

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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July 17, 2018  
Start: 10:08 a.m.  
Recess: 12:25 p.m.

HELD AT: Committee Room - City Hall

B E F O R E: FRANCISCO MOYA  
Chairperson

COUNCIL MEMBERS: Costa G. Constantinides  
Rafael Espinal  
Barry S. Grodenchik  
Rory I. Lancman  
Stephen T. Levin  
Antonio Reynoso  
Donovan J. Richards  
Carlina Rivera  
Ritchie J. Torres

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

Rosa Ruiz  
Representing Nobody is Perfect Restaurant

Mark Henne  
Co-chair the Block Association  
Neighbor of Nobody is Perfect Restaurant

Luis Reyer  
Neighbor of Nobody is Perfect Restaurant

Clint Smeltzer  
Vice Chair of the CB3SLA

Mark Weprin  
Land Use Counsel  
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200 Park Avenue  
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Dan Egers  
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Michele Icowitz  
Landlord Tenant Attorney For  
Michael Helitz

Michael Helitz  
Client

Pasqual  
Representative of Local 32BJ

Adam Herkey, Vice Chair  
Community Board 6 Land Use and Waterfront  
Committee

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

Richard Bass  
Planning Consultant  
Akerman, LLP

Rick Gropper  
Principal  
Camber Property Group

Devonte Jackson  
Bushwick Resident

Tahara Adams  
Member of 32BJ and Security Officer at the  
World Trade Center

Pamela Duprey  
Bushwick Resident

Gloria Telez Tovar  
Bushwick Resident

Orelis Cruz  
Bushwick Resident

Nelda Viaz Rivera  
Bushwick Resident

Hosea Lopez  
Make the Road

Que Becote  
Community Engagement and Bushwick Resident

Scott Short  
CEO of RiseBoro Community Partnership and  
Member of the Executive Committee of the Bushwick  
Community Plan

Nevez Medina  
Bushwick Resident

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

Gladys Pughe  
Bushwick Resident

Robert Commacho  
Bushwick Resident

Gregory Eloise  
Managing Attorney for Brooklyn Legal Services  
Corporation A's Bushwick Office

Marcel Negret  
Bushwick Resident

Mabeline Nevaro  
Bushwick Resident

Astrid Rengefo  
1609 DeKalb Avenue Resident

Stephanie Kansel  
Bushwick Resident

2 JUAN: Test, test, this is the  
3 Subcommittee on Zoning and Franchise. Today's date  
4 is July 17, 2018. This recording is being recorded  
5 by Juan Doubleday.

6 CHAIRPERSON MOYA: Good morning and  
7 welcome to the meeting of the Subcommittee on Zoning  
8 and Franchises. I'm Council Member Francisco Moya  
9 and we are joined today by Council Members  
10 Constantinides, Lancman, Reynoso, Torres, Grodenchik,  
11 Rivera and Espinal. Today we will be holding public  
12 hearings on a number of items and we'll be voting on  
13 one item. If you're here to testify on any item on  
14 the calendar, please fill out a white speaker's slip  
15 with the sergeant-at-arms and indicate the L.U.  
16 number of the item you wish to testify on on that  
17 slip. Before we get started with our business, I  
18 wanted to note that the preconsidered item, the 82<sup>nd</sup>  
19 Street rezoning, has been withdrawn by the applicant  
20 yesterday afternoon and so we will not be holding a  
21 hearing on the item and instead we will be voting on  
22 a motion to file. This is a project in my district  
23 that has attracted considerable attention so I wanted  
24 to say a few words about it before we get into our  
25 other hearings. As the local elected Council Member,

2 I hear from constituents every day in search of  
3 affordable housing and I understand how urgent the  
4 need is for us to find ways to build affordable  
5 housing for those most in need. Rezoning is one  
6 important tool we as the Council have to encourage  
7 the creation of new housing into affordable housing.  
8 However, it comes with its own share of challenges.  
9 The big challenge we are grappling with is how we  
10 grow as a city, how to make room for new immigrants  
11 in places like my district and how to make room for  
12 growing families and to create housing for people in  
13 search of economic opportunity in the City of New  
14 York. We need to do this while balancing the  
15 legitimate concerns of our community about the impact  
16 new housing will have on existing residents,  
17 businesses and the infrastructure. My goal as Chair  
18 of this committee is to find solutions and  
19 compromises to chip away at the extraordinary housing  
20 need that we have. Unfortunately there are times  
21 that we cannot reach a compromise and I do not think  
22 these are days to celebrate but to refocus on the  
23 work ahead of about building a city that is truly  
24 more equitable than the one that we have today so  
25 that is what we will be doing here today so with that

1 I will turn it to our first hearing which will be on  
2 LU 143, the application by Vida Mexicana Inc. -  
3 Papasito for a revocable consent to operate an  
4 unenclosed sidewalk café at 223 Dyckman Street in  
5 Manhattan in Council Member Rodriguez's district and  
6 I now open the public hearing on LU 143 and I believe  
7 we have Amy Cohen, Amy Cohen, Amy going once, going  
8 twice. We're gonna check to see if they're outside.

9 [pause]

10 CHAIRPERSON MOYA: No, no Amy. Okay, we  
11 do have a letter that was submitted by the Vice  
12 President of Vida Mexicana Inc., Wendy Heysus  
13 Hernandez. It says, dear Council Member Rodriguez.  
14 We respectfully submit this letter to the City  
15 Council. Please note the following items: Vida  
16 Mexicana Inc. will abide by the Department of  
17 Consumer Affairs DCA hours of operation at all times  
18 and 2) Vida Mexicana Inc. will address any concerns  
19 from the community at all times. Sincerely, Wendy  
20 Hernandez, Vice President. Are there any members of  
21 the public who wish to testify? Okay, seeing none, I  
22 now close the public hearing on this application and  
23 we will now vote to approve LU 43 Papasito in  
24

2 accordance with the recommendations of the local  
3 member. Counsel, can you please call the roll?

4 COUNSEL: A vote to approve Land Use 143,  
5 Papasito Café. Chair Moya?

6 CHAIRPERSON MOYA: Aye.

7 COUNSEL: Constantinides?

8 COUNCIL MEMBER CONSTANTINIDES: Aye.

9 COUNSEL: Reynoso?

10 COUNCIL MEMBER REYNOSO: Aye.

11 COUNSEL: Rivera?

12 COUNCIL MEMBER RIVERA: Aye.

13 COUNSEL: Torres?

14 COUNCIL MEMBER TORRES: I vote aye.

15 COUNSEL: Grodenchik?

16 COUNCIL MEMBER GRODENCHIK: Aye.

17 COUNSEL: The land use is approved by a  
18 vote of 7 in the affirmative, no negatives and no  
19 abstentions and referred to the full land use  
20 committee.

21 CHAIRPERSON MOYA: Okay, now I'm going to  
22 open the hearing on LU 141, the application for the  
23 Post Office Restaurant for a revocable consent to  
24 operate an unenclosed sidewalk café at 188 Havemeyer  
25 Street in Council Member Reynoso's district in

2 Brooklyn. I now open the public hearing on LU 141  
3 [sic]. Are there any members of the public who wish  
4 to testify? Seeing none, I now close the public  
5 hearing on this application and it will be laid over.  
6 Our next hearing is on LU 142 the application by  
7 Nobody is Perfect, a revocable consent to operate an  
8 unenclosed sidewalk café at 234 [sic] E. 4<sup>th</sup> Street  
9 in Council Member Rivera's district in Manhattan. I  
10 now open up the public hearing on LU 142 and we have  
11 Rosa Ruiz. When you sit down, yeah, and just turn on  
12 your mike.

13 ROSA RUIZ: There we go. Good morning,  
14 everyone. Let's try this again. This is an  
15 application for an unenclosed sidewalk café at 235 E.  
16 4<sup>th</sup> Street in Manhattan. We had met with the  
17 Community Board and we didn't get an approval because  
18 there seems to be, you know, a little bit of  
19 miscommunication going back and forth but he is  
20 committed to working with everyone and he would  
21 really like to be able to have his café so he does  
22 have 56 signatures in support and then people did  
23 come out and speak in favor of his application the  
24 night that we did go to the Community Board meeting.

25 CHAIRPERSON MOYA: Is that it?

2 ROSA RUIZ: Yeah.

3 CHAIRPERSON MOYA: Thank you, thank you  
4 for your testimony.

5 ROSA RUIZ: Okay.

6 CHAIRPERSON MOYA: Yeah, I'm gonna turn  
7 it over to Councilwoman Rivera for a few comments.

8 COUNCIL MEMBER RIVERA: So nice to see  
9 you again. We just met recently, yesterday in fact.

10 You know, this is a, it's rare to see a community  
11 oppose a sidewalk café. However, the Block  
12 Association which is called the E. 4<sup>th</sup> Street Lower  
13 Avenue B Block Association and the Community Board  
14 made me aware of about 44 noise complaints in about a  
15 one year period and they also showed me pictures of  
16 patrons loudly congregating outside at night and  
17 allege that the operator was violating stipulations  
18 of their liquor license so I wanted to ask what are  
19 you doing to cure that problem and have you been in  
20 communication with the Block Association since your  
21 first meeting and when was your first meeting?

22 ROSA RUIZ: The first meeting we had with  
23 the Block Association I believe was in May and I  
24 have, you know, conveyed to Clint and Mark that we  
25 will continue the dialogue, attend the meetings, be

2 more community involved and then out of those 44,  
3 even though you have 44, 311 complaints, the majority  
4 of them were unfounded so it wasn't that, you know, I  
5 understand that there was 44 calls. There was I  
6 believe 18 instances where it does say that police  
7 action did take place but 44 calls, majority not  
8 founded.

9 COUNCIL MEMBER RIVERA: And so what are  
10 you going to do about the, have you installed any  
11 additional sound proofing measures, what are you  
12 doing about the crowd control?

13 ROSA RUIZ: Yes, so there has been  
14 additional sound proofing installed. I actually have  
15 photos with me if you'd like to see them and as far  
16 as the crowd control as we were discussing, instead  
17 of having the people wait there, you know for their  
18 table, taking their telephone number and then giving  
19 them a call or a text advising them when their  
20 table's ready so this way there's no one standing  
21 outside.

22 COUNCIL MEMBER RIVERA: And so you,  
23 rather than withdraw your application today and meet  
24 again with the Block Association to go over some of  
25 these changes and modifications that you're making to

2 improve overall quality of life coming on the block,  
3 you state that you need the sidewalk café.

4 ROSA RUIZ: Yes, so he really does need  
5 the café in order to be able to sustain because if  
6 not, he's gonna end up closing his establishment  
7 because it's just, it's difficult to run a business,  
8 you know, these days, this day and age but it's not  
9 that he's just gonna, you know, have the café and  
10 then not meet with the Block Association and continue  
11 a dialogue in order to, you know, better the  
12 relationship.

13 COUNCIL MEMBER RIVERA: So I'm not sure  
14 if you're aware but the Block Association and the  
15 Board are suggesting that the license be denied and  
16 that you come back in about a year so you can prove  
17 to be a good neighbor and so why I'm asking you these  
18 questions is because I typically don't like to limit  
19 an operator from being able to grow their business  
20 and expand in a way that gonna actually have them  
21 stay in the space. We have a lot of restaurants that  
22 turn over. We have a lot of vacant store fronts and  
23 I want small businesses to thrive in my district but  
24 I also have to put the quality of life of the tenants  
25 first and the residents who are there in their

2 neighborhoods and so they are asking that we deny  
3 your license and so I want you just to, what I really  
4 want to see is better communication between you and  
5 the Block Association so if you do not get the  
6 sidewalk café today, is it, you're saying that the  
7 financial difficulty could close your restaurant to  
8 shut down, your applicant.

9 ROSA RUIZ: Yes.

10 COUNCIL MEMBER RIVERA: Are you willing  
11 to cut the number of tables and chairs down to limit  
12 some of the

13 ROSA RUIZ: Yes, we are willing to cut  
14 down the number of tables and chairs so I don't know  
15 if you have the diagram in front of you.

16 COUNCIL MEMBER RIVERA: I do not.

17 ROSA RUIZ: Okay, so I have the diagram.  
18 Would you like me to take it up?

19 COUNCIL MEMBER RIVERA: That's okay.

20 ROSA RUIZ: So we're willing to take away  
21 six tables and twelve seats. The application is for  
22 32 seats so that would reduce it by, I believe, by a  
23 third and then also reduce the hours of operation  
24 Sunday through Wednesday till 9 o'clock at night and  
25 then Thursday, Friday and Saturday, the café open

2 until 10 p.m. and also continue to meet with the  
3 Block Association.

4 COUNCIL MEMBER RIVERA: So I, you know, I  
5 can't ignore the heightened outreach from the  
6 constituents and all of the complaints that have come  
7 in which I do have the complaint in from of me and I  
8 have a number of letters. You said that you have 56  
9 signatures in support of the restaurant.

10 ROSA RUIZ: In support, yes.

11 COUNCIL MEMBER RIVERA: Is that what you  
12 gathered in order to bring the application forward?

13 ROSA RUIZ: Yes.

14 COUNCIL MEMBER RIVERA: Do you have  
15 letters in support?

16 ROSA RUIZ: I do not have actual physical  
17 letters in support but I do have the 56 signatures  
18 with me if you'd like that.

19 COUNCIL MEMBER RIVERA: Have you been in  
20 touch, I know that we just spoke yesterday for the  
21 first time and you met in May and I was hoping that  
22 there would be a little bit more progress in the  
23 coming months and now we're on a very strict timeline  
24 so have you tried to get in touch with the Block  
25 Association, at least today to try to make amends

2 ROSA RUIZ: Yes, I have spoken with Clint  
3 who's in the audience and we've discussed a few  
4 things.

5 COUNCIL MEMBER RIVERA: So you'll be  
6 meeting soon.

7 ROSA RUIZ: Yes.

8 COUNCIL MEMBER RIVERA: Okay, and so  
9 you're going down from 32 seats to 12 seats. Have  
10 you considered just a reduction, 50% reduction? Have  
11 you spoken with any of the constituents to try and  
12 figure out the best way to bring this sidewalk café  
13 without us turning it down because right now with the  
14 311 complaints and the organizing that has gone on in  
15 the community, rare do you see a Block Association  
16 organized that much against a sidewalk café unless  
17 the restaurant has been a bad neighbor.

