8/5/2009 by a vote of 13 in
7 favor, 0 against and 0 abstentions. So I'm, I
8 guess I'm curious as to know whether or not were
9 there any meetings with the community prior to the
10 Community Board actions on this particular matter?
11 Did City Planning hold meetings of the community
12 before the Community Board acted on this
13 particular matter?

14 MR. GALARZA: You want to answer
15 that? Yeah I mean, you want to answer it or do
16 you want me to answer it?

17 COUNCIL MEMBER JACKSON: Because
18 this has been in the works for over two years. So
19 it's not like it's new. Help me out.

20 MS. CHEUNG: Sorry. If the
21 community has--

22 COUNCIL MEMBER JACKSON:
23 [Interposing] Can you pull up your mic and speak
24 directly into it, please.

25 MS. CHEUNG: Are you asking if the-

2 -

3 COUNCIL MEMBER JACKSON:

4 [Interposing] I'm asking whether or not there were
5 meetings prior to the action of the Community
6 Board and whether or not in these meetings and
7 talking about the rezoning whether or not you guys
8 were involved in this and had input into it and
9 expressed your viewpoints on a particular matter?

10 MR. GALARZA: There were plenty of
11 meetings. Some that we knew about, some that we
12 didn't know about. Some were held in the Borough
13 President's Office for instance without us having
14 any knowledge of, that were put together by the
15 Department of City Planning, and select, you know,
16 organizations that would benefit from an up zoning
17 of the avenues. So yeah there have been meetings.
18 We've met individually with the Department of City
19 Planning. Our suggestions for the most part have
20 fallen on deaf ears.

21 MR. CHEUNG: We've actually held
22 our own--had like community hearings outside of
23 these specific structures of Community Board,
24 Brooklyn Borough President, and in those we've had
25 I think attendance of hundreds of members in the

1
2 community who were also in opposition to the plan.
3 But every time I think part of it is that every
4 time we have attended these public hearings where
5 the community's voice is supposed to be present in
6 the vote, why is it that if 95% of the people at
7 the Community Board public hearings, there were 2
8 of them which I think is great that there's so
9 many public hearings but if the public's voice is
10 not even accounted for then what does that mean
11 when the vote is still going to go against--

12 COUNCIL MEMBER JACKSON:

13 [Interposing] Yeah but--

14 MR. GALARZA: [Interposing] If the
15 majority--

16 COUNCIL MEMBER JACKSON: --if the
17 public--if the people that came there to give
18 testimony spoke in favor or spoke against, that,
19 you know, is being considered by the Board. And I
20 mean clearly from a structural point of view, you
21 have your Community Board. Community Boards are
22 50 members that either live or work in the
23 community. And these are--

24 MR. GALARZA: [Interposing] But
25 Councilman Jackson, I--

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COUNCIL MEMBER JACKSON:

[Interposing] I'm sorry, let me just finish.

Mr. GALARZA: --that is true.

COUNCIL MEMBER JACKSON: And so they are representative of that particular community. And I see that you have a committee to protect Sunset Park which is comprised of the Sunset Park Alliance of Neighbors, the Chinese Staff and Workers Association, the Asian-American Legal Defense and Education Fund. I would assume from an organizational point of view that if not years past that you have put forward members to be on the Community Board because, you know, you, many people live in that area or work in that area. And as you know David, being involved in a Community Board where actions not only rezoning but other matters are voted on that impact the community. I assume that you have people on the Community Board.

MR. GALARZA: Well Councilman Jackson, I defer that question to Councilwoman Gonzalez 'cause I was on the Comm. Community Board at one point and she removed me. So there's no way to dissent on that Community Board--

2 COUNCIL MEMBER JACKSON:

3 [Interposing] As you know the decision to appoint
4 is the Borough--

5 MR. GALARZA: [Interposing] It
6 comes from the Council Member--

7 COUNCIL MEMBER JACKSON: --the
8 Borough President.

9 MR. GALARZA: --its approval is
10 rubber stamped by the Borough President. I'm well
11 aware of that and I know Council Member Avella is
12 trying to reform that process because Community
13 Boards are flawed in and of themselves because
14 they just aren't democratic. And there are some
15 people that have been on the Community Boards
16 since World War II that are not truly
17 representative of the wills and wishes of the new
18 influx of immigrants that represent Sunset Park.
19 Ask me how many Mexicans are on that Community
20 Board. Ask me how many Chinese are on that
21 Community Board--

22 COUNCIL MEMBER JACKSON:

23 [Interposing] We'll lets--

24 MR. GALARZA: --ask many Hondurans
25 and Ecuadorians--very little--

2 COUNCIL MEMBER JACKSON: --David,
3 let me go specifically--

4 MR. GALARZA: --and as of right
5 now, dominated by the community that's more
6 affluent and has the reign of whatever--

7 COUNCIL MEMBER JACKSON:
8 [Interposing] Okay.

9 MR. GALARZA: --goes on in the
10 Community Board--

11 COUNCIL MEMBER JACKSON:
12 [Interposing] So let me ask you about the
13 rezoning. Let me ask about the proposed rezoning
14 to any one of you. I've heard you say that this
15 rezoning will basically negatively impact many of
16 the, from what you describe as constituents, that
17 live in the more along the major thoroughfares
18 where the up zoning is going to take place. And
19 one of you said that the residents there are
20 mainly working class Latino and Asians. Now,
21 right now there are--what structures are there
22 right now, they're not going to tear them down are
23 they and build? I mean that's--

24 MR. GALARZA: [Interposing] That's
25 the old, you know, housing stock. It's, you know,

1
2 it's a lot of 4, you know, 5-story, you talking
3 about the avenues?

4 COUNCIL MEMBER JACKSON: Right--

5 MR. GALARZA: [Interposing] Yeah--

6 COUNCIL MEMBER JACKSON: --where
7 the up zoning is permitted.

8 MR. GALARZA: I mean look at the
9 economy right now as it stands there's not a mad
10 rush.

11 COUNCIL MEMBER JACKSON:

12 [Interposing] I'm sorry, say that again?

