Appendix V

Comments Received on the DEIS

1

2   CITY OF NEW YORK
    DEPARTMENT OF CITY PLANNING
3   --X

4   PUBLIC HEARING

5   RE: PFIZER SITES REZONING:

6   #42 C 150278 ZMK
    #43 N 150277 ZRK
7
    --X
8
                              Spector Hall
9   22 Reade Street
                              New York, New York
10
                              July 26, 2017
11   12:50 p.m.

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    B E F O R E: MARISA LAGO,
15
                  The Chair
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A P P E A R A N C E S :

Commissioners:

Marisa Lago, the Chair

Kenneth J. Knuckles, Esq., the Vice Chair

Rayann Besser

Irwin G. Cantor, P.E.

Alfred C. Cerullo, III

Michelle de la Uz

Joseph Douek

Richard W. Eaddy

Cheryl Cohen Effron

Hope Knight

Anna Hayes Levin

Orlando Marin

Larisa Ortiz

Yvette Gruel, Secretary

Other Staff

The Public

The Press

Reported by:
Kari L. Reed

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2   P R O C E E D I N G S

3   THE SECRETARY: Borough of

4 Brooklyn, calendar numbers 42 and 43, Calendar No. 42, CD1

5 CD1 c150 278ZMK, calendar Number 43, N150 ZRK,

6 a public hearing in the matter of

7 applications for a Zoning Map and Zoning Text

8 Amendments concerning Pfizer Sites Rezoning.

9   Notice. A Public Hearing is

10 being held by the City Planning Commission in

11 conjunction with the above ULURP hearings to

12 receive comments related to the Draft Environmental

13 Impact Statement. This hearing is being held

14 pursuant to the State Environmental Quality Review

15 Act and the City Environmental Quality Review.

16   THE CHAIR: We'll pause for a

17 few moments to allow people to leave and enter the

18 room.

19   (Pause in the proceedings)

20   THE CHAIR: I would invite the

21 applicant team to make a total ten minute

22 presentation, and that's Ray Levin; Magnus

23 Magnuson; Jeff Reuben, who is available for

24 questions; Lee Silberstein, who is available for

25 questions; Iris Wang, available for questions; and

2   also Lisa Serbaniewicz, available for questions.

3   Thank you.

4   MR. LEVIN: Thank you very much.

5   My name is Raymond Levin. I'm the --

6   AUDIENCE MEMBER: Good

7   afternoon, Commission. I am a resident of

8   Williamsburg, here with the Broadway Triangle

9   Community Coalition. We are here because this

10   hearing is not going to go forward. We are opposed

11   to this.

12   (Audience demonstration)

13   (Pause in the proceedings)

14   THE CHAIR: You gave us a scare,

15   Jim.

16   Okay, your ten minutes begins.

17   MR. LEVIN: Good afternoon

18   again. My name is Raymond Levin. I'm with the law

19   firm of Slater Beckerman. We are counsel to the

20   applicant, Harrison Realty. I'm going to quickly

21   go through the history of this project.

22   We filed the original ULURP

23   application in early 2015, and proceeded with that

24   until this Commission and the City Council adopted

25   MIH. We redid our application to conform to the

2   MIH requirements. And since then we've been

3   proceeding.

4   We tried to have a scoping

5   meeting, which was shut down, similar to what was

6   attempted today. We then had a second one. We met

7   with -- tried having a hearing at the Borough

8   President's office, which was shut down, similar to

9   what they attempted to do today, and we are here.

10   We have -- the site that we are

11   trying to develop was occupied by the Pfizer

12   Pharmaceutical Company for many years. They

13   started here in Brooklyn in, what was it, 1849.

14   They finally shut down operations in Brooklyn in

15   1989.

16   An urban renewal plan was placed

17   on this property in a broader area than the site

18   we're talking about today. That they attempted to

19   get through EDC, and I think the predecessor PDC

20   industrial development for the property. That went

21   on for a number of years. And eventually in 2009

22   the urban renewal plan was modified.

23   The area to the east of this

24   site was changed to residential zoning. The M zone

25   was left on these properties, but they were moved

2   from the urban renewal plan. There was a lawsuit

3   against the zoning change for the residential

4   properties. These properties are not part of that

5   lawsuit.

6   The next.

7   The project location, as I said,

8   it is a -- it's an M zone now, and but it's

9   surrounded by residential zones. And to the south

10   is Marcy Houses. Here is Woodhull Hospital.

11   There's a Yeshiva here. Public school here.

12   Lindsay Park Houses here. It's in the middle of a

13   neighborhood that's all residential at this point,

14   and so we think it's appropriate to have a

15   residential use here.

16   We're seeking a zoning change

17   from the M3 to three different zones, as you can

18   see on the zoning map here. Extending the R7A

19   that's across the street on Harrison, R7D in the

20   middle of the site, and R8A on the wide street at

21   Union Street. That creates a development that goes

22   from high buildings of fourteen stories down to

23   five stories.

24   The project site is divided by

25   public open space. It encompasses eight buildings.

2 Eleven hundred and 46 dwelling units, 287

3 affordable. Those numbers are based on an average

4 of a thousand square feet a unit. And there's a

5 retail at the base and parking.

6   Next.

7   This is just an image, I guess

8 we have it twice, that -- so it gives a sense of

9 the height to low.

10   Next.

11   Just shows what the ground floor

12 will look like. The ground floor, you can see that

13 there's retail fronting on all of the streets and

14 on the open space. The gray are parking. Parking

15 areas will be at grade and they will be covered by

16 decks and form courtyards for the residential

17 properties. And the yellowish are the entrances to

18 the eight residential buildings.

19   Next.

20   The public open space, which

21 will be mandated in a restricted declaration. It

22 runs down the center, it divides up these rather

23 large blocks. Would be maintained, and constructed

24 by the developer, basically the width of a street,

25 65 feet wide, and it will have trees, benches,

2 tables and chairs, bike racks and other things that

3 will make a very pleasant environment.

4   Next.

5   We're also having an MIH

6 designation. We think that the mandatory

7 inclusionary housing is a signature accomplishment

8 of this Commission and the City Council. The

9 requirement of permanent affordable housing and a

10 stabilized designation for the market rate housing

11 is an important commitment to the city.