18 ROSA RUIZ: No, again, I understand  
19 completely where everyone is coming from. You know,  
20 you offered, you know, your office in order to be  
21 able to have an open dialogue and I think that would  
22 be great so that this way there is another  
23 intervention.

24 COUNCIL MEMBER RIVERA: Right, I don't  
25 want to limit you for frivolous reasons but this is,

2 it's been pretty serious and they reach out to me  
3 repeatedly so I don't have any more questions, Chair  
4 Moya. Thank you for allowing me to speak with the  
5 applicant.

6 CHAIRPERSON MOYA: Of course, thank you  
7 Council Woman Rivera and thank you for your  
8 testimony.

9 ROSA RUIZ: Okay, thank you.

10 CHAIRPERSON MOYA: The next panel here is  
11 Mark Henne, Clint Smeltzer, is that it, and Luis  
12 Reyer. Please state your name and you may begin.

13 MARK HENNE: Okay, great. My name is  
14 Mark Henne. I live at 240 E. 4<sup>th</sup> Street directly  
15 across the street from the location of the premises.

16 LUIS REYER: My name is Luis Reyer. I  
17 also live at 240 E. 4<sup>th</sup> Street directly across from  
18 Nobody is Perfect.

19 CLINT SMELTZER: My name is Clint  
20 Smeltzer. I am Vice Chair of the CB3SLA licensing  
21 committee.

22 MARK HENNE: Oh, one other thing that I  
23 forgot to mention is that I co-chair the Block  
24 Association along with Clint.

25 COUNCIL MEMBER RIVERA: Do you have any

2 MARK HENNE: Oh, I'm sorry. Do you want  
3 to go first? This location has been a concern for  
4 neighborhood residents since it first converted into  
5 a commercial restaurant establishment a dozen years  
6 ago. This is the fourth business to come into the  
7 space and operate there. It's a very large space for  
8 typical restaurants in the neighborhood. I think it  
9 seats about, give or take, 100 people. It's been of  
10 concern to the residents because back in the early to  
11 mid 2000's there were a number of varied loud,  
12 boisterous, late night clubs that existed in the  
13 neighborhood that ostensibly operated as restaurants  
14 but were really, in fact, nightclubs and working with  
15 the Community Board and the State liquor authority,  
16 we were able to kind of shut those down and it turned  
17 out that some of the establishments were operating  
18 without an official liquor license and some were  
19 operating in violation of various stipulations of  
20 their liquor licenses so we organized the Block  
21 Association really to begin to deal with these  
22 situations. This space has been of concern. We met  
23 with the applicant a year and a half ago, maybe, not  
24 quite by now when they first applied for their liquor  
25 license and were granted it and we presented them

1 with our usual boiler plate stipulations that we've  
2 developed in our Block Association in conjunction  
3 with the Community Board to make sure that these  
4 businesses actually operate as restaurants and do not  
5 morph into late night clubs so that we don't have the  
6 similar situation that we had initially. There was a  
7 lot of back and forth and some tension and Clint can  
8 talk in a minute about the negotiations with the  
9 Community Board but we basically got them to agree to  
10 the stipulations and what's happened since then is  
11 that probably beginning last winter, they kind of  
12 changed the character of their restaurant and the  
13 clientele that they were seeking to develop to  
14 support the business model and that was to become a  
15 much more boisterous kind of party place. I live  
16 directly across the street. My apartment fronts the  
17 building. I look down into the place. I experience  
18 the direct impacts and even in the winter with the  
19 windows closed both on my apartment and their front,  
20 the front of their place can open up into the street,  
21 it was quite loud and boisterous, particularly on  
22 Saturday and Sunday afternoons and on weekend  
23 evenings, well into the evening and they were never,  
24 even when they had the windows and doors open in  
25

1 warmer weather, they did not close them at 10 p.m. as  
2 required. They were playing very loud music. The  
3 stipulations that they had originally agreed to said  
4 that it was gonna be just sort of background ambient  
5 music. They have a very much kind of a party scene  
6 going on there where people cheer and clap and sing  
7 along with the music loudly and it's, they get a  
8 clapping thing going that speeds up which reminds me  
9 of people sort of drinking shots, although I have not  
10 witnessed this myself, and so this all became of  
11 concern. I myself at the very beginning when the  
12 restaurant first opened made some calls to the  
13 management when these situations would occur and was  
14 rebuffed and treated as if I was a nuisance and I've  
15 heard this from other neighbors that have done the  
16 same so I literally at some point just stopped  
17 calling and I'm one of those people that have filed a  
18 number of 311 complaints over the years because  
19 that's the only thing I can do. When this sidewalk  
20 application came forward to the Community Board, we  
21 met with the applicant again. We had a very large  
22 turnout for the meeting which is not typical for our  
23 meetings when we consider such matters as this. It  
24 was a very contentious meeting with the applicant.  
25

2 They really pushed back on a lot of what we were  
3 saying about what we were witnessing and  
4 experiencing. They challenged us on a lot of our  
5 contentions and they did not appear particularly to  
6 be cooperative in terms of negotiating anything out  
7 and around the sidewalk café so we then recommended  
8 to the Community Board that they recommend to you  
9 folks that the application for the sidewalk café be  
10 denied.

11 CHAIRPERSON MOYA: Thank you.

12 MARK HENNE: And to respond to what the  
13 previous speaker said, to the best of my knowledge we  
14 have not been approached about a subsequent meeting  
15 or agreed to any particular meeting although we would  
16 certainly be open to that option.

17 CHAIRPERSON MOYA: Do any of you wish to  
18 testify as well or?

19 LUIS REYER: I don't. Mark pretty much  
20 covered it but I also live on the street side and as  
21 it stands now, the front opens up extensively and so  
22 it is quite noisy and now that the neighborhood seems  
23 to have unbraced a brunch scene, the noise will start  
24 at 12 p.m. noon and thumping all the way to the  
25 evening so now whereas it used to be around dinner

2 time, now it's extended so when we saw the café, they  
3 were going to apply for a permit to the café, we  
4 thought that would be a big problem because it  
5 already is a problem. The storefront is, the  
6 restaurant essentially opens up anyway. I would say  
7 50 to 60 to 70% of the front opens up with hinged  
8 windows so if that is extended out into the sideway  
9 with no barrier whatsoever, we thought that is just  
10 gonna amplify. It's gonna be even worse so, that's  
11 all. I think Mark covered it otherwise.

12 CHAIRPERSON MOYA: Yeah, before we begin,  
13 we're gonna start with the two minute clock.

14 CLINT SMELTZER: Okay, I'm actually gonna  
15 be quick. They pretty much summarized everything. I  
16 just want to speak from the Community Board side. We  
17 don't usually deny sidewalk cafes because they're not  
18 usually that much of a problem. However, in this  
19 situation because of the complaints of the residents  
20 and they were basically violating almost every  
21 stipulation that they agreed to with the SLA so  
22 because it was so egregious, and the residents that  
23 had tried to work with them did not receive a  
24 positive response in any way. Some of them were, you  
25 know, sworn at and chased away basically so because

2 of that as the Community Board, we decided to flat  
3 out deny, not even issue with stipulations so that's  
4 kind of how it got to this extreme position. We  
5 weren't asking ever for them to be, to never apply  
6 for a sidewalk café. It was simply to prove that you  
7 can operate within your existing stipulations and  
8 follow the rules and then we're more than willing to  
9 work with you.

10 CHAIRPERSON MOYA: Okay, I'm gonna turn  
11 it over to Council Woman Rivera for a few questions.

12 COUNCIL MEMBER RIVERA: Yes, thank you  
13 all for being here. Good to see you so I understand  
14 it's been a problem for many, many years but I just  
15 want to focus on this application and so I want to go  
16 back to your comment. I know that, Rosa approached  
17 maybe Clint this morning.

18 CLINT SMELTZER: Yeah, so

19 COUNCIL MEMBER RIVERA: Minutes ago?

20 CLINT SMELTZER: Yeah, so when Mark said  
21 he, it was just earlier when Rosa and I were  
22 speaking. We haven't set up a meeting. She did say,  
23 you know, we've talked about, we're willing, we  
24 haven't actually set anything up but we'll see what  
25 comes out of that is the next.

2 COUNCIL MEMBER RIVERA: The only thing I  
3 would ask is that if you can try to get together and  
4 figure out if there's something, there's a couple of  
5 things that I think they should agree to do. Really  
6 close their windows by 10 p.m. the way that they  
7 agreed to and figure out how to do some crowd control  
8 with the people that are waiting for their table for  
9 brunch or whatever it is. I know other restaurants  
10 do it. There are apps, you can make a call and so I  
11 would just encourage if you all can maybe get  
12 together in the next couple weeks and I'm happy to  
13 help provide a space for that, I would really  
14 appreciate just so we could figure this out and  
15 hopefully have a small business that can last, that  
16 is not, you know, bothering the rest of the block.  
17 Thank you.

18 MARK HENNE: I think we'd be willing to  
19 work with your office on that.

20 COUNCIL MEMBER RIVERA: Thank you.  
21 That's it.

22 CHAIRPERSON MOYA: Okay, thank you so  
23 much for your testimony. Are there any other members  
24 of the public who wish to testify? Seeing none, I  
25 now close the public hearing on this application and

2 this application will be laid over. So Counsel will  
3 you please call the roll for LU 143?

4 COUNSEL: Continued vote to approve LU  
5 143. Council Member Levin?

6 COUNCIL MEMBER LEVIN: I vote aye on all.

7 COUNSEL: The vote now stands at 8 to  
8 approve, 0 abstentions and no negatives.

9 CHAIRPERSON MOYA: Got it. Our next  
10 public hearing is on LU's 147 and 148, the East 33<sup>rd</sup>  
11 Street rezoning, applicant 33<sup>rd</sup> Street Acquisitions,  
12 LLC seeks a rezoning map changed from an R8A to C1-9A  
13 and a zoning text amendment to apply MIH option 1 to  
14 the rezoning area which is in Council Member Rivera's  
15 district in Manhattan. I now open up the public  
16 hearing on this application and ask the Counsel to  
17 swear in the applicant team. We're now gonna call up  
18 Dan Eggers [phonetic], Mark Weprin [phonetic] our  
19 former colleague, Michael Helitz [phonetic], did I  
20 say that correctly, and Michelle Mirado Ecouski  
21 [phonetic]. Oh, thank you. Counsel

22 MARK WEPRIN: Good morning, I'll start.

23 CHAIRPERSON MOYA: One second.

24 MARK WEPRIN: Okay, I'll wait for the  
25 finger. Hopefully it's the right one.

2 CHAIRPERSON MOYA: We need Counsel to  
3 swear you in.

4 COUNSEL: Do you each affirm that the  
5 testimony that you are about to give will be the  
6 truth, the whole truth and nothing but the truth and  
7 that you will answer all questions truthfully and  
8 before you answer, please state your name into the  
9 mike.

10 MARK WEPRIN: We do, I do. You guys do.  
11 Dan Eggers, I do. Ready, okay, so just, I just  
12 wanted to wish everyone a good morning and thank you  
13 for having us here today for this rezoning on 33<sup>rd</sup>  
14 Street. Just to give you contacts to who everyone is  
15 up here. Michele who he introduced is a landlord  
16 tenant attorney for the client, Michael Helitz who is  
17 next to me, and Dan Eggers to my right is a land use  
18 counsel at Greenberg Traurig. My name is Mark Weprin  
19 and I am an attorney at Greenberg Traurig and it's  
20 really impressive to be here today. It's like an  
21 all-star team of the City Council, looking around on  
22 this all-star game day.

23 CHAIRPERSON MOYA: Flattery will get you  
24 everywhere.

2 MARK HEPRIN: Okay, I'll work on that.  
3 You notice I waited until Grodenchik left to say  
4 that. I wanted to be clear on that, no. So what I  
5 want to do is I'm gonna turn it over to Dan who is  
6 gonna give the presentation and then we'll be happy  
7 to answer any questions.