13 MR. GALARZA: The economy as it
14 stands right now, the, you know, real estate
15 bubble and the problems they've been having on 4th
16 Avenue, just trying to unload, you know, some of
17 those luxury condominiums, speaks to the fact that
18 there's really not a rush, a need to rush this
19 plan through. And let's do it right. That's all
20 we've been asking. Let's do this right. Let's
21 really include the community. Let's have the EIS
22 that we, you know, we're going to have to litigate
23 the City to have. Let's, you know, I know
24 Bloomberg has a vision or a plan to accommodate a
25 million plus people in this City. Unfortunately

1
2 it's people that don't look like us. And that's
3 what we're fighting against.

4 COUNCIL MEMBER JACKSON: Well I
5 think that, you know, we're here right now and if
6 you look at a clock, we're almost at the 12th Hour.
7 And in fact there is a deadline on this particular
8 matter that the City Council has to act by October
9 1st and it's now September, I think 22nd. And based
10 on everything that I see, you know, this is not my
11 District. I am not the representative of that
12 area. Sara Gonzalez is. And from everything that
13 I see, David and other representatives, it has
14 gone through a process where everyone has had the
15 opportunity to be involved in there. And it has
16 been approved as I indicated by the Community
17 Board 34--with no opposition whatsoever as far as
18 the vote, and approved every step of the way.

19 At this point in time, as an
20 outsider, and I'm an outsider, meaning that I have
21 to vote on this particular matter but I'm an
22 outsider of that--I don't live in that community,
23 I don't work in that community, I'm not really
24 involved in that community. And from a process
25 point of view, since I'm not directly involved in

1
2 there, I have to look and take the lead from the
3 Council Member unless I have information to the
4 contrary. And I hear what you're saying but also
5 I'm looking at the Community Board and there was
6 no, not even one person opposed this on the
7 Community Board. And I'd say that sort of speaks
8 something to me as a representative not directly
9 involved in that community. So. I just wanted to
10 ask those questions because obviously you raise an
11 issue of concern and I want to hear from City
12 Planning on whether or not an Environmental Impact
13 Statement was supposed to be had and whether or
14 not one was done.

15 MR. GALARZA: If you look at the
16 individuals that voted in favor of the plan in the
17 Community Board and you follow the paper trail and
18 look at the Campaign Finance Board filings, and
19 see where discretionary monies have gone or not
20 gone or disappeared to, you see why these people,
21 the majority of those people voted in favor of
22 this plan. You know it's--

23 COUNCIL MEMBER JACKSON:

24 [Interposing] Well I guess my message to the
25 Committee to Protect Sunset Park, you need to get

1
2 more political strength if you feel that your
3 representatives or the Community Board members are
4 not representative of what you feel. You need to
5 get more political strength--

6 MR. GALARZA: [Interposing] Oh I
7 agree with that.

8 COUNCIL MEMBER JACKSON: --to make--
9 -to change that.

10 MR. GALARZA: [Interposing] The
11 whole community needs to get more political. I
12 mean this last week's election proved how people
13 are really disappointed with this process. How
14 people have really just detached from politics.
15 The local electoral numbers in this District
16 alone--

17 COUNCIL MEMBER JACKSON:
18 [Interposing] And if in fact they detach
19 themselves then they have to get more involved.

20 MR. GALARZA: 2,000 people voted
21 for Sara--

22 COUNCIL MEMBER JACKSON:
23 [Interposing] It doesn't matter--

24 MR. GALARZA: --4,000 people signed
25 our petition--

2 COUNCIL MEMBER JACKSON: --it
3 doesn't--David let me just say to you--

4 CHAIRPERSON AVELLA: [Interposing]
5 Well wait a second. Wait a second.

6 COUNCIL MEMBER JACKSON: --Tony.

7 CHAIRPERSON AVELLA: I think we're
8 getting way off topic here. Way off topic--

9 COUNCIL MEMBER JACKSON:
10 [Interposing] Okay fine. Let me get back to the
11 topic. As far as, let me just respond to you. It
12 doesn't matter if five people voted.

13 COUNCIL MEMBER GONZALEZ:
14 [Interposing] Thank you.

15 COUNCIL MEMBER JACKSON: That's
16 democracy. And democracy rules in this country.

17 [Applause]

18 COUNCIL MEMBER JACKSON: And I'm
19 not here for any applause, believe me I'm not--

20 MR. GALARZA: [Interposing]
21 Democracy would have heard our voices too.
22 Democracy would have heard our voices at all these
23 public hearings--

24 COUNCIL MEMBER JACKSON:
25 [Interposing] Thank you--David and

representatives, let me--

MR. GALARZA: --Mr. Jackson--

CHAIRPERSON AVELLA: [Interposing]

Hold on.

MR. GALARZA: --you're a union man.

CHAIRPERSON AVELLA: I want--

MR. GALARZA: --do what's right for
working people.

[Audience shouting]

[Gavel banging]

MR. GALARZA: [Interposing] Do
what's right for workers.

CHAIRPERSON AVELLA: All right.
Enough. That's why I tried to interject. This is
getting way off topic. This has nothing to do
with the actual ULURP application. Everybody has
their own opinions about politics, etcetera. But--
-

COUNCIL MEMBER JACKSON:

[Interposing] Thank you Mr. Chair.

CHAIRPERSON AVELLA: --the public
hearing is about the ULURP application. So
Council Member do you have any other questions
about the application?

2 COUNCIL MEMBER JACKSON: Thank you.

3 CHAIRPERSON AVELLA: Any other
4 questions for this panel? Seeing none, thanks.

5 MR. GALARZA: Chairman Avella,
6 thank you.

7 CHAIRPERSON AVELLA: Now I have to-

8 -

9 MR. GALARZA: [Interposing] You've
10 done the right thing on other rezonings; I hope
11 you do the right thing on this one.