12   We want to make sure that MIH

13 succeeds and succeeds on sites such as this. This

14 is a privately owned site. It will be privately

15 financed. There will be no HPD subsidies. And but

16 it will have HPD oversight.

17   And I want to make that clear

18 that HPD that -- has the role. There will be an

19 administrating agent, and these units will be

20 offered through lottery. They are extremely

21 needed, as we all know. Sixty to 80 thousand

22 people apply through the lottery whenever there's

23 an affordable unit. And we will provide something

24 on the line of 287 of those if this goes through

25 and we're allowed to build this project.

 2   We've selected option one, which

 3   is the deepest affordability. And we were -- we

 4   think that relates to this community. It would be

 5   115 units at 40 percent AMI, 115 at 60 percent, and

 6   57 at 100 percent. That is the MIH requirement.

 7   Next.

 8   The developer, the principal of

 9   Harrison is the Rabsky Group. They're a Brooklyn

10   based group. They've developed over two million

11   square feet in the city, 2,000 housing units, a

12   thousand of which are in Community Board 1

13   actually. They've developed a hundred units of

14   voluntary inclusionary housing, and working with

15   Dun Development, 97 units of 100 percent affordable

16   housing. And there are some images of some of the

17   buildings they've done.

18   We believe the benefits of this

19   project, besides providing all of that affordable

20   housing, which the City desperately needs, and

21   market rate housing, which the City needs as well,

22   this is -- market rate in this neighborhood is not

23   what people think of as market rate on 57th Street

24   in Manhattan. This is not the waterfront in

25   Brooklyn, this is in the middle of Brooklyn. And

2   rents here are -- market rents are not those huge

3   rents that you find in some of the other parts of

4   the City.

5   We are going to remediate a site

6   that's been contaminated over the years by Pfizer.

7   We're going to create and

8   maintain public open space.

9   The affordable units.

10   We are going to have retail,

11 which is needed in this area. The Community Board

12 asked that we be sure that we include retail in our

13 project.

14   We've committed to pay

15 prevailing wage for service workers. And we're

16 going to -- we have set a goal of 25 percent of

17 local, minority and women business enterprises. We

18 intend to aggressively pursue that.

19   And in terms of the lottery,

20 we're working to have information sessions. We're

21 going to notify the Community Board and local

22 community groups as that date approaches. And we

23 are going to work on workshops for helping people

24 understand their -- the ability to fill out the

25 application and whether they actually would qualify

    2   under the lottery rules.

    3   I didn't hear a bell, but I ran

    4   through it as quickly as I can.

    5   THE CHAIR: We always appreciate

    6   efficiency.

    7   MR. LEVIN: I could say a lot

    8   more, but if there are questions I'll answer them

    9   now. After me the architect will go through the

   10   architectural elements to this. But I have a

   11   strange feeling that there might be some other

   12   questions.

   13   THE CHAIR: No, I apologize.

   14   This was set up as team presentation, a total of

   15   ten minutes. So if the architect could continue

   16   and then we will ask questions of the team.

   17   MR. LEVIN: Of the team, okay.

   18   So I will be able to ask -- okay, fine, no problem.

   19   COMM. DE LA UZ: Magnus.

   20   MR. MAGNUSSON: Thank you, Ray.

   21   THE SECRETARY: The time is up.

   22   (Bell rung)

   23   THE CHAIR: So rather than being

   24   efficient, you ran the clock on your team members.

   25   So at this point I will open it up to Commissioners

2 for questions.

3   MR. LEVIN: I'm sorry, Magnus.

4   THE CHAIR: Yes, Commissioner

5 Douek.

6   COMM. DOUEK: So thank you.

7   There's obviously been a lot of

8 concern from the Borough President and Council

9 Member Reynoso about the unit mix and the sizes.

10 Perhaps you can speak in greater detail about that

11 and whether or not you'd be committed to some

12 changes as recommended by the Borough President in

13 his report.

14   MR. LEVIN: In terms of unit

15 mix?

16   COMM. DOUEK: Yeah. There's a

17 host of other recommendations, which are all very

18 important to me certainly as a Commissioner and I

19 believe to many of the Commissioners, and I'm going

20 to give the opportunity to other Commissioners to

21 weigh in on that. But let's start with the unit

22 mix right now.

23   MR. LEVIN: Okay. This

24 project -- financing this project is going to be

25 privately financed. It's going to be several

2 hundreds of millions of dollars, without HPD

3 subsidies. So we need private financing for this,

4 not only to build the project but to do the

5 environmental remediation that the site requires.

6   We clearly want MIH to succeed.

7 To date I think that for privately financed,

8 privately owned sites, the history is spotty I

9 guess. And we certainly -- we certainly want to

10 make this work. The neighborhood needs one, two,

11 three and four bedroom units, there's no doubt

12 about it. And from an economic point of view, per

13 square foot a one bedroom unit gives you more

14 return than a four bedroom unit, which we assume

15 that our financing will look at those.

16   So right now we're not looking

17 to commit to a specific percentages of units,

18 because, one, it's something that's going to be

19 worked out and based to some extent on financing.

20 We also -- we want to balance the community needs,

21 the market, and the financing needs to come up with

22 that, with what that balance is going to be. And

23 we certainly don't want to say well, we are going

24 we're going to do X percent two bedroom units today

25 and then have -- and then change that when the

2 financing comes in. And this project is under a

3 lot of scrutiny. We certainly don't want to say

4 something and then it not -- and then go back on

5 it.

6   So we are committed to doing a

7 range of units. We think the community needs a

8 range of units. And as we move forward and our

9 financing is put in place, we will know what those

10 are.

11   There will be a regulatory

12 agreement. Obviously you know that whatever the

13 affordable, whatever that breakdown is, the market

14 rate is going to be the same. And the market rate

15 is 75 percent of the project, the affordable is 25.

16 And they're going to have to match pretty much. So

17 there's a lot riding on that from the financing.

18   Maybe I'm beating a dead horse

19 on that issue, but at the moment --

20   COMM. DOUEK: Excuse me.

21   MR. LEVIN: -- we're not going

22 to be -- we're not looking to commit to a specific

23 percentage.

24   COMM. DOUEK: You stated that

25 the community needs a -- the area needs a range of

2 units.

3   MR. LEVIN: Yes. Yes.

4   COMM. DOUEK: You excluded

5 studios in that range.