8 DAN EGGERS: Good morning Chair Moya,  
9 Council Member Rivera, Council Members. This is an  
10 application by 33<sup>rd</sup> Street Acquisition, LLC to rezone  
11 a portion of the north side of E. 33<sup>rd</sup> Street between  
12 1<sup>st</sup> and 2<sup>nd</sup> Avenues from an R8A to a C1-9A district.  
13 The rezoning would be subject to mandatory  
14 inclusionary housing and would facilitate the  
15 provision of up to 40 affordable housing units in a  
16 23 story, approximately 123,000 square foot building  
17 with ground floor retail and residential above. Also  
18 here today, in case you have any questions is Shay  
19 Alster [phonetic], the project architect and  
20 Christina McKellan [phonetic] from Phil Fabibe  
21 [phonetic] & Associates, the environmental  
22 consultant. Our client owns the property at 339 to  
23 343 E. 33<sup>rd</sup> Street, that's lots 24, 25 and 26 and is  
24 negotiating to purchase 345 E. 33<sup>rd</sup> Street. That's  
25 lot 27. He's also negotiating to purchase

1 approximately 16,000 square feet of development  
2 rights from lot 23. The four buildings on the  
3 property our client owns or may own contain a total  
4 of 40 dwelling units of which 10 are subject to rent  
5 regulation. As you can see on the tax map, the  
6 proposed rezoning would extend the existing C1-9A  
7 district mapped along the blocks 34<sup>th</sup> Street and 1<sup>st</sup>  
8 Avenue frontages an additional 200 feet into the mid-  
9 block to encompass the four development site lots,  
10 the development rights parcel and three out parcel  
11 lots. That's lots 20, 21 and 22 and a portion of lot  
12 28. Here are conceptual renderings, one showing the  
13 building on all four lots. That's the building on  
14 the left and one showing the building on just the  
15 three lots that our client currently owns. That's  
16 the building shown on the right. There would be  
17 117,000 square feet of residential floor area which  
18 the application proposes would be subject to MIH  
19 Option 1, which requires at least 25% of the  
20 residential floor area be set aside permanently for  
21 affordable housing units for residents whose income  
22 average 60% of AMI. There would be approximately 155  
23 dwelling units so 25% would equal about 39 units.  
24 Our client intends to seek 421A tax benefits and  
25

1 since there are currently 40 dwelling units on the  
2 site, the required replacement ratio requires that  
3 there be 40 affordable units provided. We believe  
4 there's a sound land use rationale for the rezoning.  
5 First, the 23 story height of the building would be  
6 in context. There are several other buildings in the  
7 surrounding area that are at least 23 stories,  
8 including the 21 story Kips Bay Towers directly to  
9 the south which is a comparable height, 23 story east  
10 of 1<sup>st</sup> Avenue and it won't even be the tallest  
11 building on the block as there's a 36 story building  
12 on the corner of 2<sup>nd</sup> Avenue and E. 34<sup>th</sup> Street. While  
13 C1-9A and C1-9A districts are usually mapped along  
14 avenues and not mid-blocks, this is a unique mid-  
15 block condition where extending the C1-9A district  
16 into the mid-block is justified. One reason is that  
17 E. 33<sup>rd</sup> Street between 1<sup>st</sup> and 2<sup>nd</sup> Avenues is a wide  
18 street as defined by the zoning resolution. At 80  
19 feet wide, it's actually wider than Lexington Avenue  
20 which is 75 feet wide. The blocks fronting Lexington  
21 between E. 33<sup>rd</sup> and 34<sup>th</sup> Streets are zoned C1-9 which  
22 permits the same maximum FAR as the proposed C1-9A  
23 district but has no height limit while the proposed  
24 C1-9A district would have a 230 foot height limit.  
25

2 No other portion of E. 33<sup>rd</sup> Street is this wide. In  
3 sum, the proposed rezoning to a C1-9A, 12 FAR  
4 district would allow development of a new mixed use  
5 building that would address demand for housing at  
6 varying income levels by providing 40 affordable  
7 housing units and local retail space in this  
8 community. I thank you for your consideration and  
9 welcome your questions.

10 CHAIRPERSON MOYA: Thank you. Just a  
11 couple of questions, this project is being built  
12 across the street from a major hospital in our city  
13 and 1<sup>st</sup> Avenue is a heavily trafficked street in the  
14 area. How will this project contribute to the  
15 congestion in this area?

16 DAN EGGERS: Our environmental consultant  
17 could speak in more detail about this but we believe  
18 that it would contribute minimally. The projected  
19 car ownership would be very low. This is a rental  
20 building. It's not proposed to be a luxury condo. I  
21 believe we estimate that there would be 25 cars  
22 generated by the project and we've done a study and  
23 we've found that there's parking resources in public  
24 garages in the immediate vicinity that could handle  
25 the parking demand so we believe that there would be

2 a minimal effect on traffic congestion and parking in  
3 the area.

4 CHAIRPERSON MOYA: What work is being  
5 done to address the concerns that were highlighted in  
6 the borough president's report?

7 DAN EGGERS: So the borough president's  
8 report specifically referenced two tenants in the  
9 buildings that our client owns and to speak  
10 specifically to that I turn it over to Michele Mirato  
11 Icowitz [phonetic], the client's landlord tenant  
12 counsel.

13 MICHELE ICOWITZ: Hi I'm Michele Icowitz.  
14 So, in these 23 units, three were rent controlled and  
15 two of the rent controlled tenants have been "bought  
16 out". Both tenants are being represented by very  
17 experienced tenant counsel and one got a very large  
18 buyout and left and another is being, the buyout has  
19 taken the form of an apartment in Florida, a condo,  
20 that was bought for that person and that person is  
21 being, the process of finishing the paint colors and  
22 buying him a car and those details are being worked  
23 out. The other rent controlled tenant is represented  
24 by another very reputable tenant counsel and there  
25 are no negotiations going on with that person. I

2 think, Dan correct me if I'm wrong, that covers what  
3 was, what the borough president was concerned about,  
4 the rent controlled tenants.

5 DAN EGGERS: And specifically two tenants  
6 that were mentioned in that report and we address  
7 both of them.

8 MICHELE ICOWITZ: Oh, okay, so then we  
9 have another rent stabilized unit who has been in  
10 just perpetual litigation with the applicant. Where  
11 we are right now is that there really aren't any  
12 discussions about buyouts going on with the rent  
13 stabilized tenants. There's really not anything  
14 going on. I've heard through the grapevine, although  
15 no attorney has stepped forward that they're all  
16 represented by again, very household name kind of  
17 famous tenant buyout attorney, except for one person  
18 and that's the one person in the borough president's  
19 report that she was concerned about. So this person  
20 just keeps approaching my client over and over saying  
21 I want a big buyout, I want a big buyout and he's  
22 just not ready to do buyouts until the whole group  
23 comes, until he moves further through this land use  
24 process to have an idea where it is so it's kinda  
25 just, the tenants are paying their rent, repairs are

2 being done, no one has any harassment complaints but  
3 this one tenant so she doesn't pay her rent because  
4 she, somewhere along the line, someone told her it  
5 was a good idea to not pay her rent, to try to move  
6 the applicant toward giving her a buyout so  
7 periodically we've had to sue her in housing court  
8 for the rent. Each time she's paid all the rent at  
9 the 11<sup>th</sup> hour. In the second case she was given a  
10 small abatement because I believe something with the  
11 boiler was out that winter but she was given, it was  
12 back on, but the housing court gave her a small  
13 abatement. Thereafter her attorney, she was  
14 represented not by legal aid but by private counsel  
15 and private counsel made an application for legal  
16 fees to say that they were the prevailing party. We  
17 defeated that. The housing court judge decided that  
18 there was no prevailing party so she wasn't awarded  
19 fees and once, as we stand here right now, I think  
20 she owes, how many months?

21 MICHAEL HELITZ: 13 months

22 MICHELE ICOWITZ: 13 months and we're  
23 back in housing court. We're currently on trial  
24 before Judge Stoler [phonetic] so it's, it's a very  
25 isolated incident, the relationship with this

2 particular tenant. We'd be happy to avail ourselves  
3 of a meeting with anyone from the Council who want to  
4 meet with ourselves and this tenant but right now,  
5 they just really actually are very routine non-  
6 payment situation that I think has at its roots, the  
7 fact that this tenant thinks that if she doesn't pay  
8 the rent, it's gonna speed up a buyout situation but  
9 really these things have their own pace as you well  
10 know so otherwise all is quiet at the building. Can  
11 I answer any questions on that? Was I clear?

12 CHAIRPERSON MOYA: So just one follow up  
13 to that, how many of the eight tenants have already  
14 agreed to a buyout? Is it just one?

15 MICHELE ICOWITZ: 23 units over three  
16 buildings, 12 were vacant, long vacant when we got  
17 there, 8 are rent stabilized and one did

18 CHAIRPERSON MOYA: Out of the 8 that are  
19 rent stabilized?

20 MICHELE ICOWITZ: Out of the 8 that are  
21 rent stabilized, one did take a buyout but was a  
22 person who actually lives in Connecticut. I brought  
23 a routine, non-primary residence case and the person  
24 came in very quickly and said, you got me, handed  
25 over the keys. I think we paid for their moving

2 expenses just to have a non-litigation result and so  
3 the other 7, we're not even in communication with  
4 them at this time. It's all quiet.

5 CHAIRPERSON MOYA: Okay, thank you. Last  
6 question, what is the commitment to good jobs on this  
7 project?

8 MARK WEPRIN: We've been working with  
9 32BJ and of last night, we have a signed agreement  
10 with 32BJ and we're gonna be working with them. I  
11 see a number of purple shirts behind me. I think  
12 they're planning on testifying here today.

13 CHAIRPERSON MOYA: Thank you. I'm now  
14 gonna turn it over to Council Woman Rivera for  
15 questions.

16 COUNCIL MEMBER RIVERA: Thank you all for  
17 being here. Good to see you. You mentioned that one  
18 of the tenants there, you said she received an  
19 abatement.

20 MICHELE ICOWITZ: Yes, I think it was 12%  
21 perhaps.

22 COUNCIL MEMBER RIVERA: And why did she  
23 receive, that was mandated by the court.

24 MICHELE ICOWITZ: Yes.

2 COUNCIL MEMBER RIVERA: Why did she  
3 receive an abatement?

4 MICHELE ICOWITZ: That winter for a  
5 period of time, the boiler was out while it was being  
6 replaced. The tenant was given alternative heating  
7 systems in the meantime but my experience as 22 years  
8 as a landlord and tenant lawyer is when a housing  
9 court judge heard boiler out, it's going to equal  
10 some type of abatement. I'm not arguing with the  
11 judge's result but that's why I also added the part  
12 about the end, how counsel moved to be deemed the  
13 prevailing party because oftentimes what you see is  
14 tenants have to withhold rent in order to get repairs  
15 so then even a small abatement might be considered  
16 them being the prevailing party but the housing court  
17 judge in this case agreed that she wasn't the  
18 prevailing party and she actually says in her legal  
19 fee decision denying legal fees, this tenant is  
20 withholding rent in order to speed up a conversation  
21 about a buyout that she would like to have.

22 COUNCIL MEMBER RIVERA: The reason why  
23 I'm asking is because in the borough president's  
24 resolution, there were some allegations of  
25 harassment. Now I know there are tools in order to

2 clear a building and one of them you're using which  
3 are buyouts and so I just want to make sure that  
4 you're going on record as saying that this was  
5 further investigated that there would be no other,  
6 like no other tenants will be able to substantiate  
7 what would be reflective of landlord harassment.

8 MICHELE ICOWITZ: I'm comfortable going  
9 on record saying that because the other tenant that  
10 lives in the same building as the tenant we're  
11 talking about. He didn't have any complaints as all  
12 living in the same building. Also, again, there's no  
13 tenant association in this building that I'm aware of  
14 and no counsel other than the one I've talked about  
15 so far has come forward but I've heard through the  
16 grapevine that they're all represented by very  
17 reputable counsel and nobody's, there's no  
18 complaints. There's no HPD complaints, there's no  
19 complaints of harassment and in the beginning we  
20 started this project by, right after he bought it,  
21 pursuant to the Housing Maintenance Code, the anti-  
22 harassment warnings you're supposed to give to say if  
23 you don't want to talk about a buyout, you don't have  
24 to, you're entitled to a lawyer, the HPD ABC's of  
25 Housing pamphlet, I actually gave it to them so and I

2 cc'd that to them Council Woman Mendez's office so it  
3 was just from day 1, it was like let's talk, let's be  
4 open, let's be in communication and it really does  
5 seem to be isolated to this one tenant. I can go on  
6 record and say there are no other allegations of  
7 harassment and if it was investigated further, I  
8 don't think any would be found.

9 COUNCIL MEMBER RIVERA: Okay, so you have  
10 control over three lots, so you're saying seven of  
11 the tenants that remain in these three buildings are  
12 stabilized. One is rent control from what I  
13 understand

14 MICHELE ICOWITZ: I'm gonna say two are  
15 rent controlled because the guy that's got an  
16 apartment in Florida, hasn't, he wants to wait till  
17 September to move so he's still there so there's two  
18 rent controlled tenants.

19 COUNCIL MEMBER RIVERA: Okay, so if  
20 you're not able to come to buyout agreements with all  
21 of them and I understand that communication has  
22 ceased since they've retained representation, are you  
23 standing, are you going to offer them long term  
24 leases and relocation costs during construction? Are

2 you gonna have them come back to the building with an  
3 affordable lease?

4 MICHELE ICOWITZ: I'm gonna turn that  
5 over.

6 DAN EGGERS: So, Council Member, the  
7 applicant is amenable to a circumstance in which the  
8 remaining tenants would have the right to be  
9 relocated back into the proposed building at  
10 negotiated rents that would be less than the rents  
11 that would be charged to the market rate tenants  
12 although perhaps greater than the rents that they're  
13 currently paying and what we are proposing, what  
14 we've come up with is a rent of \$1,500 a month for a  
15 period of five years and just to give you some frame  
16 of reference, the average rent paid by the rent  
17 stabilized tenants currently is \$1,390 per month so  
18 it would be a little higher than they are currently  
19 paying but that's something that we're prepared to  
20 offer should the tenants want to avail themselves of  
21 that. As for tenant relocation, during the period of  
22 construction, the applicant will move the tenants to  
23 a similar apartment in a comparable building in the  
24 area. We'd pay the tenant's moving expenses and  
25 would subsidize the difference between the rent that

2 they're currently paying and the rent that they would  
3 pay in the apartment to which they are relocated.

4 COUNCIL MEMBER RIVERA: So if they don't  
5 take the buyout, you're gonna relocate them, expenses  
6 paid and then have them come back to the brand new  
7 building at a lease for \$1,500 for five years?

8 DAN EGERS: Should they, should they wish  
9 to do that, yes.

10 COUNCIL MEMBER RIVERA: Why only five  
11 years? And after that, what happens?

12 DAN EGERS: Well, after that five year  
13 period, the rents would go to the market rent that  
14 we'd be charging the other units but if you would  
15 like to have a discussion about perhaps extending  
16 that period of time beyond five years, I think that's  
17 something that we can talk about further.