12 CHAIRPERSON AVELLA: Thank you.

13 [Audience noise]

14 CHAIRPERSON AVELLA: The next panel
15 will be a panel in favor, Ginny Wood Murphy.

16 Ginny. Kenny Quan and Raymond Figueroa, Raymond
17 are you here? Raymond is that you? Okay.

18 [Witnesses getting settled]

19 [Pause]

20 MS. GINNY WOOD MURPHY: Good
21 morning. My name is Ginny Wood Murphy. And I've
22 lived in Sunset Park with my husband and my son
23 for over 25 years in a house that's been in my
24 husband's family for 60 years. My husband and I
25 were the first to alert the neighborhood for the

1
2 need to rezone Sunset Park.

3 [Gavel banging]

4 MS. MURPHY: Sorry.

5 SERGEANT AT ARMS: Quiet please.

6 [Pause]

7 CHAIRPERSON AVELLA: Go ahead.

8 MS. MURPHY: My husband and I were
9 the first to alert the neighborhood for the need
10 to rezone Sunset Park. With the help of many
11 people in that neighborhood, organizations, we
12 also--we gathered with SPAN at the time, 4,000
13 signatures asking for this. I fully support this
14 plan. This plan will protect our neighborhood,
15 will protect our side streets. It will protect
16 our avenues. And as far as the up zoning on 4th
17 and 7th Avenue, this is not real an up zoning.
18 Right now developers can come in there and put in
19 an 18-story building. This rezoning plan will
20 provide for a maximum of 8 stories. That to me is
21 not a luxury high rise. That is accommodating the
22 population that is there and will come in. And
23 that population contrary to a previous statement
24 will look like everybody in this room as Sunset
25 Park looks like everybody in this room and always

has.

I urge you to support this and pass this resolution. Thank you.

MR. KENNY QUAN: Hello. Hello. Hi. Good morning Council. My name is Kenny Quan and I'm resident in Sunset Park more than 20 years. And also President of Brooklyn Community Improvement Association and also I'm a member of Community Board 7. I'm totally in favor of this rezoning process. And what I learned from this process is concern and caring and a good proposal cannot just consider one type of people and our community including poor and rich, young and old. And white collar and blue collar. They all have different needs. But when we come to the bottom line, we first need a home. And the two good ideas about this rezoning proposal is the R6-B on the side street, no tall buildings. But still provide a good amount of living space, that's a good idea.

And number two, upgrade along the avenues, 4th Avenue and 7th Avenue, and reduce the traffic from 4th Avenue from 5th Avenue and 8th Avenue. And also give more opportunity for the

1
2 small businesses and create jobs. I believe
3 create jobs is good for the City because you guys
4 can collect more taxes, stuff like that. Huh. I
5 can see the hard working beehive from the City
6 Planning and I know 'cause they actually they came
7 down to the block from the Sunset Park and they're
8 hardworking, and it's really I learned from them.

9 And also I want to thank you for
10 Councilwoman Sara and we did hold several meetings
11 for public hearings with Community Board Chair
12 Randy Pierce and he really did a good job and we
13 did hold several public hearings for this
14 rezoning. So I'm totally in favor of this
15 rezoning process. Thank you.

16 MR. RAYMOND FIGUEROA: Good
17 morning, my name is Raymond Figueroa. I've been a
18 resident and/or someone that works in Sunset Park
19 for over 40 years. I currently am the executive
20 Director of Turning Point which is a multi-social
21 service agency and also a low income housing
22 developer. We are in complete support of the
23 application. We acknowledge and have participated
24 and been a part of the process over the past two
25 years. You know, there is a concern about the

1
2 preservation of low income housing. Everybody
3 shares that concern. People opposed to it and
4 against it and I think members in the community
5 and members of the City Council and the Community
6 Board and the neighborhood need to do due
7 diligence in anything that gets proposed in the
8 future should this be approved.

9 And I think working together to not
10 just preserve but also to develop additional
11 affordable and low income housing needs to be part
12 of the plan and consistency in what gets approved
13 in the future. So once again I, you know, stand
14 in accord with the plan. Thank you.

15 CHAIRPERSON AVELLA: Thank you.
16 Next panel is a panel in opposition. Cory Rocha?
17 Okay. And Maria Rocha.

18 [Off mic]

19 CHAIRPERSON AVELLA: Okay that's
20 fine. You're in opposition. Okay. I guess
21 that's--no at this point we've lost quorum so
22 we're not. We're going to do--

23 [Pause]

24 [Witnesses getting settled]

25 MS. KILJAROKA: Hello everyone.

1
2 Good morning. Good morning. My name is Cory
3 Kiljaroka [phonetic]. I am a member of the
4 Friends of Sunset Park. I have lived in Sunset
5 Park for about 14, no 15 years now. I reside at
6 521 on 41st Street, right next to the park. I
7 stand before you to enlist your help in preserving
8 the panoramic view from Sunset Park, a view like
9 no other, a view that shines, one of the brightest
10 jewels in New York City's crown. Sunset Park, the
11 park, as well as the magnificent view it affords
12 every New Yorker are part of this City's patrimony
13 and they must be cherished and preserved not only
14 for ourselves but for future generations.

15 The Linlinappi [phonetic] American
16 Indians who tended oyster beds on Sunset Park's
17 shores and raised their families--

18 [Off mic]

19 MR. KILJAROKA: Okay. And raised
20 their families, excuse me, on the bluff where
21 Sunset Park is sited, knew that preserving their
22 environment was key to their own preservation.
23 The many waves of hard-working immigrants who over
24 the centuries and from every corner of the globe
25 have settled and continue to settle on Sunset Park

1
2 have always recognized that it is theirs to enjoy,
3 but also to preserve for future generations.

4 Once the view is blocked by
5 buildings as tall as those being proposed along 5th
6 and 4th Avenues, we would have lost another iconic
7 part of New York City forever. You have the power
8 and we trust and incite and will preserve the view
9 from Sunset Park as it is. Now we ask that you
10 modify the proposed plan to: one, restrict
11 building height on 5th Avenue between 36th and 50th
12 Street to a maximum height of 40 feet which
13 includes the bulkheads; number two, restrict
14 building height elsewhere on 5th Avenue between 25th
15 and 36th Streets as well as 50th and 65th Streets
16 along the area under consideration to a maximum of
17 50 feet including the bulkheads; number three,
18 restrict building height all along 4th Avenue to a
19 maximum of 60 feet including the bulkheads; number
20 4, restrict building height all along--oh sorry,
21 restrict building height from 39th to 41st Street
22 between 4th and 6th Avenues to a maximum of 40 feet
23 including the bulkheads; and number 5, institute a
24 permanent moratorium to demolition of structurally
25 sound buildings, there's no need to demolish these

1
2 buildings.