6   MR. LEVIN: Yes. The

7 community --

8   COMM. DOUEK: I would imagine

9 that on a financial level the studios on a per

10 square foot basis would actually have an even

11 greater return.

12   MR. LEVIN: Well, it depends on

13 what your market is, you know. This community is a

14 family oriented community. The Community Board

15 said they wanted family units and sort of

16 encouraged us not to do it. On one of the other

17 projects that this developer worked on with

18 affordable housing, there's a substantial number of

19 studios. It's a different kind of community.

20   COMM. DOUEK: Speaking

21 specifically to this site in question, sir, though.

22 I mean, is there a reason to exclude studios?

23   MR. LEVIN: We were asked to.

24   COMM. DOUEK: By?

25   MR. LEVIN: The community, the

2   Community Board.

3   COMM. DOUEK: And the Borough

4   President's recommendation is the opposite.

5   MR. LEVIN: To include -- is the

6   opposite, that's correct.

7   COMM. DOUEK: Thank you.

8   MR. LEVIN: You're welcome.

9   THE CHAIR: Commissioner de la

10 Uz.

11   COMM. DE LA UZ: I'm wondering

12 if you would mind putting up the map that shows the

13 site within the neighborhood location.

14   MR. LEVIN: Okay. The location

15 map.

16   COMM. DE LA UZ: Thank you, I

17 appreciate it.

18   Can you point out where the

19 boundaries of the Community Boards are relative to

20 this map?

21   MR. LEVIN: I believe, and -- I

22 believe that it's Flushing and Broadway.

23   COMM. DE LA UZ: And I'm just

24 wondering, you know, obviously -- you already said

25 obviously that the project is under a lot of

2   scrutiny and I think you know that. You know,

3   there's been a precedent for projects, and

4   especially for large projects, to have affordable

5   housing lotteries that are beyond one community

6   board, and especially given the proximity of

7   multiple community boards here, very different

8   demographics. I'm wondering if you could speak to

9   whether or not your client would be open if HPD

10 approves having an affordable housing lottery that

11 would give preference to residents of multiple

12 community boards.

13   MR. LEVIN: Well, I think maybe

14 the State has answered that question. Yesterday it

15 was announced that the 421-a regulations now do not

16 have a 50 percent requirement for the -- for any

17 community board. And, secondly, there is a pending

18 lawsuit regarding that as well. So it's up to HPD,

19 not to us.

20   COMM. DE LA UZ: Okay.

21 That's -- so obviously that's helpful and I know

22 that -- I believe in the documents that were

23 submitted that the planned administering agent for

24 the affordable housing lottery would be the

25 Brooklyn Chamber of Commerce; is that correct?

2   MR. LEVIN: No, that's not

3   correct.

4   COMM. DE LA UZ: Okay.

5   MR. LEVIN: We've contacted the

6   Brooklyn Chamber to run the technical training

7   sessions and bringing people's financial abilities

8   and understanding how to fill out the applications.

9   We went there because the project is contentious.

10 There are various neighborhood groups with

11 different views of this, and we thought that maybe

12 a neutral party would be right. While we expect

13 that certainly the -- all of the local

14 not-for-profits would notify the members of their

15 community to take advantage of those training

16 sessions. But we've reached out to a broader based

17 group.

18   COMM. DE LA UZ: And if you

19 don't mind, could you talk a little bit about what

20 criteria you might use in selecting an

21 administrative agent, given the number of fair

22 housing issues that might come up relative to this

23 project?

24   MR. LEVIN: Yeah. The last --

25 the last time this developer worked on a voluntary

2 inclusionary project, he prepared an RFP, which was

3 sent to several city-wide groups and several local

4 community not-for-profits. Based on that, and

5 HPD's wanting a group that had experience in

6 dealing with a large number of units, an

7 administrating agent was selected. But everyone

8 was asked to submit, and the results of that

9 were -- in that project the result was the Housing

10 Partnership Development Corporation, which is a

11 well-known group who does this kind of work. In

12 that project they then encouraged, when it comes to

13 marketing and preparing people for the lottery,

14 that they reach out and utilize the local

15 not-for-profits. But it was an open RFP that was

16 sent to everybody.

17   COMM. DE LA UZ: Thank you.

18   MR. LEVIN: And I would assume

19 that that would be how it would be handled here as

20 well.

21   THE CHAIR: Other questions to

22 the applicant team?

23   THE VICE CHAIR: I just have --

24   THE CHAIR: Vice Chair Knuckles.

25   THE VICE CHAIR: So, Mr. Levin,

 2   at this point -- I want to go back to the unit

 3   distribution question.

 4   MR. LEVIN: Yes.

 5   THE VICE CHAIR: At this point

 6   you certainly have some idea, do you not, of what

 7   the unit distribution is going to be? And given

 8   your sense of what it may well be, how do you

 9   respond to the Borough President's concerns?

10   MR. LEVIN: Well, as I said, we

11   haven't come to that conclusion yet. We don't want

12   to prejudge either the market or the financing.

13   This neighborhood has a number of housing needs.

14   And the project has a financial need to survive.

15   And I don't have a percentage of ones, twos,

16   threes, fours, I really don't.

17   THE CHAIR: Commissioner de la

18   Uz.

19   COMM. DE LA UZ: I'm trying to

20   ask about the remediation. Are you applying for

21   the tax credits from the state?

22   MR. LEVIN: The brown fields?

23   COMM. DE LA UZ: Mm-hmm.

24   MR. LEVIN: Are we?

25   COMM. DE LA UZ: That would

2   certainly change your finances.

3   MR. LEVIN: Yeah.

4   COMM. DE LA UZ: It's just a

5   question --

6   MR. LEVIN: I don't know.

7   COMM. DE LA UZ: -- but if you

8   can follow up on that.

9   COMM. DOUEK: You can follow up.

10   MR. LEVIN: I mean, the site

11   is -- part of the site was remediated by Pfizer to

12   industrial standards. So we have got to take it to

13   the next step. I don't know whether -- I mean,

14   that program has changed recently and I don't know

15   whether we did anything with it back then. But

16   we'll get back to you.

17   THE CHAIR: Other questions?

18   Commissioner Levin.

19   COMM. LEVIN: I'll try this

20   again and see how -- oh, I guess I'm permitted on

21   this one.