18 COUNCIL MEMBER RIVERA: Yeah, I would  
19 like for you to consider that. I mean five years  
20 goes by like that. They just moved, then they move  
21 again and then they have five years to get it all  
22 together and find another rent stabilized unit. I  
23 don't know what their background is, I don't know  
24 what their income is but I imagine if you have a  
25 \$1,300 apartment and you're doing everything by the

2 book, you're not swimming in cash so have you  
3 clarified with HPD whether these tenants can return  
4 to the units as applicants? Have you spoken with HPD  
5 about this potential agreement or is this just  
6 something between you and the tenants themselves?

7 DAN EGGERS: So, we've reached out to HPD  
8 to see if the existing tenants could be given a  
9 preference in the affordable housing lottery for the  
10 mandatory inclusionary housing units and we're not,  
11 we're not exactly sure that HPD has the discretion or  
12 the authority to do that but we've asked them to  
13 consider that and we've, so we've made that request  
14 and we will continue to follow up on that, on that  
15 specific ask.

16 COUNCIL MEMBER RIVERA: Okay, I have a  
17 question about the lot. I know that you are looking  
18 to rezone an area that includes lots that aren't  
19 subject to the development proposal itself and I know  
20 that's typical and I think you had mentioned to me  
21 once that DCP had asked you to look at a bigger area  
22 so is this practice, is this general practice simply  
23 because the lots are abutting or why are you, why do  
24 you have a bigger area than the lots that you  
25 actually own?

2 DAN EGGERS: City Planning had asked that  
3 those three outparcel lots which I'm showing on the  
4 tax map, 20, 21 and 22 be included in the rezoning  
5 area because they felt that it made sense from the  
6 perspective of the rationality of the zoning map and  
7 from a land use rationale as well so that's why those  
8 lots are included. It's not something that we  
9 proposed.

10 COUNCIL MEMBER RIVERA: And for the lot  
11 that you are trying to acquire, what exactly are the  
12 issues that play with the acquisition?

13 DAN EGGERS: So what happened here is that  
14 somebody got wind of the rezoning and in a classic  
15 New York scenario, they're acting as a spoiler. They  
16 came in and they purchased the lot and they're  
17 holding out for money and what also complicated the  
18 acquisition of that lot is that the lot is actually  
19 divided between a fee parcel and a fee above a plain  
20 parcel that was created back in the 1980's so one  
21 would have, Michael would have to acquire both pieces  
22 and that is something he is seeking to do but it's  
23 something that has taken a while and it's turned into  
24 a complicated situation.

2 COUNCIL MEMBER RIVERA: Because if you  
3 don't acquire the fourth lot, have you considered the  
4 contextual problems. You're gonna have this big  
5 building sandwiched between these little buildings so  
6 I'm curious as to kind of, do you think that's,  
7 that's gonna be a big issue for the residents there  
8 so are you in negotiations, is it close to being  
9 acquired?

10 DAN EGGERS: So it's something that our  
11 client is actively working on but what I would say is  
12 that this condition exists in many places in  
13 Manhattan in where you have two tall buildings and a  
14 smaller one in between and I would also say that  
15 rezonings occur even where there is no immediate  
16 plans for development on a particular parcel but  
17 because it's determined that from a land use  
18 rationale and a planning standpoint that particular  
19 zoning district makes sense on that parcel so I would  
20 say that the land use rationale supporting the  
21 rezoning would exist whether or not our client is  
22 able to redevelop that fourth parcel.

23 COUNCIL MEMBER RIVERA: And you've spoken  
24 to the neighbors across the street, Kips Bay Towers

2 about the construction and potentially what could  
3 happen on their block.

4 DAN EGGERS: So we, we reached out at the  
5 time we were going to the Community Board to the Kips  
6 Bay Association and the Kips Bay Neighborhood  
7 Alliance a number of who's residents I believe live  
8 in those buildings and we offered them a briefing and  
9 they didn't take us up on the offer but they were at  
10 the Community Board and we spoke to them then. We  
11 haven't specifically discussed with them construction  
12 staging but that's something that we'd be happy to do  
13 and should this application be approved, we will be  
14 happy to hold briefings in the neighborhood and work  
15 with the community to make sure that construction  
16 occurs in a way that is not disruptive to them.

17 COUNCIL MEMBER RIVERA: I mean, it's a  
18 lot of tenants in Kips Bay Towers so I would just  
19 say, please be in touch with the Board and if you  
20 need any assistance in communicating with them, my  
21 office is happy to assist you. So my last question,  
22 of course, is probably the most important and it has  
23 to do with the affordability of the project itself so  
24 the Community Board, the borough president and I have  
25 all requested additional affordable units be included

2 as part of the development so the borough president  
3 asked for ten additional units total and Community  
4 Board 6 requested that 40% of the project be  
5 affordable and so are you prepared, from what I've  
6 heard, you are going to do 25% at 60 AMI? I want to  
7 make sure that I heard that correctly.

8 DAN EGGERS: Yes, that's correct. That's  
9 what we have proposed.

10 COUNCIL MEMBER RIVERA: So I am going to  
11 say what I think I've been saying to you since the  
12 beginning is that 25, you know, years and years and  
13 years communities have had to take this 80/20  
14 nonsense which is clearly just acerbated the  
15 affordable housing crisis and the homeless shelter  
16 problem that we have and so I'm asking that you add  
17 additional units according to the Community Board,  
18 the borough president, my ask, I mean do need more  
19 affordable units. Twenty five percent at 60 AMI,  
20 while 60 AMI might be appropriate for the area  
21 itself, 25% is really, really low considering that  
22 you are going to put a very large building on top of  
23 units that are still occupying tenants so I know that  
24 you're gonna get all your ducks in a row, that you're  
25 gonna speak to the tenants, that you're gonna take

1 care of them, that you're gonna reach out to the  
2 Community Groups and make sure that you're gonna have  
3 the lightest impact of construction pay as possible  
4 but the affordability of the project itself is  
5 absolutely the most concerning thing to me so we  
6 really have to, I guess, go back and talk a little  
7 bit about how we can up those units because you are  
8 clearly taking advantage of tax breaks and I realize  
9 the financial viability of the project is important  
10 to your applicant but what's most important to me is  
11 that with these tax breaks, with these public  
12 dollars, comes a public benefit.

14 DAN EGGERS: Understood and we are  
15 prepared to look into providing additional affordable  
16 units and we want to have further conversations with  
17 you about how to do that.

18 COUNCIL MEMBER RIVERA: Thank you and  
19 thank you Chair Moya for asking about the good jobs.  
20 I'm glad that you are in talks with 32BJ. Thank you.

21 CHAIRPERSON MOYA: Thank you, Council  
22 Woman Rivera. We have questions from Council Member  
23 Reynoso and we are also joined by Council Member  
24 Richards.

COUNCIL MEMBER REYNOSO: Yeah, so my question is just one question. Council Member Rivera speaks to wanting 40% affordable housing as does the borough president and it seems like the elected officials across the board, 40% and in one of your replies or responses to a question related to a rent stabilized tenant getting a five year deal for an apartment at \$1,500 a month and that after five years it would go away and they would be market rate. It's just shocking that they're asking for 40% and you're looking to take the one apartment that is rent stabilized and fold it into the affordable housing that would happen under MIH instead of taking the responsibility on your own and when I hear that, it makes me think that you're not taking the 40% seriously. To be honest, you're not taking 26% seriously so imaging what the 40% looks like. Why is it that that one rent stabilized apartment, at least, we can't just check the box for putting it at \$1,500 and then letting it be rent stabilized? Maintain it as a rent stabilized building that goes up in perpetuity according to the rent guidelines board. Why not do that instead of giving, you know, five

2 years and think you're doing us a favor? Why not  
3 just rent stabilize it?

4                   MARK WEPRIN: Want me to try it? Well,  
5 Councilman, we understand and we understand the need  
6 for affordable housing. In the Community Board  
7 hearing, while it came out in the report, that was  
8 not raised at the Community Board as 40%. You know,  
9 the number, when MIH was passed by the City Counsel,  
10 those numbers weren't pulled out of the sky. They're  
11 done on, with economists and how much can be done  
12 affordability wise. This particular project, based  
13 on the numbers, especially it has these added factors  
14 of we're still negotiating to buy a building, he's  
15 still, we're not sure how much he's gonna have to pay  
16 the tenants who may be relocated. All these factors  
17 are paying into the fact that, you know, we've got to  
18 have, estimate costs and what can be done. In  
19 addition, this zoning currently would allow, if he  
20 was to build as of right [sic], he could the  
21 buildings and actually double the size of the current  
22 buildings and build it as of right about 12 stories  
23 as opposed to the 21 here now. Now I know, you know,  
24 people always love to throw that out. Oh, I could do  
25 this as of right but the economics of this thing

1 really make sense at a certain tipping point so while  
2 we are absolutely willing to work with the Council  
3 Member and all of you on trying to negotiate how to  
4 take care of the tenants who are in there now, make  
5 sure they're protected, 25% is really an important  
6 number for us, brand new, by the brand new, fire safe  
7 people who all have the income levels that are  
8 required. Currently, there are people in this  
9 building who may not, not subject to state  
10 legislature, permanent affordable housing so, you  
11 know we're gonna negotiate it but a 40% number to be  
12 perfectly frank is just not possible in any way,  
13 shape or form, even less than that but we're willing  
14 to talk and try to figure out a place that  
15 economically works for our client, for Mr. Helitz,  
16 but also understands, deals with the issues you are  
17 raising today.

19 COUNCIL MEMBER REYNOSO: So while I will  
20 defer to the local Council Members decision here, if  
21 you don't get that rent stabilized tenant protected  
22 long term, the way they are right now, this is  
23 something that's gonna be very hard for me to be  
24 supportive of. That, just one tenant, will make it  
25 very difficult. If you don't protect them the way

2 they are protected right now under state law by  
3 having that rent stabilized apartment for as long as  
4 they live there, only renewing leases the way, they  
5 found a gem in that and I want to make sure that  
6 that's preserved but the second thing I want to say  
7 is, I would love to see your numbers. You say you  
8 can't do it. Why don't you be transparent and show  
9 us how much money you're gonna make off this project  
10 and hard it is for you and how little money you're  
11 gonna be making for giving us 40% affordable housing.  
12 I would love for you to give me that information so  
13 that, so that I can sympathize and empathize with  
14 you. I would love that.

15 [applause]

16 MARK WEPRIN: Duly noted, thank you.

17 COUNCIL MEMBER REYNOSO: Thank you.

18 CHAIRPERSON MOYA: Folks, there's no  
19 clapping here. You can put your hands up and wave if  
20 you like. There you go. Thank you.

21 COUNCIL MEMBER REYNOSO: Thank you for  
22 your

23 CHAIRPERSON MOYA: Thank you Council Man  
24 Reynoso so thank you very much to the panel for their  
25 testimony today.

2 MARK WEPRIN: Thank you very much.

3 CHAIRPERSON MOYA: And I'm gonna call the  
4 next panel. Pascal, I'm gonna ask the Counsel to  
5 call the vote right now for Council Member Richards.

6 COUNSEL: Continued vote to approve Land  
7 Use item 143. Richards?

8 COUNCIL MEMBER RICHARDS: I vote aye.

9 COUNSEL: The application is approved by  
10 a vote of 9 in the affirmative, 0 negative and no  
11 abstentions and referred to the full land use  
12 committee.

13 CHAIRPERSON MOYA: Thank you. Pasqual  
14 and Adam Herkey. So each of you will have two  
15 minutes and we can begin with you, Pasqual. If the  
16 sergeant-at-arms can just set the clock to two  
17 minutes.

18 PASCAL: Good morning, Chair Moya and  
19 members of the committee. My name is Pasqual. I'm  
20 a, I work as a porter and I've been a member of SCIU  
21 Local 32 BJ for two years. I am here today on behalf  
22 of the residential members of Local 32 BJ, over  
23 30,000 people who clean, maintain and provide  
24 concierge service at apartment buildings throughout  
25 this great city. New York's cost of living is one of

2 the highest in the country and we believe that  
3 working people should not have to be asked to do more  
4 with less. We believe that all developers should  
5 commit to providing good building service jobs that  
6 pay workers the industry standard prevailing wage and  
7 benefits. We are happy to report that 33<sup>rd</sup> Street  
8 Acquisition LLC, an affiliate of Axel, has made a  
9 commitment to providing building service workers with  
10 good jobs that will help them put extra food on the  
11 table and save a little bit more for retirement.

12 This development will uphold the standards that  
13 building service workers have fought for. That is  
14 why we are urging the Council to support this  
15 project. Thank you very much for your time.

16 CHAIRPERSON MOYA: Thank you.

17 ADAM HERKEY: Thank you very much, good  
18 morning. My name is Adam Herkey. I am the Vice  
19 Chair of Community Board 6 land use and waterfront  
20 committee. On March 14, 2008, Community Board 6  
21 passed a resolution regarding the proposed rezoning  
22 on 33<sup>rd</sup> Street. The resolution objected to the  
23 proposal as presented unless 40% of the residential  
24 square footage be dedicated to permanently affordable  
25 housing. The resolution passed 36 to 1 to 1. The

2 resolution highlighted CB6's commitment to affordable  
3 housing and the unique case that this rezoning  
4 allows. Testimony to CB6 during the process  
5 showcased the urgent need for more affordable housing  
6 options within the district. The proposed rezoning  
7 will increase the maximum residential FAR of these  
8 lots from six to twelve and will trigger MIH a  
9 provision and allow commercial usage which are  
10 currently prohibited. This site is rather unique to  
11 CB6 in that it is situated on a wider than normal  
12 street, 80 feet, with minimum shadow impacts.  
13 Further, it is one of the few sites that can be up  
14 zoned that will trigger MIH in the district as  
15 existing R-10 districts and the commercial  
16 equivalents cannot be rezoned to trigger MIH. A mid-  
17 block redistricting faces narrow streets and already  
18 appropriately zoned. Based on these facts, CB6  
19 implores the developer to increase the amount of  
20 affordable housing for the rezoning to move forward.  
21 Thank you.