3 And lastly, preserving the view
4 from Sunset Park and for all New Yorkers is in our
5 hands ladies and gentlemen. Every child and hard-
6 working woman and man, Sunset Park is counting on
7 each and every one of you, to do the right thing.
8 Thank you very much.

9 : Good morning gentlemen, the lady
10 seemed to have left the room. My name is Arun
11 Agier [phonetic]. I used to work with HPD for a
12 couple of years, initially the Section 8 tenants
13 and applicants and later on as a supervisor in the
14 Owner Services dealing with landlords.

15 Something I've been doing which is
16 very interesting is called the really, really free
17 market. We've been doing it in different parts of
18 the City over the last one year. And in the last
19 three months in Sunset Park, it's a place where
20 there's no barter, there's no swap, there's no
21 money exchanged. People just come and give away
22 stuff. And people who need stuff take it away.

23 In that process I've come to meet a
24 lot of people at the grassroots, low income
25 people, affluent people, middle class people, from

1 all walks of life, Mexican, Chinese, etcetera.

2 And my feedback to you is that there is a real
3 sense of concern, there is a real sense of
4 bewilderment, of doubt, of confusion about this
5 whole plan.
6

7 I compare it with the situation
8 with health care reform. So we don't have T-
9 baggers and nobody shouting you lie. But there is
10 still that sense of what is this all about. I'm
11 concerned. I don't like it. I think it's going
12 to be bad for me. That is a general sort of
13 concern.

14 Now we've heard excellent
15 presentations by City Planning. It has been as
16 you know approved by the Community Board, by the
17 Planning Commission, by various people. So my
18 conclusion is that there is a huge communications
19 gap somewhere. Maybe City Planning has
20 communicated with the agencies but then the
21 agencies have not communicated with the public.

22 Until that process is completed I
23 am in opposition to it because I fear that if it
24 is passed, nobody is ever going to explain to the
25 public what this was all about and the people whom

I deal with are just going to be concerned.

I want to end with a shout-out to Councilman Jackson. I love all the comments you made. They were very insightful. As a layman, as a newcomer to this process, I learned a lot from everything you said. And taking a lead from your book, if Sara Gonzalez would consider me for the Community Board, I'd be honored to serve. Thank you.

MARIA ROCHA: Good morning. No? Good morning? Oh there we are. Good morning. I am Maria Rocha. I am a long-time resident of the neighborhood, grew up as a teenager in Sunset Park, left to see the world and returned. Best decision I ever made.

I'm here wearing the hat as a representative of the League of Sunset Park Co-ops, 23 buildings originally built by the Finns and the Scandinavians that house thousands of individuals in Sunset Park, of now different ethnicities and different ages.

I'm torn between the need for protection from the ongoing destruction of our beautiful neighborhood by indiscriminate and

1
2 irresponsible landlords and developers and the
3 need to preserve the magnificent view from the
4 park as Mr. Kiljaroka mentioned. And also
5 preserve the ethnic, economic, and generational
6 diversity that we're known for. We are one of
7 those neighborhoods that have always welcomed the
8 waves of immigrants, the folks that allow us to
9 have the dollar cup of coffee, the \$1.50 bagel,
10 the people we forget about, the people who need a
11 home that cannot afford to live in the
12 condominiums. And we need to preserve that
13 because none of us are going to survive New York
14 City if we don't take care of everybody.

15 This rezoning doesn't go far
16 enough. It has to protect everybody because in
17 protecting the low wage earner, the \$7.15 an hour
18 earner, they protect all of us. Let's not forget
19 that. And remember that when you go for your cup
20 of coffee and your bagel in the morning. Remember
21 these words.

22 We also need to preserve the
23 architectural integrity of our neighborhood. The
24 present proposal allows for the demolition, as we
25 have seen and continue to see, and I will deliver

1
2 to all of you pictures of before and after's along
3 the side streets of beautiful blocks that have
4 been denigrated and raped because somebody needed
5 to build one more unit, two 1-bedroom apartments
6 and destroy a blind stone [phonetic] or a
7 brownstone just for that.

8 And then put something that does
9 not belong there, put something with stainless
10 steel bars when everybody else has iron bars. I
11 don't understand it. I don't know how that is
12 improvement. I don't know how that is progress.
13 Please explain it to me 'cause I would like to
14 understand it. Thank you.

15 CHAIRPERSON AVELLA: I wish
16 somebody could explain it to me 'cause I don't
17 understand it either. Thank you. We have one
18 more panel. A panel in favor. I just have one
19 person. Edgar Alvarez. Is there anybody else who
20 wants to speak in favor that hasn't signed up?
21 Okay. This will be the last speaker and then
22 after this I will call City Planning back to
23 answer the question about the Environmental Impact
24 Statement.

25 [Pause]

1
2 MR. EDGAR ALVAREZ: Hello. Good
3 morning to all. Members of the Council thank you
4 for the opportunity to speak. My name is Edgar
5 Alvarez. I'm immigrant to this country. In
6 addition to being a member of the Community Board
7 7, I am also a small business owner and a resident
8 of Sunset Park for 23 years.

9 I deeply care about this community
10 as opposed to some of those that are against
11 everything without offering any alternatives, any
12 responsible alternatives for the exception of one.
13 The one, the gentleman that just spoke previously.

14 I have seen this process involved
15 in since the beginning. I have felt it to be
16 inclusive, open and fair and it takes into account
17 the opinion of every part of the community. I
18 believe this is a good plan that addresses the
19 concerns that led the community to ask for a
20 rezoning in the first place.