22   (Laughter)

23   COMM. LEVIN: You know, without

24   deflecting from the importance, I think we all know

25   that housing issues are the most important aspects

2 of this project, and by asking my next question I

3 don't mean to diminish that at all. But this is

4 a -- this is a tremendously large site. You walk

5 around in that neighborhood and you realize. It's

6 one thing to look at it on the map, they look kind

7 of like stunted blocks. But in their context this

8 is a really large, significant site. So it's clear

9 that the open space that has been designed and I

10 gather required for this project is going to be a

11 very important amenity not only to the residents

12 but for the streetscape and the passage of the

13 public around and through, and so I'm glad to see

14 that it's nailed down in part of the plan.

15   Picking up on the question that

16 I asked at the review session, what happens, given

17 the fact that this is such a large site, we often

18 see though -- and it may not be the plan at this

19 particular moment to break it into pieces, but it

20 certainly lends itself to being broken into pieces

21 as the development efforts go along. So how will

22 the comprehensive requirements to develop and

23 maintain the open space be perpetuated should we

24 end up with multiple owners of various pieces here?

25   MR. LEVIN: There are two

2 potential ways. There may be more, but there are

3 two. One is a homeowners association, which would

4 encompass all of the properties and they'd all have

5 responsibility to contribute to the maintenance.

6 The other is, if the parcels are -- so, the

7 restrictive declaration covers everybody. So it's

8 an obligation of everybody. So if I was selling

9 you a piece of property, I would want you on the

10 hook for your percentage of that or else I'm going

11 to -- I'm going to have to do it, or if I don't,

12 then you're in trouble because it affects your site

13 as well. So either it will be resolved based on

14 the transactions, but the obligation is for all of

15 the properties. And so it's either that or a

16 homeowners association, depending on how the -- on

17 how the project organizes itself.

18   COMM. LEVIN: Okay. Well, so

19 what you've just described I think maybe even

20 raises my concern.

21   MR. LEVIN: Okay.

22   COMM. LEVIN: Because you've

23 described a condition where we can end up with a

24 tragedy of the commons, where no one -- everyone

25 thinks it's important, but no one feels they're

 2 | responsible.

 3 | MR. LEVIN: Well, I --

 4 | COMM. LEVIN: By the time we get

 5 | done with this project, we're going to need I think

 6 | to give the Commission more assurance that that's

 7 | not going to happen here, and that the space

 8 | will --

 9 | MR. LEVIN: You know, before --

10 | COMM. LEVIN: -- be developed

11 | and maintained to the standards that you've shown

12 | in the pictures.

13 | MR. LEVIN: Well, developing is

14 | the easy part of it.

15 | COMM. LEVIN: Exactly. Thirty

16 | years from now --

17 | MR. LEVIN: Developing is easy

18 | because we're not going to get --

19 | COMM. LEVIN: -- when the trees

20 | have died and the benches are gone and nobody knows

21 | who's responsible, we need to know.

22 | MR. LEVIN: No, everybody will

23 | know who's responsible, because there's a

24 | declaration that says who's responsible. And the

25 | responsibility are the owners of this property,

 2 whether there's one or ten, that's who's

 3 responsible. And if there's a problem with

 4 maintenance at some point, that's who is going to

 5 be responsible and that's who is going to be --

 6 who's going to get sued or get called down on the

 7 carpet for not doing what they're supposed to do.

 8   THE CHAIR: Commissioner Effron.

 9   COMM. EFFRON: We've seen before

10 this Commission another application in a

11 manufacturing zone or a new manufacturing space.

12 Given the extensive size and interesting geography

13 of an in place workforce surrounding it, was there

14 any contemplation by your applicant or your client

15 to have some sort of combination of residential

16 conversion and new industrial space with the Pfizer

17 Sites plan?

18   MR. LEVIN: Not a combination.

19 They certainly looked at the notion of doing it

20 as-of-right, you know, which I advise all my

21 clients to do as-of-right. But they decided that

22 the housing need of this community was more

23 important. Obviously you can see from the years

24 that PDC and EDC had this urban renewal plan and

25 they weren't able to get anyone to come here. And

2   even if you look at the existing building, the old

3   Pfizer building, which is sort of an incubator for

4   basically food startups, having a lot of trouble in

5   totally filling their space. And that was an

6   existing building in excellent condition with a

7   great infrastructure to it. So it was looked at,

8   but this was the preferred development option.

9   COMM. EFFRON: Thanks.

10   THE CHAIR: Commissioner Ortiz.

11   COMM. ORTIZ: Hi. I'm not a

12   Brooklyn resident, so I'm coming into this late in

13   the game, and I was not here for the --

14   MR. LEVIN: We'd love for you to

15   move.

16   COMM. ORTIZ: So, you know, I am

17   trying to understand the concerns that were raised.

18   Well, perhaps they weren't raised, but, you know,

19   the opposition. And, you know, I'm curious sort of

20   what -- you mentioned sort of a recent ruling,

21   421-a, which I'm, you know, I'm not familiar with

22   how that affects the selection of residents, so

23   perhaps you can enlighten me.

24   MR. LEVIN: Well, for --

25   COMM. ORTIZ: But let me ask the

 2   question --

 3   MR. LEVIN: Sure, okay.

 4   COMM. ORTIZ: -- because it's

 5   all sort of wrapped into one. You know, in light

 6   of that what discretion generally does the owner,

 7   whether it's this one or any other owner, have in

 8   the selection of who gets affordable units?

 9   MR. LEVIN: Okay. The owner has

10   none. The lottery is run by an independent

11   administering agent that reports to HPD, not to the

12   owner. And there's an online sign up for if you

13   want to be part of the lottery. And, as I said,

14   there are certainly no -- no paucity of people who

15   are looking for this kind of housing. Tens of

16   thousands of people apply. And the administering

17   agent reviews those applicants and decides who

18   qualifies and who doesn't, based on the economic

19   criteria, and they decide. So it's not the owner.

20   The reason I brought up 421-a is

21   because I knew the question was going to come up.

22   And it was just reported yesterday that the state's

23   new 421-a program, which I'm assuming that the

24   applicant is going to apply for, no longer has a

25   requirement that 50 percent of the affordable units

2   the -- have a preference to the local community

3   board. I don't know how HPD is going to react to

4   that.