22 CHAIRPERSON MOYA: Thank you for your  
23 testimony today. This panel is dismissed. Are there  
24 any other members of the public who wish to testify?

2 Seeing none, I now close the public hearing on this  
3 application and it will be laid over.

4 [pause]

5 CHAIRPERSON MOYA: Okay, our next hearing  
6 is on the 1601 DeKalb rezoning, preconsidered LU C  
7 180148 ZMK and N180149 ZRK, the applicant 1601 DeKalb  
8 Avenue Owner, LLC seeks a zoning map change and a  
9 zoning text amendment to apply MIH options 1 and 2 to  
10 the rezoning area which is in Council Member  
11 Espinal's district in Brooklyn. I now open the  
12 public hearing on this application and we are turning  
13 it over to Council Woman Rivera for a statement.

14 COUNCIL MEMBER RIVERA: Regarding  
15 preconsidered LU 2477, my husband is currently  
16 employed by Camber Property Group, LLC as the  
17 director of operations. Camber Property Group will  
18 be leasing the property at block 3237 upon conclusion  
19 of the zoning application. For these reasons, I  
20 elect to recuse myself on the vote on preconsidered  
21 LU 2477.

22 CHAIRPERSON MOYA: Thank you, Council  
23 Woman Rivera. I now want to turn it over to Council  
24 Member Espinal for some opening remarks.

2 COUNCIL MEMBER ESPINAL: Thank you, Mr.  
3 Chair. First and foremost I just want to say how  
4 great it is to see Bushwick out in City Hall today.  
5 Thanks for joining us. Our neighborhood of Bushwick  
6 is under tremendous pressure from the real estate  
7 market with rent and displacement pressure continuing  
8 to rise and threaten the ability of long-time  
9 residents to stay in their homes. For over four  
10 years, Council Member Reynoso and I have supported  
11 community residents and organizations in the Bushwick  
12 Plan Process to develop a comprehensive and inclusive  
13 plan for the neighborhood's future. This is the  
14 first prior rezoning application to advance during  
15 this time and proposes rezoning of manufacturing  
16 zoned land to residential, an issue that has been  
17 very contentious within the community as they have  
18 legitimate concerns about job displacement and loss  
19 of local businesses. As a result, this proposal has  
20 attracted significant opposition from local  
21 stakeholders, many of whom are here today who believe  
22 that development should more accurately reflect the  
23 community's goals and serve more of our low-income  
24 families who are in desperate need of affordable  
25 housing. Let me be clear, there was not nearly

2 enough consultation with the residents of Bushwick  
3 who would stand to be affected most before the  
4 decision was made to proceed with this ULURP  
5 application but as the project has moved through the  
6 process, I have seen encouraging signs that this  
7 developer is willing to substantially modify the  
8 proposal in a way that is responsive to the  
9 community's vision. I look forward to hearing from  
10 the applicants about their ideas for improving this  
11 proposal and from the many members of the community  
12 who are concerned about the future of the  
13 neighborhood and continue to advocate for a more  
14 inclusive and equitable future for Bushwick.

15 CHAIRPERSON MOYA: Thank you Council  
16 Member Espinal. I now ask the Counsel to swear in  
17 the panel.

18 COUNSEL: Do you each swear or affirm  
19 that the testimony you are about to give will be the  
20 truth, the whole truth and nothing but the truth and  
21 that you will answer all questions truthfully?  
22 Before answering, please turn your mike on and state  
23 your name as well.

24 RICHARD BASS: I do, Richard Bass.

25 RICK GROPPER: I do, Rick Gropper.

2 CHAIRPERSON MOYA: You may begin.

3 RICHARD BASS: Chair Moya, Council

4 Members, thank you for hearing us this morning. I'm  
5 Richard Bass. I'm a planning consultant with  
6 Akerman, LLP. We're here today to discuss a rezoning  
7 application for 1601 DeKalb Avenue. The site is  
8 currently zoned M1-1. It's been zones M1-1 since  
9 1961. Our proposal today is to change the M1-1 to an  
10 R7A, a C2-4 commercial overlay, and R7A and a R6B.  
11 The site is located just south of Wyckoff between  
12 Hart and DeKalb. As you can see from the zoning map,  
13 the neighborhood is primarily residential. This M1-1  
14 is a remnant from the 61 zoning resolution. There  
15 hasn't been manufacturing in this area for at least  
16 20 years. Here's the zoning map that shows what I  
17 call a little thumb of the M1-1 into the R6. Here's  
18 a tax map that shows the various designations I  
19 described starting from the south, four lots would be  
20 R6B which will allow for transition. The development  
21 site will be R7A plus R6B and then on the Wyckoff  
22 frontage is R7A with a C-4 commercial overlay. This  
23 is sound planning principles bringing the rezoning to  
24 Wyckoff which has a subway located at the corner of  
25 DeKalb and Wyckoff. Here's the zoning map change.

2 On the left is the existing M1-1. On the right is  
3 the proposed R6B, R7A, R7A with a C2-4 commercial  
4 overlay. I'm gonna turn it over to the president of  
5 Camber, my client, who will describe the significant  
6 changes that this project has undergone through the  
7 ULURP process as the Council Member has described.  
8 He'll describe the changes to the project and the  
9 affordability.

10 RICK GROPPER: Thank you Council Members  
11 and Chair Moya. I'm Rick Gropper, one of the  
12 principals of Camber Property Group. Camber is a  
13 majority developer of affordable housing. We have  
14 completed about 2,000 units, both new construction  
15 and preservation of affordable throughout New York  
16 City. The project today has undergone significant  
17 changes. We've gone through the ULURP process. The  
18 proposed project consists of 121 units and we have  
19 committed to doing the project as 100% affordable.  
20 We're also committed to hiring from within the  
21 community, practicing sustainable design and  
22 construction throughout the process including the  
23 inclusion of green roof and other sustainable design  
24 features and reaching out to the community through  
25 the ULURP process as well as for into the future as

1 we construct and complete the building. As I  
2 mentioned, there have been significant concerns that  
3 were expressed by the community and we have been  
4 involved in a very spirited debate about a number of  
5 issues. The main issues have been displacement,  
6 affordability, and also dealing with two loft  
7 buildings which are adjacent to the sites and we've  
8 worked with members of the community. We've worked  
9 with the Council Member and other community  
10 stakeholders to significantly change the project we  
11 think for the better and we hope to change it into  
12 something that is a model for future buildings that  
13 are built in the Bushwick area. We're committed to  
14 doing a project that's 100% affordable and we are  
15 working with RiseBoro as our community partner and  
16 our development partner. RiseBoro is a local, well  
17 respected group and a significant developer of  
18 affordable housing in Bushwick as well as the  
19 surrounding areas. Our proposal which we're still  
20 discussing with HPD and members of the community is,  
21 consists of two different options. One is a combined  
22 project with a parking lot that is currently owned by  
23 RiseBoro. It would be a combined project consisting  
24 of 200 units and by achieving the scale that is  
25

1 consistent with a project of this size, we're able to  
2 do significantly deeper affordability including a  
3 component of supportive housing and units from 30% to  
4 100% of AMI. The second option is DeKalb on its own  
5 and again, this project would still be done in  
6 partnership with RiseBoro using HPD's mix and match  
7 program and this project would have units from 30% of  
8 AMI to 130% of AMI and consistent with the HPD term  
9 sheets as well as the priorities of the Council  
10 Member and community stakeholders, we've included a  
11 mix of unit sizes, including three bedroom units for  
12 families who desperately need affordable housing and  
13 don't have access to such housing in New York City  
14 but specifically in Bushwick. I mentioned the two  
15 loft buildings. One of them is in IMD status. One  
16 is not in IMD status but despite whether or not the  
17 tenants are in the building is legal, there still  
18 tenants living there and we're committed to  
19 protecting the tenants who has lot line windows as  
20 their only source of light and air and as part of one  
21 of the commitments that we're making to the project,  
22 we're setting back from the loft buildings. We're  
23 going to record an easement for light and air so that  
24 the residents who live in those lot line units will  
25

1 continue to receive the air that they receive and the  
2 light that they receive now so that they can continue  
3 to live in the buildings and this is something that  
4 we've discussed with a number of the tenants in the  
5 loft buildings as well as with other stakeholders in  
6 the community and finally we're partnered with 32BJ  
7 on the project to provide good paying jobs to the  
8 building service workers. We're also committed to  
9 MWBE and local hiring and we're going to make good  
10 faith efforts to hire 30% locally and also 30% from  
11 MWBE contractors during the construction period. We  
12 have engaged in significant outreach to the  
13 community. We've done a number of community  
14 sessions. We will continue to do those and continue  
15 to do outreach efforts. As we continue through the  
16 construction period, our goal is to have at least 50%  
17 of the building which is the community preference  
18 achieved within the local community board if not more  
19 than that and one of the ways that we've been  
20 successful in doing that in other areas in New York  
21 City has been through education, outreach and  
22 partnering with groups like our partner RiseBoro who  
23 is very well connected in the Bushwick community and  
24 with that I want to thank everyone and thank members  
25

2 of the Bushwick community who are here who have had  
3 significant input into the project and I think have  
4 made it overall a better project for everyone  
5 involved.

6 CHAIRPERSON MOYA: Thank you, just a  
7 couple of questions before I turn it over to Council  
8 Member Espinal. This project represents an  
9 opportunity to build 100% affordable housing but it's  
10 also coming at a time when the community is creating  
11 its own plan for Bushwick. Can you speak to how this  
12 project fits into the goals of the Bushwick Community  
13 Plan?

14 RICK GROPPER: Sure, so we've, in leading  
15 up to the ULURP process, we worked with City planning  
16 and also met with the land use committee of Community  
17 Board 4 and some of the changes that we made were to  
18 conform the project to what everyone believed were  
19 the, some of the tenants of the Bushwick Community  
20 Plan. Namely, there are two lots, the project area,  
21 the site that we're going to build on specifically,  
22 consists of three lots. Two of the lots are  
23 currently zoned R6 and one lot is M zoned so the two  
24 lots that are currently R6, we're actually down-  
25 zoning to R6B to maintain context with the buildings

2 on the side streets and that's consistent with what  
3 we, we believe that's consistent with the Bushwick  
4 Community Plan. Then, the larger lot is going, which  
5 is currently M zoned is being rezoned to R7A as it is  
6 closer to the main street of Wyckoff.

7 UNIDENTIFIED PERSON: [Inaudible]

8 RICH GROPPER: Sure, yes, so there have  
9 been a number of concerns raised by the community  
10 related to the rezoning area. The, one of the major  
11 concerns is the two loft buildings and what we're  
12 committed to doing is recording an easement which we  
13 discussed with land use, with City Council land use  
14 counsel as well as with Council Member and members of  
15 the existing loft buildings so we're setting back  
16 from the lot line windows of the loft buildings,  
17 recording an easement so that it properly  
18 memorializes our commitment to set back and continue  
19 to provide light and air for the residents who live  
20 in the buildings that receive their only light and  
21 air from those lot line windows. That's one  
22 commitment that we're making. The other is related  
23 to the rezoning area and the rezoning area extends  
24 beyond our site and that was what we determined to be  
25 consistent with sound planning principles and the

2 lots in the rezoning area include a post office.  
3 They include a Spanish restaurant, a laundromat and  
4 we've had conversations with the tenants in those  
5 buildings and it was our, it was our decision to go  
6 with that rezoning area as it's consistent with sound  
7 planning principles and at this point it's in the  
8 hands of the ULURP process and in the hands of City  
9 Council to determine whether or not that rezoning  
10 area moves forward or if it gets altered.

11 CHAIRPERSON MOYA: Thank you and I'm just  
12 glad to hear that there is a commitment to good jobs  
13 on this project. With that, thank you. I want to  
14 turn it over now to Council Member Espinal for some  
15 questions.

16 COUNCIL MEMBER ESPINAL: Thank you, Chair  
17 so what you're presenting here today is a complete  
18 180 from what you proposed when you put in the  
19 application, all right. I think it's a step in the  
20 right direction. I mean, there's a lot of still  
21 concerns about a lot of these promises but what, the  
22 experience we've had in Bushwick in the past is  
23 sometimes promises aren't promises kept, all right,  
24 so how do we ensure that these conversations you are

2 having with HPD at the end of the day end up with the  
3 creation of affordable housing on these sites?

4 RICK GROPPER: So we've, we're deep into  
5 conversation with HPD and with HDC about the  
6 affordability of the project. We are planning to,  
7 we're committed to doing the project as 100%  
8 affordable. The way that HPD memorializes it is in a  
9 regulatory agreement that runs between HPD and the  
10 owner of the building which is us so the project and  
11 the commitments that we're making in terms of  
12 affordability will be memorialized in that. The  
13 commitments that we're making to set back from the  
14 loft building will be in an easement that we recorded  
15 against the sites and we're happy to, also to the  
16 extent that you and stakeholders in the community are  
17 interested, we're happy to memorialize overall the  
18 other items that aren't picked up in those agreements  
19 in a community benefits agreement with your office or  
20 with another appropriate party.

21 COUNCIL MEMBER ESPINAL: Are there any  
22 deed restrictions?

23 RICK GROPPER: Currently?

24 COUNCIL MEMBER ESPINAL: Yeah.  
25

2 RICK GROPPER: There are no deed  
3 restrictions

4 COUNCIL MEMBER ESPINAL: Will there be,  
5 can, is it possible to get any deed restrictions if  
6 you don't comply with any of these promises?

7 RICK GROPPER: Yes, so I think the way  
8 that MIH through the ULURP process recorded is  
9 recorded in a restrictive declaration that gets  
10 recorded against the property. As far as I know, the  
11 way that HPD records their restrictions is a formal  
12 agreement that is also recorded against the property  
13 and there are remedies that HPD can exercise in the  
14 event that we don't comply with those affordability  
15 restrictions.