21 It gives opportunity for a small
22 business like mine to exist and succeed. It will
23 help create affordable housing and will help
24 protect the character and history of our beautiful
25 neighborhood.

1
2 Also I understand that there is
3 some concerns about the height on 4th and 7th
4 Avenues. Firstly it is important to remember that
5 City Planning listened to the community and did
6 not allow for buildings to go as high as in Park
7 Slope.

8 Secondly, you can currently build
9 higher on the avenues than the new zoning would
10 allow, therefore protecting it.

11 And finally if we do not allow for
12 some reasonable development there will be no room
13 to house incoming immigrants like myself which are
14 already being forced to live in overcrowded
15 apartments.

16 Just let me make--I do have a few
17 questions to the people that--I mean to some of
18 the people that really oppose this plan. Is this
19 to stop the progress of the community by stopping
20 responsible development? Are you trying to allow
21 irresponsible development to continue by not
22 rezoning now? Or is this just a personal and
23 political agenda that takes no hostages by a
24 person who ran and lost two times against the
25 Council Member who has prepared this plan, taking

1
2 politics to a new low?

3 CHAIRPERSON AVELLA: Thank you.

4 Seeing no one else to speak on this item, that
5 closes the public hearing. I have been... I have a
6 request that there are a number of people in the
7 audience, thank you sir, who did not sign up to
8 speak but want to indicate that they're in support
9 of the application. I will also then, if I'm
10 going to allow this, ask anybody who's in
11 opposition to also stand. So anybody who didn't
12 want to speak but wants to indicate their support
13 for the application please stand now.

14 Okay. Anybody in opposition who
15 wants to--well no now [laughing]. All right.
16 Let's do this again.

17 If you're in favor of the
18 application but you didn't want to speak but you
19 want to indicate your presence in favor of the
20 application, please stand. Okay. Thank you.

21 If there's anybody here who didn't
22 speak, you can sit now [laughing]. If there's
23 anybody here who didn't have a chance to speak or
24 didn't want to speak who is in opposition, you
25 could also stand.

2 [Pause]

3 CHAIRPERSON AVELLA: No that's out
4 of order Ma'am. That's... we could talk about this
5 on the side. It has no force of law whatsoever.
6 It's just a courtesy. I'd like to call City
7 Planning back to answer the question about the
8 Environmental Impact Statement.

9 [Pause]

10 MS. MAKAPOOR: good morning again,
11 it is still morning. On the issue--

12 [Off mic]

13 MR. MAKAPOOR: Okay. My name is
14 Puni Makapoor, Director of the Brooklyn Office of
15 City Planning. As with every rezoning that comes
16 before the City Council, we did a full and
17 thorough assessment of the potential environmental
18 impact of this rezoning. What we conduct, the way
19 the process works, as it is laid out in the CEQRT
20 technical manual which is the City Environmental
21 Quality Review Technical Manual is that we first
22 conduct what is called an Environmental Assessment
23 Study.

24 Based on what that study tells us,
25 we determine whether there is a need to go on to

1
2 do an Environmental Impact Study or not. Given
3 that this is a preservation study and a majority
4 of the area here is being down zoned, as expected,
5 the EAS analysis concluded that the rezoning would
6 not result in any significant impacts in any of
7 the categories that we looked at as part of this
8 assessment.

9 And therefore an Environmental
10 Impact Study was not deemed necessary. But there
11 is a full Environmental Assessment Study that was
12 conducted and it is available if the Council would
13 like to review that.

14 CHAIRPERSON AVELLA: Council Member
15 Jackson.

16 COUNCIL MEMBER JACKSON: Thank you.
17 Hello. So because a majority of the area is being
18 down zoned, the areas that are being up zoned
19 along the avenues, is that correct?

20 MS. MAKAPOOR: Yes.

21 COUNCIL MEMBER JACKSON: And I
22 looked at the recommendations of the Community
23 Board and the Borough President. Were any of the
24 recommendations of the Community Board 7 and/or
25 the Borough President Marty Markowitz taken into

consideration by the City Planning Commission?

MS. MAKAPOOR: The City--

COUNCIL MEMBER JACKSON:

[Interposing] And if so, which ones?

MS. MAKAPOOR: The City Planning Commission reviewed all of the recommendations, both by the Community Board and the Borough President, the Community Board's recommendation on 4th Avenue is to rezone it to R6-A instead of R7-A. And they're concerned about anti-harassment rezoning.

Even if City Planning Commission deemed that it was appropriate to go to R6-A within the current process it is not in scope to do that. But--

COUNCIL MEMBER JACKSON:

[Interposing] It's not what?

MS. MAKAPOOR: In scope, in the environmental scope to do that.

COUNCIL MEMBER JACKSON: Could it have gone back?

MS. MAKAPOOR: It would be restarting the process.

COUNCIL MEMBER JACKSON: All over

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again?

MS. MAKAPOOR: All over again.

COUNCIL MEMBER JACKSON: Going back
how many--

MS. MAKAPOOR: [Interposing]
However, more importantly than that, on substance,
the Commission felt that going to an R7-A on 4th
Avenue was the appropriate zoning designation to
do as well.

COUNCIL MEMBER JACKSON: So if in
fact it had gone back to reconsider the Board's
R6-A, how much time would take place?

MS. MAKAPOOR: It would be back to
square one--

COUNCIL MEMBER JACKSON:
[Interposing] Okay.

MS. MAKAPOOR: You start all over
again.

COUNCIL MEMBER JACKSON: Okay. And
I see in the Community Board's recommendation and
the Borough President's recommendation that an
anti-harassment special district or the clear
concern expressed by the Community Board and the
Borough President about anti-harassment of

1
2 residents that live, I guess, in the up zoned
3 area, and that even a recommendation of possibly
4 changing the Local Law 7 to have that added
5 protection.

6 MS. MAKAPOOR: Right. And we are
7 very aware of the concerns in the community. You
8 heard those today about the harassment. I think
9 the anti-harassment district is proposed when we
10 think that it's a rezoning that is going to lead
11 to the harassment of tenants. In this case we do
12 not believe that is the case.