5   But, as I said, there was a

6   lawsuit filed a while ago saying that -- that by

7   having that preference, it was discriminating and

8   violated fair housing. So I don't know how that --

9   I don't know. With that, plus the state change,

10 and at least the article yesterday sort of was

11 equivocal as to how the mayor was going to deal

12 with it. I don't know. But at the moment as I'm

13 standing here I'm not sure whether there's still a

14 50 percent preference for Community Board 1 or not.

15   COMM. ORTIZ: Thank you.

16   THE CHAIR: Yes, Commissioner

17 Eaddy.

18   COMM. EADDY: Thank you. Good

19 afternoon. So Ray --

20   MR. LEVIN: Good afternoon.

21   COMM. EADDY: -- if I understood

22 you correctly in regard to earlier questioning in

23 terms of unit breakdown --

24   MR. LEVIN: Yes.

25   COMM. EADDY: -- you are not in

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 2   a position to provide even an estimate of unit

 3   breakdown; is that correct?

 4                    MR. LEVIN:  That's correct.

 5                    COMM. EADDY:  Okay.  Any idea as

 6   to when the developer will be in a position to make

 7   that publicly known?

 8                    MR. LEVIN:  I know they've

 9   been -- they've certainly been thinking about it,

10   and we'll be before the City Council in October.

11                    COMM. EADDY:  And you think by

12   that time you may have --

13                    MR. LEVIN:  I don't know, but

14   that's the next pressure point.

15                    COMM. EADDY:  Okay, true.

16                    Regarding the marketing of the

17   market units, has the developer given any thought

18   to how they intend to go about the marketing of the

19   overall project, not just the affordable units?

20                    MR. LEVIN:  I have not been made

21   aware of that, but I will certainly ask them and

22   get back to you.

23                    COMM. EADDY:  Thank you.

24                    THE CHAIR:  Commissioner Douek.

25                    COMM. DOUEK:  Just to follow up,
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2   and first I'd like to say that I haven't heard any

3   opposition basically on the size or context of the

4   project, so that's good news from an applicant's

5   perspective.

6   So I think one of the key

7   concerns, there are many concerns, but again, going

8   back to the unit mix and your response regarding

9   421-a and there's no longer a community board

10 preference, a community preference, that being

11 said, that there's no longer a community

12 preference, I do respect the Community Board's

13 recommendations. But I think that the applicant

14 should really look at implementing some of the

15 Borough President's recommendations, which would be

16 to include studios in their mix. And prior to a

17 vote I'd certainly like to have some kind of

18 indication, and perhaps you need to hash it out

19 with HPD in the next few weeks, I'd like to have

20 some indication as what the actual proposed unit

21 mix is, what they are thinking, something on paper

22 that would help me -- help me clarify my position

23 on that.

24   MR. LEVIN: We'll try.

25   COMM. DOUEK: Thank you.

2   THE CHAIR: Commissioner de la

3   Uz.

4   COMM. DE LA UZ: I just wanted

5   to follow up on the discussion that you were having

6   with Commissioner Ortiz. Because although it's

7   true that as soon as the lottery is announced

8   that -- that really there's very little discretion,

9   the discretion is really at this point, right, in

10 determining what option for MIH happens, and really

11 what the bedroom mix is and looking at the

12 demographics that exist in a community and ensuring

13 that it is fairly representative of the

14 demographics, it is not exclusive to any one group,

15 so.

16   MR. LEVIN: Sure.

17   COMM. DE LA UZ: And certainly

18 that's part of our role as well in ensuring that

19 the affordable housing is as accessible as

20 possible. So I will just reiterate Commissioner

21 Douek's -- I think it would be challenging for a

22 number of us to vote without having more

23 information.

24   THE CHAIR: Other questions for

25 the applicant team? Commissioner Cantor.

2   COMM. CANTOR: Hi, Ray.

3   MR. LEVIN: Hi. Would you

4   please ask to see the design construction? I'm

5   sorry, go ahead.

6   COMM. CANTOR: And if you had

7   done it while I stepped out, please just tell me.

8   I understood your answer with regard to breakdown

9   of the units is unavailable.

10   MR. LEVIN: Yes, sir.

11   COMM. CANTOR: I understand that

12 we're taking one big parcel and we're breaking it

13 up into a bunch of smaller parcels.

14   MR. LEVIN: Well, we're not --

15 at this point we're not. We're creating

16 buildings -- the reason that it's eight buildings

17 is, you know, you don't want to have one monster

18 building. And so it's broken up in a way so that

19 you have multiple entrances and you have buildings

20 that hopefully will have a sense of community

21 rather than, you know, a building with five, six

22 hundred units. So there --

23   COMM. CANTOR: Why didn't you do

24 a large scale development?

25   MR. LEVIN: Because the

2 as-of-right zoning works. And why go beyond that?

3 The zoning districts are all contextual. They

4 limit the heights of the buildings in terms of a

5 development which goes from 14 down to five.

6 Working with the staff here, it worked. There was

7 no -- the only reason to do a large scale is if

8 it's needed. And we are not transferring floor

9 area across streets, we're not waiving height

10 setback, we're not doing any of the things that a

11 large scale would allow you to do. So this -- this

12 works.

13   COMM. CANTOR: It also gives you

14 the opportunity, should you so choose, to sell off

15 parcels; is that accurate?

16   MR. LEVIN: That's correct.

17   COMM. CANTOR: Okay. The -- you

18 still haven't made me comfortable, as Commissioner

19 de la Uz said, once you get an approval, if and

20 when, you will be pretty much free to go on your

21 own, you can just do anything with the building.

22   MR. LEVIN: You've got it, yes,

23 sir.

24   COMM. CANTOR: Okay.

25   MR. LEVIN: Yes, that's what

2 as-of-right zoning allows you to do.

3   COMM. CANTOR: Well, if we're

4 all as-of-right, you wouldn't be here, right?

5   MR. LEVIN: Well, we're creating

6 that as-of-right situation here. And we are

7 creating it with contextual zones which have height

8 setback requirements. So that you -- what you see

9 is not a hundred percent what you'll get, but

10 you'll get something very close to this, right? So

11 this is 140 feet, that's as high as you can go. On

12 this end you're down at five stories. You actually

13 could go higher if you wanted, but that's not what

14 we wanted to do. We wanted to create some visual

15 impacts here on our buildings. So yeah, you

16 could -- could be little changes, absolutely. But,

17 by and large, this is what you're going to get.