16 COUNCIL MEMBER ESPINAL: Okay, now going  
17 back to affordability, I noticed that in one of the,  
18 so you have two plans, all right. One is to combine  
19 two separate lots, one owned by RiseBoro and the  
20 current lot that we're speaking of today which I  
21 believe created even more affordable housing units at  
22 below 50% AMI, right which I think it's important,  
23 especially for the neighborhood that we're  
24 constructing but what I notice is that the amount of,  
25 the amount of, the amount of not one bedrooms,

2 studios is extremely high. What is the reason behind  
3 that?

4 RICK GROPPER: Right, so in the combined  
5 plan for Cedar and DeKalb, we're planning to do about  
6 40% supportive housing and the way that HPD and the  
7 state structure supportive housing is for the  
8 majority smaller sized units so that's sort of the  
9 tradeoff between the two, the two scenarios. In  
10 scenario one, which is the DeKalb/Cedar combined with  
11 supportive housing, there are more units but the, and  
12 the reason for that is that there are more smaller  
13 units because those are the supportive units.

14 COUNCIL MEMBER ESPINAL: Do you have an  
15 idea of how many of those units would be supportive  
16 housing units as opposed to

17 RICK GROPPER: I, we don't know exactly  
18 right now but the majority of the smaller units.  
19 Well, so overall we're planning to do between 30 and  
20 40% in the DeKalb/Cedar combined version supportive  
21 housing and the majority of those will be, would be  
22 studios and ones, the smaller sized units.

23 COUNCIL MEMBER ESPINAL: I think I also  
24 want to be able to focus on the amount of three  
25 bedroom units. You know, there's a lot of families

2 in Bushwick who are looking for apartments and, you  
3 know, the number right now, 10 I believe is a little  
4 low for the overall project so we have to look at  
5 ways of increasing that to make sure it also reflects  
6 the amount of units on the other, the amount of units  
7 in the other bedrooms that are being built. Can you  
8 talk about local hiring practices and training in  
9 greater detail?

10 RICK GROPPER: Sure, so we're committed  
11 to targeting 30% within the local community and the  
12 way that we do that is partnering with local  
13 organizations. RiseBoro is our development partner.  
14 RiseBoro will also work with us to identify other  
15 organizations in Bushwick and the way that we do it  
16 is holding job fairs and identifying members of the  
17 local community, putting them onto a list to make  
18 sure that they get trained so you can't be on a  
19 jobsite without an OSHA card, I mean without proper  
20 training so members of the local community who are  
21 interested in jobs working with contractors during  
22 the construction period will, anyone who's not  
23 trained would get trained at no cost to them and then  
24 placed with a contractor on a job and the overall  
25 goal is to make sure that as many people as possible

2 don't only work on this job but actually get picked  
3 up by the subcontractors that they're working for and  
4 continue to the next job.

5 COUNCIL MEMBER ESPINAL: Okay, so you  
6 mentioned that you spoke to all the businesses that  
7 are currently under, the current zoning.

8 RICK GROPPER: We've spoken with, within  
9 the local area. We've spoken with the owner of Sazon  
10 Nunez and we've spoken with the owners of Brotherhood  
11 Boxing Gym and the owner of the laundromat and then  
12 the other site is owned by the post office. Of the  
13 two loft buildings, we have, we were supposed to  
14 actually meet with one of the owners of the loft  
15 buildings yesterday but he was not able to show up  
16 but we've reached out to the owner of the building  
17 that is in IMD status currently.

18 COUNCIL MEMBER ESPINAL: And just to be  
19 clear, the proposed zoning, that wasn't all proposed  
20 by Camber. Half of it came from the City?

21 RICK GROPPER: No, the, so the proposed  
22 zoning area was developed by us as we went through  
23 the pre- ULURP process. We went with that, with that  
24 area the full, to the end of the block because it was  
25 determined that it was based on sound planning

2 principles and going through the ULURP process now  
3 it's in the hands of City Council as to what actually  
4 happens with that rezoning area.

5 COUNCIL MEMBER ESPINAL: Yeah, I have  
6 noted from day one that I have concerns with the way  
7 the area is currently mapped out and I'm deeply  
8 considering making some changes to that at the end of  
9 the day just wo you're aware.

10 RICHARD BASS: We understand your  
11 concerns. Again, the application has to meet certain  
12 sound planning principles and avoid spot zoning so  
13 that's why the application is filed as it is.

14 COUNCIL MEMBER ESPINAL: So going back to  
15 the lofts, you mentioned that the setback will ensure  
16 that there's gonna be proper light in there into  
17 those buildings and there is a former egress to  
18 ensure that it doesn't affect the people who  
19 currently live there.

20 RICK GROPPER: So the units currently  
21 have, receive light and air from lot line windows.  
22 Those, the windows are not a legal form of egress, at  
23 least from what our consultants and experts are  
24 telling us. The setback that we're providing is to  
25 continue to maintain that light and air but it, and

2 not to increase the degree of nonconformance of the  
3 loft buildings but it will not actually legalize  
4 those loft buildings.

5 COUNCIL MEMBER ESPINAL: The parking that  
6 I see there, is that also open air or is that a  
7 structure?

8 RICK GROPPER: Yes.

9 COUNCIL MEMBER ESPINAL: Okay, and just I  
10 guess my final question is around sustainability.  
11 You know, Bushwick has the poorest air quality in the  
12 city which results to high asthma rates. A lot of  
13 children in the community have been suffering from  
14 asthma and I think now, more than ever, any  
15 development should be as sustainable and as green as  
16 possible. Can you talk about sustainability around  
17 that and how you can help improve the conditions of  
18 Bushwick now with this development?

19 RICK GROPPER: Sure, so in this project,  
20 we've proposed to provide Energy Star appliances, LED  
21 light fixtures, low flow faucets and other plumbing  
22 fixtures, condensing boilers, motion sensors in the  
23 hallways so that some of the lights get dimmed down  
24 when there is a lack of motion in the hallways and  
25 beyond that, one of the things that you've expressed

2 and we've heard from other stakeholders are green  
3 roofs to the extent that's possible and we're  
4 committed to doing, to providing green roofs to help  
5 the heat island effect and also deal with some of the  
6 storm water runoff issues that are a result of the  
7 combined sewer outflow in Bushwick and also other  
8 areas of New York City.

9 COUNCIL MEMBER ESPINAL: Thank you, I  
10 mean, you know, I'm gonna continue looking at this  
11 project. I still have to have conversations back  
12 with the community and all stakeholders but I'm sure  
13 those conversations will develop in the next month so  
14 thank you.

15 CHAIRPERSON MOYA: Thank you, Council  
16 Member Espinal. I now will turn it over to Council  
17 Member Reynoso for a few questions.

18 COUNCIL MEMBER REYNOSO: Yes, thank you.  
19 First I just want to say when I first saw this plan,  
20 I was extremely concerned. I'm still concerned but  
21 when I first saw it, the fact that it even moved  
22 through was beyond me considering the work that we're  
23 doing in the Bushwick Community Plan. I am 100%  
24 behind the Bushwick Community Plan and what you're  
25 doing here kind of circumvents that opportunity.

1     Instead of waiting to let the community to tell you  
2     what they want, you felt the need to move forward  
3     with a plan without their advice so I wasn't a fan of  
4     that. I see a lot of the modifications you are  
5     making is listening to some of the community concerns  
6     but I would rather you've had a relationship that  
7     started with the community, not ended with it and we  
8     have to start sending messages to developers and they  
9     can't just keep coming into communities and think  
10    they run the show. The community runs the show so I  
11    just have to stand here and at least let you know  
12    that, that I'm unhappy with the process that you  
13    partook in. The second thing is in one of the  
14    buildings on the DeKalb only site, 60% of those units  
15    are gonna be 80% of AMI and higher. If the you know,  
16    the AMI in Bushwick, average AMI is about 38% which  
17    means that the majority of the people are only, would  
18    be eligible for 20% of the units on the DeKalb site.  
19    We're talking about a one bedroom for \$2,400. That's  
20    40% of your units in the DeKalb site will cost \$2,400  
21    for a one bedroom. We don't consider that affordable  
22    in New York City, let alone Bushwick so I'm really  
23    concerned with the affordability as well and then  
24    just, it seems like when I look at the unit count,  
25

2 70% of the units are studios and one bedrooms.  
3 That's not supporting families, that live in Bushwick  
4 that are the ones that are being displaced so I'm  
5 extremely concerned about that as well. I am gonna  
6 defer deeply to Rafael Espinal, the Council Member  
7 whose district this resides but because we're  
8 partners in the Bushwick Community Plan, I'm gonna  
9 have to hold you accountable every single step of the  
10 way so right now I'm very dissatisfied with your  
11 presentation. I'm dissatisfied with your approach  
12 and ultimately, I'm dissatisfied with the plan so  
13 thank you for your time here.

14 RICK GROPPER: Thank you.

15 CHAIRPERSON MOYA: Thank you Council  
16 Member Reynoso and thank you to the panel for your  
17 testimony today. You are dismissed and I will now be  
18 calling the next panel. Pamela Duprey, Devonte  
19 Jackson, Tahara [phonetic] Adams. Please state your  
20 name. We will have the two minute clock going and  
21 you may begin your testimony. You may begin whenever  
22 you're ready.

23 DEVONTE JACKSON: Good morning Chairman  
24 Moya, Council Member Espinal and members of New York  
25 City Council Land Use Subcommittee and Zoning

2 Franchises. Thank you for allowing me to testify  
3 today. My name is Devonte Jackson. I'm here in  
4 support of the affordable housing project proposed at  
5 1601 DeKalb Avenue in Brooklyn. Throughout my life I  
6 have seen a lot of changes in the community which I  
7 live in, Bushwick, go through so many changes and now  
8 that the community is improving, I'm not sure that  
9 there will be a way for me and my family and  
10 neighbors and friends to live there much longer.  
11 There's so many new developments, projects going up  
12 every day without any affordable housing set aside  
13 for every day New Yorkers like myself. This project  
14 is different. It's 100% affordable. It will create  
15 much needed housing in the community which we live  
16 in. The proposed development project will create 121  
17 new units of quality affordable housing for families  
18 earning a wide range of incomes starting at \$20,000  
19 with mix of one, two and three bedroom apartments.  
20 This will give Bushwick families of all income levels  
21 and sizes a chance to remain in this neighborhood.  
22 Additionally, this project will create a new good  
23 paying job as you heard earlier, training  
24 opportunities for local community residents. I  
25 believe that Bushwick families deserve to have access

2 to these opportunities as well. Currently 1601  
3 DeKalb is a vacant parking lot in a residential  
4 building. Unfortunately outdated zoning prohibits  
5 residential development at this site. This must be  
6 changed. For these reasons I'm asking you to vote  
7 yes in support of this new project. I handed in  
8 supporting documents from tenants in the surrounding  
9 areas to support this.

10 CHAIRPERSON MOYA: Thank you for your  
11 testimony.

12 TAHARA ADAMS: Good morning Chair Moya  
13 and members of the Committee. My name is Tahara and  
14 I'm a security officer at the World Trade Center and  
15 I'm a member of 32BJ. On behalf of the building  
16 service workers by 32BJ in New York City, especially  
17 the 2,600 32BJ members who work and live in Bushwick,  
18 I'm here to discuss how the rezoning at 1601 DeKalb  
19 will impact building service workers in the  
20 community. 32BJ is pleased to report that the  
21 developer behind 1601 DeKalb, Camber Property Group,  
22 has committed to creating high quality building  
23 service jobs at this site. 32BJ believes that  
24 developments that pay building service workers the  
25 industry standard prevailing wage and benefits allow

2 workers to live and work in a city that they love  
3 while supporting their families. We are pleased to  
4 say that 32BJ represents Camber workers at a huge  
5 complex in the Bronx. Camber has been willing to  
6 create the kind of good jobs that can sustain a  
7 family in an increasingly expensive city. In  
8 addition to good jobs, the developer has also made an  
9 important commitment to provide affordable housing  
10 and protect the lost tenants at the site. For these  
11 reasons, we urge the Council to support the rezoning  
12 application. Thank you.

13 CHAIRPERSON MOYA: Thank you.

14 PAMELA DUPREY: Good morning Chairman  
15 Moya, Council Member Espinal and members of the New  
16 York City Council land use subcommittee on Zoning  
17 Franchises. Thank you for allowing me to testify  
18 today. Currently 1601 DeKalb is a vacant parking lot  
19 and outdated zoning prohibits residential development  
20 at this site. This must change. Please help the  
21 families living in Bushwick that are being forced out  
22 of their homes everyday due to rising rent costs into  
23 the shelter system which is steadily growing. I urge  
24 you to vote yes and support this proposal. Thank  
25 you.

2 CHAIRPERSON MOYA: Thank you.

3 PAMELA DUPREY: I too submitted Council  
4 some signatures from the residential area.

5 CHAIRPERSON MOYA: Great.

6 PAMELA DUPREY: Thank you.

7 CHAIRPERSON MOYA: Thank you very much.  
8 Thank you all for your testimony today. You're  
9 dismissed and I will be calling up the next panel,  
10 Gloria Telez Tovar [phonetic], Orelis [phopnetic]  
11 Cruz, Nelda Viaz Rivera, Hosea Lopez.

12 HOSEA LOPEZ: Two quick things before we  
13 jump in. One is for translation purposes, it looks  
14 like [Inaudible] Council Member so maybe we don't  
15 need translator. Just let me know. Two testimonies  
16 are in Spanish.