13 We think that the existing laws can
14 protect the tenants that are there. And we've
15 been talking to Council Member Gonzalez and the
16 Borough President in finding ways of making the
17 tenants who are there more aware of their rights
18 that exist today and how that harassment can be
19 prevented regardless of, you know, what zoning is
20 in place here.

21 This is not sort of the mass up
22 zoning that would lead to new anti-harassment.
23 But we are aware that there are tenants here that
24 are not necessarily English speakers, many of them
25 are immigrants and may not be well aware of what

their rights currently are.

COUNCIL MEMBER JACKSON: Thank you.
Thank you Mr. Chair.

COUNCIL MEMBER GONZALEZ: Thank
you. Thank you Chair.

CHAIRPERSON AVELLA: Council Member
Gonzalez--no do you have questions of City
Planning?

COUNCIL MEMBER GONZALEZ: No.

CHAIRPERSON AVELLA: Okay thank
you.

COUNCIL MEMBER GONZALEZ: No. I'm
sorry.

CHAIRPERSON AVELLA: Council Member
Gonzalez.

COUNCIL MEMBER GONZALEZ: Thank you
Chair. I just want to say thank you Chairman
Avella and my colleagues here today. I'd like to
also thank City Planning and HPD. I did have a
whole speech that I was going to read but I'm not
going to do that. I'm going to save that for a
later date. But I do want to say that this has
been an incredible process.

It's been democracy in action. And

1
2 I appreciate what has happened here today and what
3 happens in this chamber often. It is why I love
4 being elected. And for those folks that are
5 interested in serving in our community, I also
6 served my community all of my life. I was 14
7 years old and continue to do so. I urge you to
8 please step to the plate, get involved in the
9 Community Board process, fill out applications,
10 actually all it takes is living in the District or
11 being invested some way in the District whether
12 you have a business or whatever. So as soon as we
13 have some slots, we are incredibly fair with
14 recommendations because that's what I make is a
15 recommendation. I don't appoint people. The
16 Borough President does that.

17 But I just also want to say thank
18 you to my community that stood here all these
19 hours. Thank you to Sunset Park because I do not
20 feed into negativity. I work with positive
21 people. I move forward. This has been an
22 incredible process and process is important for me
23 because I am a clinician in my other cap. So for
24 me you have to think thoroughly before you do
25 things and not react to negativity. So I want to

1
2 say that change is difficult. It is difficult and
3 oftentimes some people rather not change than look
4 at a vision and the future. I have to do that
5 because I am the elected official of District 38.
6 So I thank you guys and we'll continue this
7 conversation. Thank you.

8 CHAIRPERSON AVELLA: Thank you
9 Council Member.

10 [Applause]

11 [Gavel banging]

12 CHAIRPERSON AVELLA: We still have
13 other items to go here. Okay we're moving on to
14 Land Use Numbers 1214 through 1216, commonly
15 referred to Navy Green and I'll call up HPD and
16 the applicant. Oh, and I'm closing the public
17 hearing on the Sunset Park rezoning.

18 [Pause]

19 SERGEANT AT ARMS: Sit down please,
20 quiet please.

21 [Witnesses getting settled]

22 MS. CAROL CLARK: Good morning
23 Chairman Avella. I'm Carol Clark, Assistant
24 Commissioner for Local Legislative Affairs at HPD.
25 Good morning Council Member James. Accompanying

1
2 me today is Shappa Chanda, HPD's Assistant
3 Commissioner for Planning and Martin Dunn of Dunn
4 Development.

5 We are testifying in favor of the
6 Council's adoption of the actions on today's
7 Zoning Committee agenda, LU numbers 1214, 1215 and
8 1216, as you noted. Together approval of these
9 items known as the Navy Green Project will
10 facilitate the development of a mixed-use complex
11 which will ultimately provide 455 residential
12 units as well as 1,200 square feet of commercial
13 and community facility space.

14 The site of the project, once known
15 as the Brig, was identified as an important
16 affordable housing resource at the beginning of
17 HPD's work on the New Housing Marketplace Plan.
18 In 2003, HPD hosted an international design
19 workshop to study the site. In 2004, a broad-
20 based task force was formed and charged with
21 reaching consensus on the development plans.

22 Council Member James was closely
23 involved in the work of the task force and has
24 been a valued partner of the agency in moving the
25 project forward and we thank her.

1
2 A request for proposal was issued
3 in April of 2007. The section of the Navy Green
4 Joint Venture, a partnership of Dunn Development,
5 L & M Development, and the Pratt Area Community
6 Council was announced. Martin Dunn will present
7 the boards that illustrate the project known
8 before the Council as LU 1216. The project will
9 be facilitated by the approval of the related
10 actions which are LU 1214, a zoning map amendment
11 from manufacturing to residential zoning with a
12 commercial overlay; and LU 1215 which is a special
13 permit to modify height and setback requirements
14 within a large-scale residential development.

15 The project will proceed in phases.
16 Council Member James has been briefed on the
17 details of these phases and has indicated to us
18 her support. Now Mr. Dunn will describe the
19 project and we'll be happy to take any questions
20 you might have after that.

21 MR. MARTIN DUNN: Good morning.
22 Martin Dunn, Dunn Development Corp. The project's
23 bounded by Flushing Avenue to the north, the BQE
24 and Park Avenue to the south, Vanderbilt to the
25 east and Claremont Avenue to the west.

1
2 We worked around the local context.
3 The project is designed around a large common
4 green, about 30,000 square feet, unlike some past
5 urban design experiments though it does not turn
6 its back on the surrounding community. So each of
7 the buildings has its primary entrance from the
8 streets to ensure a vibrant streetscape.

9 We've concentrated the bulk on the
10 four corners of the site in order to maintain a
11 lower scale mid-block where we have 4-story
12 townhouses because of the context across the
13 street. And those locations are also townhouses.

14 We've put the tallest buildings at
15 12 stories at the Flushing Avenue end where across
16 the street there's a 16-story windowless
17 warehouse. And for that reason we turned the
18 buildings perpendicular to Flushing Avenue to look
19 past the warehouse while maintaining a continuous
20 street wall along Flushing Avenue.