18   And the open space in the middle

19 is going to be mandated, which sort of breaks up

20 some of these larger blocks and creates an area

21 with retail along it that connects you from the

22 school to the G strain -- G train entrance. And so

23 you're going to get this. And if I change this by

24 one story, I don't have to come back to you.

25   COMM. CANTOR: But we already --

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 2                         MR. LEVIN:  It's for Commission

 3   efficiency.

 4                         COMM. CANTOR:  But I suspect

 5   that subsequent commissioners would be very

 6   interested.  But it still gets back to where

 7   there's no product mix on the table.

 8                         MR. LEVIN:  Yes, absolutely.

 9                         THE CHAIR:  I might note that

10   Commissioner Cantor's comment, I believe, was that

11   while being portrayed as-of-right, it is not

12   as-of-right under the current zoning.

13                         MR. LEVIN:  No, of course -- of

14   course not, right.  But the districts that are

15   being created, that's what -- unlike a special

16   district.

17                         THE CHAIR:  The districts that

18   are being considered.

19                         MR. LEVIN:  Yup.

20                         COMM. CANTOR:  Thank you for

21   clarifying my point.

22                         COMM. DE LA UZ:  Yes.

23                         THE CHAIR:  Other questions for

24   the applicant team?

25                         (No response)
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          2   THE CHAIR: If not, thank you.

          3   MR. LEVIN: Thank you very much.

          4   THE CHAIR: We will now turn to

          5   the speakers in opposition, beginning with Council

          6   Member Antonio Reynoso.

          7   (Applause)

          8   COUNCIL MEMBER REYNOSO: Good

          9   afternoon. I thought it was going to be a good

         10   morning. It was a good morning, but I thought I

         11   was going to introduce myself with a good morning,

         12   but it's a good afternoon.

         13   First, Commissioners, thank you

         14   so much for having me here. This process of land

         15   use, it is something that I'm extremely familiar

         16   with but not fond of. But over time, especially

         17   seeing the process of this -- this application is

         18   going through, there's just a glimmer of hope that

         19   people matter, I just want to say that. And I hope

         20   that the Commission's -- the Commission's

         21   questioning to the applicant speaks to that. So I

         22   thank you for that.

         23   The first thing I want to say is

         24   I just want to just address issues that are related

         25   to what the applicant was talking about. The need

2 for affordable housing and how bad we need

3 affordable housing, and that we need to do

4 everything we can to get affordable housing into

5 this community. Yet, the applicant speaks to

6 limiting the height of the building, right, and

7 limiting and not maximizing the square footage.

8 Why not do that if we need affordable housing? It

9 is actually something that the Coalition, who is

10 pro-development in this case, wants more buildings

11 for more affordable housing. That is something

12 that the applicant has not committed to doing just

13 yet.

14   The breakdown of apartments. We

15 know that this community fought last time in this

16 same room and lost, like lost over -- not lost, did

17 not get the dismissal of the applicant -- of the

18 application of the Broadway Triangle case. We had

19 to go to court, and in court through fighting,

20 community fighting, using resources in our

21 communities, from Brooklyn Legal Services and local

22 organizations, we were able to get a sound

23 statement made by a judge that speaks to the

24 perpetuation of segregation in this area.

25   The fact that HPD did not go

2   about moving through a fair housing argument, a

3   strong fair housing argument when it came to this

4   case here. And we don't have the breakdown of

5   apartments for this site? Why not do that? Why

6   not prepare for that? At this critical juncture in

7   this application process that they don't have the

8   apartments only speaks to the fact that they

9   absolutely are going to do what we expect them to

10   do, which is build discriminatory housing or

11   continue to perpetuate segregation in the Broadway

12   Triangle.

13   We were promised 400 units of

14   affordable housing in the Broadway Triangle through

15   inclusionary housing. Four hundred units. It's

16   what made many Council members vote for it the last

17   time, on top of the City owned sites they were

18   going to give us three to four hundred units. We

19   were going to get three or four hundred units on

20   the private sites through voluntary inclusion.

21   To this day, so far 50 percent

22   of those sites have been built and we have zero

23   affordable housing from any of those voluntary

24   inclusionary sites. There's zero housing being

25   built for people of color or poor in our community

2 right now in the Broadway Triangle even with the

3 voluntary inclusionary housing.

4   The as-of-right. It's a -- it's

5 unfortunate, I'm going to say it's unfortunate. I

6 think it's disrespectful that he would think that

7 he can come in here and say that it is as-of-right.

8 What they're trying to say is that after you

9 approve it or what they expect to be an approval,

10 that they can do whatever they want as-of-right

11 under the zoning context, and the sizes of the

12 apartments are irrelevant to you.

13   All that -- the only thing you

14 need to worry about is that it falls within the

15 as-of-right context. That's all that you need to

16 worry about. The mix is not important. Fair

17 housing is not something you should concern

18 yourself with. That's what I'm hearing when I hear

19 the applicants speak.

20   The cost of an apartment in

21 Williamsburg, I don't know where the applicant

22 lives or where they've been over the last ten

23 years, but my community has been displaced by

24 15,000 Latino residents have been gone, 20 percent

25 of my community has been moved out or displaced in

2   Williamsburg, specifically because they can't

3   afford rent. Right now a studio on the waterfront

4   goes for $3,600 a month, a studio on the

5   waterfront. This site is further away from the

6   waterfront. A studio goes for $1,900, and that's

7   an affordable studio. People would kill for that

8   studio in our district. It is not affordable. The

9   market rate is going to be market rate and they

10   know what they're doing. I need to say that.

11   Also, the average family size in

12   our district is 2.6 is the average family size,

13   which speaks to studios, ones and twos, maybe some

14   threes.

15   (Bell rung)

16   THE CHAIR: As is our practice,

17   we always allow elected officials to continue, so

18   please do.

19   COUNCIL MEMBER REYNOSO: Okay,

20   thank you. Then I'll keep it -- I'll try to keep

21   it short because I know -- I want you guys to ask

22   as many questions as possible so you could

23   understand the outrage of our community.