17 CHAIRPERSON MOYA: We don't need  
18 translation. It's fine.

19 HOSEA LOPEZ: And then there's the second  
20 thing, just to clarify, we have a couple of  
21 testimonies today. The testimonies many were  
22 prepared based on the [Inaudible] and the original  
23 and still standing application and not today's  
24 presentation. We're gonna go ahead and read those  
25 testimonies so that you know what we're against and

2 then I will close us off just to talk a little bit  
3 about what we're for based on

4 CHAIRPERSON MOYA: Sure, we'll start with  
5 Who do you want to start with Orelis?

6 CHAIRPERSON MOYA: You.

7 Oh Gloria, yeah.

8 CHAIRPERSON MOYA: Just state your name  
9 and you can begin.

10 GLORIA TELEST TOVAR: My name is Gloria  
11 Telest Tovar. Thank you for having me here. So I  
12 come before you considering proposal 1601 DeKalb by  
13 Camber Properties. Allow me to enlighten you a  
14 little bit about the Bushwick, Brooklyn. These  
15 [Inaudible] were taken by the statement of the  
16 community district needs issued by our Community  
17 Board 4 back in 2010. The Bushwick Community has  
18 been selected to house facilities for homelessness  
19 families. There's a stronger desire to win as the  
20 construction and renovation of city owned buildings  
21 for permanent apartments for Bushwick homelessness  
22 population. We are sensitive to the homeless,  
23 however providing the permanent apartments for those  
24 homeless people, who are from the Bushwick community,  
25 we feel that it is done best by providing a permanent

1 apartment as opposed as opposed to the transitional  
2 type which is being proposed and in 2013 statement  
3 said, the overall needs of Bushwick can only be  
4 described as intense. You see Bushwick was  
5 rebuilding itself back from the blackout in the late  
6 70's and the massive fires and crimes and drugs  
7 afterwards. We the people of Bushwick persevered.  
8 Our request for addressing these needs were no means  
9 exaggerated. We were looking forward to the  
10 restoration of the neighborhood throughout the  
11 efforts of the city to provide the assistance and  
12 services that we desperately needed and year after  
13 year, we requested the voices of Bushwick to not be  
14 neglected. We [Inaudible] for our roots resources as  
15 any other district would. Bushwick was surly but  
16 slowing changing till a development boom changed it  
17 completely and in 2008 the statement issued by CB4  
18 detailed that we were, what was really happening.  
19 The Bushwick community is experiencing rapid changes  
20 in demographic, land use, economic and most prevalent  
21 rent structures. Many of the longstanding residents  
22 are finding it quite difficult to remain in their  
23 apartments due to escalating rent expenses.  
24 Residents are being illegally forced out of  
25

2 apartments by unscrupulous property owners with the  
3 sole mission of selling the building and raising the  
4 rents for far beyond the reach of low to moderate  
5 income families. The senior citizen population has  
6 had a 25% increase from 2000 to 2010. These numbers  
7 will continue to grow as this segment of the  
8 population continues to grow older. However, the  
9 availability of adequate living quarters for seniors  
10 has not been kept pace to the housing crisis. I'll  
11 be done in a few seconds.

12 CHAIRPERSON MOYA: Okay.

13 GLORIA TELEST TOVAR: We've currently  
14 tried to address neighborhood preservation through  
15 rezoning. A major portion of the district is zoned  
16 R6 which contribute to the developers looking to  
17 construct SCC with are non-conformant to height and  
18 non-contextual with other buildings within the area.  
19 Most importantly, the rent in these buildings are  
20 extraordinary over prices. Consequently, community  
21 district residents are unable to afford to move into  
22 the building. The construction boom in the community  
23 has led to little or no affordability. Area  
24 residents and families are forced with doubling up to  
25 affordable rent apartments. Many residents have

2 expressed concerns. The future of the neighborhood  
3 should be [Inaudible]. If the present trend  
4 continues, these properties that set on larger or an  
5 average size lot and are purchase and ultimately  
6 demolish the development for new taller buildings  
7 with the smaller -

8 CHAIRPERSON MOYA: Thank you. Thank you  
9 for your testimony.

10 GLORIA TELEST TOVAR: The rest I will  
11 give you a copy if you want to further read it.

12 CHAIRPERSON MOYA: Yeah, I appreciate it.  
13 Thank you. Thank you so much.

14 ORELIS CRUZ: Buenos dios men ombres at  
15 Orelis Cruz. [Rest of testimony is in Spanish]

16 CHAIRPERSON MOYA: [Spanish] the other  
17 people. Start again.

18 ORELIS CRUZ: [In Spanish], Gracias.

19 CHAIRPERSON MOYA: Gracias. [In  
20 Spanish].

21 NELDA VIAZ RIVERA: Buenos tardes  
22 [Testimony in Spanish].

23 CHAIRPERSON MOYA: Gracias, gracias. [In  
24 Spanish]

2 NELDA VIAZ RIVERA: [Testimony in  
3 Spanish].

4 CHAIRPERSON MOYA: Gracias, gracias  
5 senora, gracias, gracias. [In Spanish]

6 NELDA VIAZ RIVERA: [Testimony in  
7 Spanish].

8 CHAIRPERSON MOYA: [In Spanish]. Okay,  
9 gracias, yeah.

10 HOSEA LOPEZ: Great, so I'll speak to  
11 today's presentation. So as Make the Road, we've  
12 been doing a lot of work on this particular site on a  
13 number of different issues. One is making sure that  
14 we can win deep affordability for the families most  
15 in need but also making sure that we're protecting  
16 both existing tenants and existing workers so I'll  
17 start with affordability and the new set of numbers  
18 that we saw today. I will agree and say that we have  
19 seen a shift from the original presentation that we  
20 were shown five months ago. However, I think we  
21 still have a few questions. One of those questions  
22 is about deep affordability when we're looking at the  
23 joint Cedar and DeKalb site. Our folks only make  
24 between \$18,000 and \$27,000 a year, most on the lower  
25 end of that and so there is a question about how we

1 might be able to get more at the 30 and 40% AMI bands  
2 so one thing we'd like to ask of Camber is what could  
3 be the case if we took a look at either the 80 and  
4 the 100% bands, maybe bump that up to 130% AMI to see  
5 how much more units that could leverage at the 30 and  
6 40% bands. I think that Council Member Reynoso said  
7 it earlier. For our folks if it's not below 40%,  
8 it's practically market rate because they can't  
9 afford it and so if we can get more at those lower  
10 bands I think that we could be supportive. The  
11 second thing was raised earlier and it's about the  
12 deed restriction. We have to be sure that this is  
13 absolutely guaranteed, whatever deal gets done and so  
14 we'd like to recommend that Camber file a deed  
15 restriction to be sure that we're guaranteed the  
16 units on this project. In terms of displacement, I  
17 think really it's just a matter of principle for this  
18 Council. You either believe that a developer can and  
19 should apply for lots that they don't own and ask for  
20 changes or you don't. Five adjacent sites going up  
21 to Wyckoff Avenue are not owned by the developer and  
22 so we're requesting that all five sites be removed  
23 from the scope of this application and the reason  
24 that that's important is because if those lots become  
25

2 as of right, then we lose the ability to do what  
3 we're doing now, which is leveraging better deals for  
4 the community on a spot by spot application basis to  
5 make sure that we're not stuck with standard MIH when  
6 we're looking to M to R's where developers make  
7 significant profit and then the last thing is this  
8 lot line image and so what we were told before coming  
9 in today was that there was gonna be a memorialized  
10 lot line setback to protect the tenants who have  
11 windows facing the parking lot. Based on this image,  
12 which I'm seeing now, it doesn't look like there is a  
13 full lot line setback on the DeKalb and the Hart  
14 Street side and so if the walls touch and we're  
15 blocking any windows for those loft tenants, it could  
16 be the case that DOB goes in, says that they don't  
17 have egress and ask those tenants to leave so we'd  
18 like to see this restructured. We'd like to see a  
19 new image to protect tenants and we'd also recommend  
20 that we pull DOB into the conversation. We really  
21 want to understand from the Department of Buildings  
22 what needs to be the case when we talk about lot  
23 lines to make sure that those tenants don't get  
24 displaced.

2 CHAIRPERSON MOYA: Thank you, thank you  
3 for your testimony. Gracias [In Spanish]. The next  
4 panel we'll be calling up is Scott Short and Neimbe  
5 Kate. Did I pronounce it wrong? I'm sorry, so  
6 sorry.

7 QUE BECOTE: It's Que Becote [phonetic]

8 CHAIRPERSON MOYA: Got it, thank you.  
9 Just state your name and you can begin. We have two  
10 minutes.

11 QUE BECOTE: Sure, okay. My name is Que  
12 Becote. I just wanted to submit letters of support  
13 that we, my name is Que Becote. I do community  
14 engagement for the project, 1601 DeKalb. I live in  
15 Bushwick and I just wanted to submit 30 letters of  
16 support that we've received from the local businesses  
17 after doing outreach and, you know, finding out what  
18 they felt about the project and how, what they  
19 thought about, about the process. That's it.

20 CHAIRPERSON MOYA: Thank you.

21 SCOTT SHORT: Good morning, Chair Moya  
22 and Council Member Espinal. My name is Scott Short.  
23 I am the CEO of RiseBoro community partnership.  
24 We're a non-profit organization based in Bushwick  
25 with offices just a few blocks from the rezoning area

1 in question. We've developed over 2,000 units of  
2 affordable housing in Bushwick and provide services  
3 to the community in the areas of education,  
4 homelessness prevention, health and wellness, tenant  
5 advocacy and senior services. I also participate as  
6 a member of the Executive Committee of the Bushwick  
7 Community Plan which as you are aware is a  
8 comprehensive community led planning effort that is  
9 creating a new vision for the framework of land use  
10 and neighborhood resources in Bushwick. While I  
11 share many of the concerns that you have heard from  
12 my Bushwick Community Plan and Make the Road  
13 colleagues regarding the boundaries of the rezoning  
14 area, my testimony today will focus on the  
15 affordability of the proposed project. As originally  
16 presented, the project at 1601 DeKalb roughly  
17 conformed to the minimum requirements of the  
18 mandatory inclusionary housing law and while MIH may  
19 still prove to be a valuable tool for inducing the  
20 private sector to develop affordable housing in  
21 residential zones where none would be built  
22 otherwise, I do not believe it is an appropriate tool  
23 when manufacturing land is being rezoned to  
24 residential. In the case of private M to R  
25

1 rezonings, the public process confers massive value  
2 onto private land. The public benefit achieved by  
3 the minimum affordability requirements of MIH is not  
4 a sufficient tradeoff for the private wealth  
5 generated by such rezonings. We must demand that  
6 communities receive more. For this reason, RiseBoro  
7 has been working with Camber Property Group to try to  
8 reconfigure 1601 DeKalb as a 100% affordable project.  
9 As you heard from Camber, they are receptive to these  
10 discussions and there are current several potential  
11 scenarios under consideration. Each of the scenarios  
12 would yield a 100% affordable, income restricted,  
13 rent stabilized building with at least 40% of units  
14 below 50% of AMI. Two of the scenarios would also  
15 include supportive housing units for frail elderly  
16 tenants. These are the types of projects that are  
17 desperately to stem the tide of resident displacement  
18 in Bushwick. Because discussions with community  
19 members and HPD are ongoing, we have not settled on a  
20 final proposed development scenario. However, I  
21 believe that any of the options currently under  
22 consideration set a good precedent for the kind of  
23 public benefit that communities should expect when  
24 agreeing to rezone manufacturing land for residential  
25

2 use. If the issues regarding the boundaries of the  
3 rezoning area can be resolved to the satisfaction of  
4 the community, I recommend that the Council approve  
5 1601 DeKalb rezoning application subject to any of  
6 the 100% affordable development scenarios. Thank  
7 you.

8 CHAIRPERSON MOYA: Thank you. Thank you  
9 both for your testimony today. The next panel is  
10 going to be Gregory Eloise, Nevez Medina, Gladys  
11 Pughe [phonetic], Robert Commacho. Nevez, [In  
12 Spanish].

13 NEVEZ MEDINA: [In Spanish]

14 GLADYS: [In Spanish] Buenos dias or  
15 Buenos tardes.

16 CHAIRPERSON MOYA: Buenos tardes.

17 GLADYS: [In Spanish] Gladys [In  
18 Spanish]. I stand here today as a Bushwick resident  
19 who knows all too well the struggle of the working  
20 family, fighting to keep the roof over their heads.  
21 Today applications review on the 1601 DeKalb Avenue  
22 is a necessary one. Three months ago, the local  
23 community board issue a 30 to 1 no vote. One month  
24 later, that on May 17, nine community groups marched  
25 in opposition to this application joined by Assembly

2 woman [Inaudible], Council Member Antonio Reynoso and  
3 Council Member Rafael Espinal. At this march, all  
4 elected officials stood in opposition to the Camber  
5 Group application and Council Member Espinal publicly  
6 called for Camber Group to withdraw their  
7 application. Our concerns were plentiful. This plan  
8 offer no real affordable. The plan is due to make  
9 tons of profit by only to the committee the bare  
10 minimum. The plan is due to displace already 16 loft  
11 tenants. The plan is due to displace a system  
12 workers. This plan is due to displace essential  
13 youth services, Brotherhood Boxing Club. This plan,  
14 never engage the community. They very same concern  
15 remained through today. The Camber application has  
16 not been formally amended and therefore cannot  
17 receive our support. [Inaudible] has already done  
18 his job of calling out and rejecting this deal and  
19 the [Inaudible] is putting communities first, it will  
20 follow our lead and no vote for this project. Thank  
21 you.