21 We also have retail and community
22 facility space along Flushing Avenue wrapping both
23 corners. The 12-story buildings step down to 8
24 stories adjacent to the townhouses and then step
25 back up to 6 to 8-story buildings at the southern

1
2 end of the site.

3 The housing is a mixture of rental,
4 supportive housing and home ownership. Overall
5 455 units of housing and about 12,000 square feet
6 of retail and community facility space. About 21%
7 supportive housing, 52% rental housing, 27% home
8 ownership. We have, it's a mixed income project
9 with units below 40%, 60%, 80%, 130% of median,
10 and just a small portion, 16% of the units are at
11 market rate. There's extensive green building
12 features which I can go into if anyone would like.
13 I'm happy to answer questions.

14 CHAIRPERSON AVELLA: This project
15 lies within Council Member Letitia James' District
16 and I'd like to call upon her for any remarks.

17 COUNCIL MEMBER JAMES: Thank you
18 Mr. Chair. Thank you for saving the best two
19 applications for last. Both applications without
20 any dissent or rancor, only with supporters here
21 in this room. And we say build it and build it
22 now. The gentlemen that you see in the audience
23 with orange shirts are from an organization called
24 Rebuild. And these are individuals who are
25 seeking construction opportunities and looking

1
2 forward to working with Mr. Dunn to make this
3 project happen.

4 I support this project because this
5 project was once a Naval Prison. And most
6 recently used as a correctional facility but the
7 New York City Department of Corrections from 2002
8 to 2005. I have always said jobs and not jails
9 and clearly this project will make that a reality.

10 This project is located; the site
11 is located in the Wallabout section of Brooklyn.
12 Again with Flushing Avenue to the north, Park
13 Avenue to the south and the BQE to the south below
14 Myrtle Avenue. This project was renamed from The
15 Brig because we do not want to be associated with
16 our past but the hopes of a bright future.

17 It will consist of 2 12-story
18 multifamily dwellings. It will consist of 8-story
19 multifamily buildings on Claremont, an 8-story
20 supportive housing for individuals who were
21 formerly homeless who suffer from some serious
22 mental illness and those who are diagnosed as
23 mentally ill and chemically addicted.

24 Included within the 455 dwelling
25 units I am so proud to announce that 65% of the

1
2 total units, approximately 212 will be affordable
3 for local residents. There will be a community, a
4 common green space, community facility and some
5 townhouses. And for all of these reasons and more
6 I support this project and want to thank HPD, Mr.
7 Dunn and all those associated, and the young men
8 and women who have come out in support of this
9 project.

10 Mr. Chair, please move this
11 application and let's build it and build it now.
12 Thank you.

13 CHAIRPERSON AVELLA: Thank you. I
14 have no questions so thank you. We do have three
15 people signed up to speak in favor. Seth Akeem
16 Hill, Darryl, is it Cannor? Kennedy. And Thomas
17 Montefiore.

18 [Pause]

19 CHAIRPERSON AVELLA: Is, I guess
20 I'm missing one person.

21 MR. SETH AKEEM HILL: No he's not
22 going to speak.

23 CHAIRPERSON AVELLA: Okay. It's
24 all right? Okay. Go ahead.

25 MR. DARNELL KENNEDY: Hello my name

1
2 is Darnell Kennedy. I'm the President of Rebuild
3 and we support this project 100%. We believe that
4 this project is going to help create jobs for our
5 community. And we desperately need jobs. As the
6 Councilwoman pointed out all these gentlemen and
7 young ladies that's sitting here is in support of
8 this project too. As well as the 470 Vanderbilt
9 Project. So we're in complete support of them and
10 we hope that you pass it and let it go through.
11 Thank you.

12 CHAIRPERSON AVELLA: Thank you. No
13 it's not on.

14 MR. HILL: good morning. I'm Seth
15 Hill and I'm the Job Developer for Rebuild and we
16 are in support of this project. And I'd like to
17 that Ms. Councilman Letitia James and Mr. Dunn
18 from Dunn Developments. And you'd mentioned The
19 Brig. By not having jobs and being unemployed I
20 was a resident of The Brig because I didn't have a
21 job so I had to get it by all means necessary in
22 my own little world according to me.

23 But now on the other side of the
24 fence I see that this place is being converted
25 into buildings, residences for people,

2 opportunities for people to obtain work and
3 gainful employment. We are all for this
4 rebuilding, as well as myself. And I'd like to
5 thank Council Member Mrs. James as well as the
6 Dunn Development Corporation. Thank you very
7 much.

8 CHAIRPERSON AVELLA: Thank you. Go
9 ahead if you want.

10 MR. THOMAS MONTEFIORE?: I'd like
11 to thank Letitia James for tearing down jails and
12 not building them up.

13 [Applause]

14 COUNCIL MEMBER JAMES: And thank
15 you--thank you. And thank you for no longer being
16 residents of those jails.

17 [Laughter]

18 CHAIRPERSON AVELLA: And I want to
19 thank all of you for coming and waiting through
20 what was an unexpectedly long hearing on the other
21 item. Seeing no one else to speak on this item,
22 I'm going to close the public hearing and we will
23 go to the last item which is 470 Vanderbilt
24 Avenue. And I'd like to call up the applicant.

25 [Pause]

2 MR. STEVEN HOROWITZ: Good morning.

3 My name is Steven Horowitz, of GFI Development
4 Company and we are very excited to present the
5 proposed rezoning of 470 Vanderbilt Avenue.

6 Over the past two and a half years
7 GFI has been working closely with the Department
8 of City Planning, Council Member James and
9 Community Board 2 on this project. We would like
10 to publicly thank Council Member James for her
11 support and dedication to this project and her
12 assistance in helping us understand the needs of
13 the community. Without her support we would not
14 have been--we would not be here today.

15 Recently our project has been
16 certified by the Department of City Planning and
17 unanimously approved by Community Board 2. The
18 proposed project consists of a square block bound
19 by Atlantic Avenue, Fulton Street, Claremont and
20 Vanderbilt Avenue. This block is an important
21 link between Fort Green and Prospect Park.