24   So the last part is the fact,

25   the sizes of our families. Ninety -- more than 90

 2   percent of the applicants that are coming from

 3   NYCHA are all asking for one, two and three

 4   bedrooms, with three being the least asked for

 5   apartment size in our district. Those are all

 6   things that are in this case that we've made in

 7   regards to the need for building as much affordable

 8   housing as possible and keeping the units

 9   respective of the community. If there's no

10   community board size then, right, let's say that

11   421-a says there's no preference, no more

12   preference. Then shouldn't we use the average

13   family size in the City of New York to determine

14   what those apartments should be, if not using

15   Community Board 1? That's the -- that would be the

16   only logical answer to that. Then use whatever the

17   City's family size is, the average family size.

18   The Borough President, and I

19   would challenge anyone to speak to Richard Bearak's

20   merit based statements. Richard doesn't play

21   politics. He works specifically to address land

22   use rationale. And he did -- he made -- he figured

23   out that there's some issues here, without knowing

24   the bedroom breakdown or the apartment sizes

25   breakdown, that this is a very -- this could

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2   continue to be a controversial project. Don't

3   allow for the community to have to go back to court

4   to prove that segregation exits in this area. It

5   absolutely exists. And all we continue to do is

6   perpetuate it when we allow cases like this to go

7   through.

8   The last thing I want to say,

9   because I had a written statement but I'm just

10   going to give that to you, is the Rabsky Group as a

11   developer. Rheingold is a perfect example of what

12   this context, as they say, as-of-right we can

13   build. We lost 88 units of affordable housing

14   after agreeing with the Re Group that they would

15   build a certain amount of affordable housing.

16   Rabsky purchased the housing. All the commitments

17   made to the community regarding the apartment size

18   and the amount of apartment units was scratched

19   off, and Rabsky did only as-of-right. And what he

20   did was the bare minimum, the bare minimum and what

21   was most financially advantageous to him. He gave

22   nothing to the community.

23   If you approve this project, if

24   you approve this project and let it go to the City

25   Council without disapproving it, what we're going

2   to do is they're going to maximize the financial

3   gain and do the bare minimum for the community

4   again, and we cannot allow that.

5   (Applause)

6   COUNCIL MEMBER REYNOSO: And I

7   just want to thank you. Your questioning was

8   amazing. And it's refreshing, very refreshing. So

9   I'm open to questions, Chairman.

10   THE CHAIR: Questions for the

11 Council Member. Yes, Commissioner Effron.

12   COMM. EFFRON: Thank you.

13   I appreciated, and since I

14 wasn't on the Commission during Rheingold I also

15 appreciated a little bit of background.

16   COUNCIL MEMBER REYNOSO: Yeah.

17   COMM. EFFRON: But, as I

18 understand it, that was voluntary inclusionary

19 housing. And it's the mandatory inclusionary

20 housing --

21   COUNCIL MEMBER REYNOSO: Yes.

22   COMM. EFFRON: -- which, as you

23 know, this Commission is very involved with.

24   COUNCIL MEMBER REYNOSO: Yes.

25   COMM. EFFRON: And, as I

 2 understand MIH there is an obligation to build --

 3   COUNCIL MEMBER REYNOSO: Yes.

 4   COMM. EFFRON: -- that can't be

 5 unscratched --

 6   COUNCIL MEMBER REYNOSO: Right.

 7   COMM. EFFRON: -- scratched out.

 8   COUNCIL MEMBER REYNOSO: Right,

 9 exactly.

10   COMM. EFFRON: In this context.

11   COUNCIL MEMBER REYNOSO: We're

12 making progress as a city.

13   COMM. EFFRON: Okay. So a

14 commitment by a developer in regards to the yard,

15 I'm a little confused because I didn't understand,

16 and maybe you can clarify this, is the real estate

17 developer the same as Rheingold? I didn't

18 believe --

19   COUNCIL MEMBER REYNOSO: Yes.

20   COMM. EFFRON: -- it was.

21   COUNCIL MEMBER REYNOSO: They

22 are the same people, yes. Rabsky is developing a

23 half of the Rheingold site in Bushwick, and would

24 be developing this site. So it's the same owner.

25 And his practices are just track record is what we

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 2   are basing our -- a lot of our conclusions on.  And

 3   also we understand the MIH versus voluntary

 4   inclusionary.  Within years that if the apartment

 5   breakdown is not set and it's not legally binding,

 6   they're going to do whatever they want.  And in

 7   this case we don't trust the applicant to do what

 8   is fair through law, through the Fair Housing Act.

 9                     COMM. EFFRON:  Well, I just

10   wanted to say in defense of the Commission MIH is a

11   longer term project than the initial tenants in the

12   building.  And, as I understand it, based on

13   experience outside of this room demographics

14   change.

15                     COUNCIL MEMBER REYNOSO:  Yes.

16                     COMM. EFFRON:  And --

17                     COUNCIL MEMBER REYNOSO:  That's

18   true.

19                     COMM. EFFRON:  -- I would hope

20   that we can look beyond this moment in time.  And I

21   would hope that reasonable people --

22                     COUNCIL MEMBER REYNOSO:  Yes.

23                     COMM. EFFRON:  -- and I'm making

24   an assumption there, would be able to have a mix

25   that works for ten, twenty years and longer, as
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2   opposed to just for this particular demographic

3   moment, on all sides of this particular question.

4   COUNCIL MEMBER REYNOSO: Thank

5   you.

6   COMM. EFFRON: But I wonder

7   whether we have as much say in this matter as you

8   perhaps believe we do. We can recommend unit

9   sizes, we -- but this is a developer that is not

10 looking for subsidies from HPD, therefore the units

11 would be funded privately. And, additionally, as I

12 understand it, and I look to my expert fellow

13 Commissioner Michelle de la Uz to confirm this,

14 that HPD does have a role, once there is an

15 administrative agent, to make sure that the process

16 is handled fairly. And it's actually not a

17 responsibility of this commission to do that.

18   COUNCIL MEMBER REYNOSO:

19 Everything you said is absolutely correct. From my

20 take I just want you to know that in housing court,

21 Holly Leicht was asked to go to the stand, and

22 stated on the record that they did not consider

23 fair housing at -- fair housing by law, they didn't

24 take into account fair housing by law, and it was

25 something that they couldn't do. It was illegal,

 2   they were supposed to do it. So even HPD being a

 3   partner, being the partner that's supposed to look

 4   after oversight of this project would be

 5   concerning.