22 CHAIRPERSON MOYA: Thank you.

23 ROBERT COMMACHO: My name is Robert  
24 Commacho. My family has been in Bushwick I think  
25 more than anybody in here. My grandmother is 102 and

2 she still lives in Bushwick so you know how long she  
3 retired and how much she make, right? Very, very,  
4 very, very low. I see everybody out there that got  
5 shirts that says affordable. That's not affordable  
6 for seniors like us or for people that live like me  
7 all my life there. My kids can't grow in Bushwick  
8 and if you allow this to go on, we're not gonna have  
9 our people anymore in Bushwick. Don't you guys see  
10 the picture and see what's going on with our  
11 community? In '77 when the blackout was killing  
12 Bushwick, I didn't see Camber. When drugs were  
13 killing the Latinos and Black, now it's called opium,  
14 you know, only because the suburbs kids are getting  
15 killed with the rich money but now we call it opium  
16 addiction. Guess what, when we were kids we were  
17 drug dealers, crack heads and no good. Camber wasn't  
18 there. Think about that. We need to preserve our  
19 community. You're taking away a boxing gym. I was  
20 an amateur boxer in the 80's. I was three time  
21 golden glove finalist. I went to the Lakebrook  
22 regionals. I have a sister now. She's 25 years old.  
23 She's going for her doctor's degree. She's almost  
24 done with her doctorate. You know where she wants to  
25 come, back to Bushwick to help Bushwick. You know

2 what she tells me. I can't afford to live here.  
3 Born and raised and went to the schools here. You  
4 know 274 the schools, the percentage. There's only  
5 40 kids when we should be having 80. They don't come  
6 with kids. Our people are getting pushed back. The  
7 subsidies are going away. Why? We need deeply  
8 affordable not MIH. MIH, mandatory inclusionary  
9 housing, does nothing for Latinos and Blacks,  
10 nothing. Not one cent, two, very, very important,  
11 the parking lot is employees of Wyckoff. They park  
12 there. The way parking is, now where we gonna go?  
13 Bike, we gonna get on a bike ride? It's already,  
14 it's already full, it's already terrible. You guys  
15 need to do something and do something now and do not  
16 approve this. Do not, I'm also on the BCP. No M to  
17 R, no M to R. We need jobs. My father was a factory  
18 worker on Lexington in Brooklyn and he was getting  
19 paid peanuts.

20 CHAIRPERSON MOYA: Thank you for your  
21 testimony today. Thank you.

22 ROBERT COMMACHO: Thank you.

23 GREGORY ELOISE: Good afternoon Chair  
24 Moya and Council Member Espinal. I'm the managing  
25 attorney for Brooklyn Legal Services, Corporation A's

2 Bushwick office. That's Marty Needleman's [phonetic]  
3 office and I work with Shaker Chrishnon [phonetic]  
4 and for 50 years our office has stood fighting all  
5 forms of disenfranchisement in north and east  
6 Brooklyn and frankly even in other places where that  
7 comes up including other parts of the city and we  
8 stand in opposition, particularly Council Member  
9 Espinal, with the entire Council of an opportunity  
10 you have for democratic power and I think there are  
11 three ways which this application speaks to that.  
12 Number one, as has been stated earlier, there is a  
13 Bushwick Community Plan and that is one of these  
14 charter 197A plans that the City Planning Commission  
15 has routinely thrown out of the window and  
16 disregarded for years. You have an opportunity now  
17 to give power to those plans by saying when an  
18 application comes in your community and if it doesn't  
19 line up with the community's express plan, that gets  
20 dumped. The second piece of power to remind you all  
21 on this Council is government's capacity both to  
22 create social ills and to fix them. Remember that in  
23 1994 it was this Council's decision in part and what  
24 we know from reading books like the *Color of Law* and  
25 *Evicted*, but it was this Council's decision on high

2 rent deregulation that created in part the  
3 preservation crisis that we have so on this  
4 application, in terms of having your power, you have  
5 a tool called a rezoning or the ability to approve  
6 land use. Use that tool to have what we consider in  
7 Bushwick sound planning principles, people over  
8 buildings. The sound planning principles mean that  
9 we keep Bushwick the way it is with the people that  
10 government power, that government tools are used to  
11 benefit people and that's what this application  
12 allows you to do. This opportunity, wanted to remind  
13 you of that and thank you for your time.

14 CHAIRPERSON MOYA: Thank you. Thank you  
15 all for your testimony today. We will be calling up  
16 the next panel, Marcel Negret [phonetic], Mabeline  
17 Nevaro, and Astrid Rengefo [phonetic]. Is that  
18 right? Thank you, just state your name and you may  
19 begin your testimony.

20 Hello, my name is Marcel Negret. I have  
21 been living in the same block of DeKalb Avenue in  
22 Bushwick for almost a decade. I'm a loft tenant.  
23 Today I'm representing the interests of my neighbors.  
24 Since the public review started, there has been  
25 significant changes to this proposal. However, I'm

1 still very concerned about some issues and I know  
2 that many of my neighbors are as well. I  
3 respectfully request the Council to work with Camber  
4 to address the following concerns. First, regarding  
5 the rezoning boundaries, we urge the Council to  
6 exclude the loft buildings from the rezoning and  
7 leave them as an M1 district instead of an R6 or R7.  
8 Leaving the zoning as M1 in the loft buildings would  
9 alleviate pressure from speculators buying the  
10 property, trying to build something twice as big and  
11 displacing tenants in the process. It seems that  
12 there's a consensus as to exclude the laundromat,  
13 post office and Sazon Nunez from the rezoning as we  
14 avoid a similar situation. The rationale for  
15 rezoning the loft buildings argues that this would be  
16 the only mechanism to bring the buildings into  
17 compliance. However, there are other mechanisms  
18 different than the rezoning for both loft buildings  
19 to meet MDL requirements. As dozens of other loft  
20 buildings in the area, the legalization of the loft  
21 building on lot 41 could be achieved through a zoning  
22 variance with the Boards of Standard and Appeals. In  
23 addition, a proposed bill amending and extending the  
24 loft law has gained consensus at the state  
25

1 legislation, the state senate. The rezoning itself  
2 would not bring these buildings into compliance but  
3 it will create speculation. Because of this, we  
4 request for the loft buildings to be removed from the  
5 rezoning as well. Second, regarding the light and  
6 air easement agreement, the site as currently  
7 proposed is still problematic. Residents from the A  
8 units of the building on Lot 41, those units that are  
9 closer to the DeKalb Avenue side would still see all  
10 their windows blocked, eliminating their access to  
11 light and air. We urge for Camber to maintain a  
12 minimum of 15' setback all along the northern  
13 property line. This light and air easement agreement  
14 should be maintained in perpetuity or at least  
15 maintained for the entire duration of the property  
16 lease given to Camber. Finally, it would be  
17 important to consolidate the written document or the  
18 DOB form that describes the duration and the meets  
19 and bounds of this agreement. The document should be  
20 included in the community [Inaudible] agreement and  
21 committing to record the language as is with the  
22 Department of Buildings before building permits are  
23 submitted.  
24

2 CHAIRPERSON MOYA: Thank you. Thank you  
3 for your testimony. You may begin. Just state your  
4 name.

5 MABELINE NEVARO: Good morning, my name  
6 is Mabeline and I'm one of the many young people in  
7 Bushwick no let me change that. I'm one of the many  
8 young people in New York City who has experienced the  
9 effects of gentrification in our neighborhoods. See,  
10 the thing is, I've lived in multiple apartments in  
11 DeKalb, been displaced from those apartments because  
12 my family could no longer afford the rent. I've  
13 walked from DeKalb to Myrtle Ave. for many years and  
14 it's disheartening to see that the businesses I used  
15 to pass are no longer there. For example, the 99  
16 cent store I used to shop at turned into a  
17 restaurant. It infuriates me to see the apartments  
18 being built because it represents more families who  
19 are displaced and mistreated. Too often black and  
20 brown families have to bear the brunt of displacement  
21 and it saddens me. Our demands are simple. I want  
22 to see housing that my parents can afford, not rents  
23 that will force us to spend all our income on rent.  
24 Second, I want to protect the commercial spaces we  
25 have on Wyckoff like Brotherhood Boxing Club and

2 Sazon Nunez, spaces for families and youth of color.  
3 This nine story complex destroys a piece of the  
4 community that has lived there for years, destroying  
5 that they, the developers don't own. It will push  
6 the bus drivers who I see eat at Sazon Nunez Diner.  
7 It will push out nurses and doctors who use the  
8 parking lot. It pushes out families who use the  
9 laundry mat. It pushes out youth who have relied on  
10 the Boxing Club as a form of release so I ask where  
11 will we go, where will they go, where will my peers  
12 go? This nine story complex will drastically affect  
13 black and brown families that are already financially  
14 struggling to live there and emphasis on the word  
15 families because you will and have been the ones to  
16 receive the backlash of all of this. We are the ones  
17 who see the strain on our family's faces after coming  
18 home from a job that pays them just enough to  
19 continue living. See, some of us come from  
20 households that live paycheck to paycheck. Some of  
21 us were asked to take on a job even to balance school  
22 and work and as young people we don't get much of a  
23 say in these matters. We are left to deal with the  
24 results of it. We are left to assist our parents in  
25 the transition of the neighborhood so hear me as I

2 speak out that we don't need an unaffordable nine  
3 story complex in the neighborhood. We demand a no on  
4 this project.

5 CHAIRPERSON MOYA: Thank you.

6 ASTRID RENGEFO: Honorable members of the  
7 City Council. My name is Astrid Rengefo and I'm a  
8 resident of Bushwick at 1609 DeKalb, an adjacent loft  
9 building to the proposed development side at 1601  
10 DeKalb and thanks to the support of our local  
11 representatives, Council Member Espinal, Assembly  
12 member [Inaudible], our community board number 4 and  
13 community organizations like Make the Road New York  
14 and the participation of hundreds of people from our  
15 Bushwick community, we have seen after a very  
16 disappointing start a willingness from Camber  
17 Property Group to take into account some of the  
18 issues we exposed at the beginning of the process.  
19 Notwithstanding, the loft tenants at 1609 DeKalb are  
20 still at risk of being displaced. To this time, a  
21 setback proposal has been made verbally by Camber but  
22 as comprehensive binding agreement with the tenant's  
23 association and the owner of the building is yet to  
24 be seen. Moreover, the latest setback proposal will  
25 not prevent the tenants from being displaced. At

2 least six units between the buildings would all lose  
3 access to light and air as you can see in the drawing  
4 over there. As urged by borough president Adams, the  
5 new development must have an acceptable setback all  
6 across from the northern property line and secure  
7 assurances the [Inaudible] issues are addressed.  
8 Besides the rezoning proposal will our building at  
9 risk of being sold by potential harassment or market  
10 speculation with no guarantee or protection for us  
11 tenants. I strongly urge that our loft building at  
12 1609 DeKalb to be removed from the 1601 DeKalb  
13 rezoning proposal. Thank you.

14 CHAIRPERSON MOYA: Thank you. Thank you  
15 for your testimony. Thank all of you for coming here  
16 today. We have now our last panelist, Stephanie  
17 Kansel [phonetic].

18 ROBERT COMMACHO: Hey, you by yourself?  
19 You want me to sit with you.

20 STEPHANIE KANSEL: This is perfect,  
21 ideal.

22 ROBERT COMMACHO: No, no, I want to sit  
23 with you. Can I sit with you?

24 STEPHANIE KANSEL: Yes, come on. Let me  
25 know when the clock starts. I guess it starts when I

1 start, right now. So my name is Stephanie Kansel and  
2 I represent the Bushwick community. I've been a  
3 Bushwick resident for 26 years of my little life and  
4 three generations of my family grew up here. Now as  
5 you've heard other people express, this is extremely  
6 detrimental to our community and it's imperative that  
7 we require deeper affordability. Now, they say that,  
8 you know, it will be beneficial to the community but  
9 the unit mix is predominately studios and one  
10 bedrooms and if you know anything about Bushwick, you  
11 know that we have families. Bushwick is where  
12 families are, are grown and nourished and to put  
13 market rate units in there means that for a family of  
14 three at 80% AMI, they to earn a \$112,800 a year.

16 CHAIRPERSON MOYA: Stephanie, one second  
17 please. Folks, can you take your conversation  
18 outside or please wait till the panelist is done.

19 STEPHANIE KANSEL: I get extra seconds on  
20 my clock, no but seriously single parents with  
21 children, elderly, young people at risk. I'm a  
22 student. I go to school in Texas and when I get my  
23 degree and I come back to Bushwick, I'm not going to  
24 be able to live there. This is something that means  
25 a lot to me and it's gotten to the point where I've,

1 I work for a non-profit organization called Churches  
2 United for Fair Housing and I appreciate you standing  
3 in solidarity with us as much as you do and I  
4 organized a month worth of protests, right. A month  
5 worth of protests of the City for continuing to  
6 perpetuate racial segregation, for these developers  
7 and these landlords who come into the neighborhood  
8 that is impoverished and bring in market rate units  
9 that we know are displacing our people at a  
10 disproportionate rate. I scheduled a month of  
11 actions. There's no organization that's doing that  
12 and every single day we target one building, one  
13 developer and we call them out and we highlight the  
14 city. There are market rate units that go up every  
15 single day and the homelessness rate is over 90,000  
16 and that's only on record so imagine the families  
17 that aren't on record. Imagine the immigrants,  
18 imagine the people who simply in Bushwick don't make  
19 enough. 60%, 80% AMI is not affordable at all. We  
20 need deeper affordability levels for the people who  
21 currently live there and not the hipsters, the new  
22 residents who can afford to pay \$2,400 or \$3,200 for  
23 an apartment. We need deeper affordability for our  
24 people and we need it now and you guys are in a  
25

1 position to make sure that that happens for us and  
2 I'm sure that you see what's going on and you know  
3 what the problem is and we're going to continue to  
4 fight and resist and oppose things like this and we  
5 hope that you vote in opposition as well. Thank you.

6  
7 CHAIRPERSON MOYA: Thank you, thank you  
8 for your testimony. Are there any members of the  
9 public who wish to testify? Seeing none, I will now  
10 close the public hearing on this application and it  
11 will be laid over. This concludes today's hearing.  
12 I would like to take this opportunity to thank the  
13 members of the public, my colleagues and, of course,  
14 always the great land use staff and our counsel for  
15 helping us get through today. With that, this  
16 meeting is adjourned. [gavel]

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C E R T I F I C A T E

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



Date July 26, 2018