22 The Fort Green neighborhood was
23 rezoned in 2007 excluding this site given the
24 uniqueness of the large existing building. It was
25 the Department of City Planning's intention to

1
2 rezone this site on an individual basis is which
3 is why we are here today.

4 Two-thirds of the site consists of
5 a mostly vacant industrial building and the
6 balance being a parking lot. The existing
7 building was redeveloped by prior ownership into a
8 telecom hotel but by the end when it was complete
9 the market was no longer there for that use and
10 remained mostly vacant.

11 Our project includes redeveloping
12 the existing building into an office building with
13 ground floor retail and to develop a residential
14 rental building on the parking lot which is on
15 that board right there. The proposed residential
16 building will contain approximately 366
17 residential units, 35,000 square feet of ground
18 floor retail and 2 levels of parking below grade
19 accommodating approximately 390 cars.

20 Of the residential units
21 approximately 24% of the residential floor area
22 totaling 85 units will be allocated toward
23 affordable housing. The local community, through
24 Council Member James requested as many two
25 bedrooms as possible and we did our utmost to

1
2 accommodate that request, allocating 25 2 bedrooms
3 as affordable.

4 One of the other items that City
5 Planning requested was that retail on the ground
6 floor of the new building to help activate that
7 part of Fulton Street and we've also accommodated
8 that request. I'd like to turn it over, turn the
9 floor over to Deidre Carson, our Land Use
10 Attorney.

11 MS. DEIDRE CARSON: Good morning
12 Chair Avella and members of the Committee. I'm
13 filing in for some of my colleagues today who had
14 to be elsewhere so this is not my application and
15 I didn't come to speak with you about it but I did
16 know quite a bit about it because I worked on it
17 in its early stages.

18 The actions that are before you
19 today are three. As was mentioned before, this
20 block was a former M11, part of an M11 district
21 that went all the way from Atlantic Terminal down
22 well past our site and it's now going to be zoned
23 C6-3A. This will permit commercial use, community
24 facility use and residential use.

25 We will also be amending sections

1
2 of the residential regulations of the zoning
3 resolution, specifically map 3 of the regulations
4 that designate areas as inclusionary housing
5 designated areas. This will allow a bonus for
6 residential floor area to be developed on the
7 property. For additional residential floor area
8 to be developed on the property if affordable
9 housing is provided on site. And in fact it is
10 expected and intended that it will be.

11 And finally there is an application
12 before you for a general large-scale development
13 special permit. This allows relief with respect
14 to the location of street walls, inner court
15 recesses and lot coverage. These are fairly
16 technical modifications and unless there's great
17 interest I can't imagine that I need to go into
18 them in greater detail. But it allows us to
19 modulate the façade a bit. It allows us to set
20 back at the points where the entrances to the
21 garages are located and it allows us to spread the
22 floor area around the edge of the site while
23 maintaining an inner court area.

24 Unless there are any questions, I
25 think between us, my client and I have given you a

description of the project.

[Pause]

CHAIRPERSON AVELLA: Council Member
Letitia James.

COUNCIL MEMBER JAMES: Thank you
Mr. Chair again. This project, I totally support
and look forward to working with the developers.
As you know Fulton Street desperately needs some
vitality in the Clinton Hill part of the
community. We need more street traffic. We need
more anchor tenants for 470 Vanderbilt. I believe
it will serve as an anchor tenant and will
complement the BID that was just approved in the
last few months and will spur more development to
that side of the Clinton Hill community. And
obviously I totally support this project because
of the inclusionary zoning and because of your
commitment to build affordable housing,
particularly two bedroom units for residents who
unfortunately increasingly find themselves being
displaced in the Clinton Hill community.

At some point in time I believe we
have to agree on same AMIs, the average median
income in the rental, and the amounts of the rents

2 for those units. And I look forward to working
3 with you on that and hopefully at one point in
4 time my number push is for a bowling alley. I
5 know we haven't had many applicants, the community
6 voted number one for a bowling alley, an
7 intergenerational activity but unfortunately we
8 haven't had any takers. So Mr. Chair, if you know
9 of any bowling operators, please send them my way.
10 We have space and I would love to challenge you in
11 a bowling match.

12 [Laughter]

13 COUNCIL MEMBER JAMES: Thank you.

14 CHAIRPERSON AVELLA: Okay. What's
15 your best game?

16 COUNCIL MEMBER JAMES: I'm really
17 good. I do a lot of strikes and so--

18 [Laughter]

19 CHAIRPERSON AVELLA: I haven't
20 bowled in a long time but my best game was 240 at
21 one point--

22 COUNCIL MEMBER JAMES:

23 [Interposing] Really. I forget the numbers--

24 CHAIRPERSON AVELLA: [Interposing]
25 I don't know if you want to challenge me.

2 COUNCIL MEMBER JAMES: I was good.
3 I know I was better than President Obama, I know
4 that--

5 [Laughter]

6 CHAIRPERSON AVELLA: Thank you
7 Council Member. Thank you. I see no one signed
8 up to speak on this item, is that correct? Seeing
9 none, I'll close the public hearing on this item.
10 All items will be laid--

11 [Off mic]

12 CHAIRPERSON AVELLA: Don't start.
13 Don't start. We're not going to get into that.

14 [Off mic]

15 [Laughter]

16 CHAIRPERSON AVELLA: All items on
17 today's agenda, except for the Briarwood rezoning
18 will be laid over for the vote until Thursday
19 morning at 9:45, 15 minutes before the Land Use
20 Committee. The Briarwood rezoning will be laid
21 over until the next meeting of the Zoning and
22 Franchises Committee on October 6th. That--with
23 that I recess the meeting of the Zoning and
24 Franchises meeting until 9:45 on Thursday.

25 [END 1003.MP3]

C E R T I F I C A T E

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

A handwritten signature in cursive script that reads "Laura L. Springate". The signature is written in black ink on a light-colored background.

Signature _____Laura L. Springate_____

Date _____September 29, 2009_____