 6   But the thing is, you make my

 7   job a lot easier as a council member fighting for

 8   this project should you disapprove. The Borough

 9   President just put -- just gave us a lot of -- and

10   I want to be perfectly honest. That's what I'm

11   trying to do here is the best I can for my

12   community. I am not the council member from which

13   this development is in. But 65 percent of my

14   community is Community Board 1. So every

15   affordable housing unit that gets built helps keep

16   my people in the district. And I fight heavily to

17   make sure that that happens.

18   I also want talk about

19   demographically, as you said, times change. The

20   one thing that has consistently changed is that the

21   residents from Greenpoint and the south side of

22   Williamsburg, which are Polish and Latino,

23   disproportionately Polish and Latino, are the ones

24   that have seen the most displacement in our

25   community across the board.

2   (Applause)

3   COUNCIL MEMBER REYNOSO: And I

4   just want to put into perspective to the changing

5   demographics that yes, the demographics might

6   change to favor larger apartments at one time or

7   another, but so long as we continue these type of

8   processes, we're going to be perpetuating that.

9   (Applause)

10   THE CHAIR: Commissioner de la

11   Uz.

12   COMM. DE LA UZ: Council Member

13   Reynoso, thanks for being here.

14   COUNCIL MEMBER REYNOSO: Thank

15   you for having me.

16   COMM. DE LA UZ: We appreciate

17   that.

18   I'm just wondering, can you just

19   talk about specifically the MIH option in this

20   case, and, you know, obviously they've indicated

21   that they prefer option one. And I'm just

22   wondering, could you talk a little bit more about

23   where you see the greatest need is and whether or

24   not you agree option one is the right option,

25   putting the unit mix aside for now.

 2   COUNCIL MEMBER REYNOSO: I

 3   don't -- I think this project in itself is

 4   something that I can't support even its inception.

 5   At its inception the community was not allowed to

 6   make comments or suggestions as to what we would

 7   like to see here. There's been no process by which

 8   their input can be heard.

 9   So I, as you know, I have -- in

10   the participatory budget we are going through a

11   land use rezoning in Bushwick. I've allowed for my

12   community to make those decisions to see what they

13   think is best. And in this case, because that's

14   never been awarded to them, I would say that I

15   can't necessarily say. I can't -- I can't say.

16   COMM. DE LA UZ: Okay. Thank

17   you.

18   COUNCIL MEMBER REYNOSO: I'm

19   sorry.

20   COMM. DE LA UZ: That's okay.

21   THE CHAIR: Commissioner Douek.

22   COMM. DOUEK: Council Member

23   Reynoso, thank you for being here.

24   Just to clarify, you are saying

25   that even if the unit mix was changed to be in line

 2   with the Borough President's recommendation, you

 3   would still not be in favor of the project overall?

 4   COUNCIL MEMBER REYNOSO:

 5   Correct. I think that the work that the Borough

 6   President did speaks to a lot of flaws and concerns

 7   that we have on this project. But the fact that

 8   the community wasn't allowed to express their

 9   concerns or what they want to see, whether it be

10   height, open space, transportation issues, like

11   what we are going through in north Brooklyn as

12   well, those are issues that we have yet to have any

13   input into whatsoever. And when we talk about,

14   it's not any development, it's responsible

15   development. And we're following a very short -- I

16   actually am proposing through law changing the land

17   use produce to allow for pre -- pre --

18   THE VICE CHAIR: Certification.

19   COUNCIL MEMBER REYNOSO: Yes.

20   Opportunity for the communities to really say what

21   they want -- say what they want. Whether the

22   applicants take it into consideration is up to

23   them. But at least the community got to put out

24   some type of report or some type of information

25   that speaks to what they want to see. And that

2   wasn't awarded here. So, so long as those

3   processes exist, I can't support it.

4   COMM. DOUEK: I'll just comment

5   on the flip side, anybody is welcome to speak from

6   the community, we're an open forum, and you can

7   sign up and speak. And we listen to their

8   concerns, we take it very seriously what they have

9   to say.

10   COUNCIL MEMBER REYNOSO: I think

11   this Commission is, like I said, it's a breath of

12   fresh air to hear you guys, to hear the questions

13   you're asking. But the history that my community

14   has had with the land use process in the City of

15   New York is one that we can't trust just yet. We

16   have a long way to go before that happens. Again,

17   the displacement of my people is serious, a serious

18   issue in my community. And so long as that

19   continues to happen, any process that the City of

20   New York engages in that does not serve, again, the

21   residents of the 34th district I'm going to oppose.

22   (Applause)

23   THE CHAIR: Commission Ortiz.

24   COMM. ORTIZ: Hi. I thank you

25   for being here, and for being so articulate about

2 the community's concerns.

3   You know, my question relates

4 to, you know, just what we can and can't do and

5 sort of your thoughts on this. You know, it's a

6 private site, privately owned site. Were they not

7 to come before us, you know, there are certain uses

8 that can go there as-of-right, as you said.

9   COUNCIL MEMBER REYNOSO: Yes.

10   COMM. ORTIZ: And the process of

11 addressing land use changes is where the

12 community -- that's the moment for input, you know.

13 So I guess I appreciate you saying you really want

14 to be part of the process from the very beginning.

15 But, you know, that ends up being a challenge on a

16 privately owned site.

17   COUNCIL MEMBER REYNOSO: Yes,

18 agreed.

19   COMM. ORTIZ: You know. And so,

20 so to that, knowing that and recognizing sort of

21 that's maybe not the reality we want but it's the

22 reality that we have, you know, the design as you

23 see it, you know, what you see here now, I mean,

24 maybe you don't even want to answer this, but are

25 there concerns that you have about the context, the

 2 height that, you know, that perhaps can reasonably

 3 be accommodated? Because this is the moment where

 4 we're asking for public input.

 5   COUNCIL MEMBER REYNOSO: Any

 6 comment that I would make that speaks to

 7 legitimizing this project legitimizes the process,

 8 and the process itself is the problem.

 9   COMM. ORTIZ: I understand.

10   COUNCIL MEMBER REYNOSO: So,

11 unfortunately, you're right. You know, we feel

12 very confident in the work that we do as a

13 community, that it's merit based and it speaks to

14 truth. And we are willing to take it to court

15 every single time. So just to let you know that

16 we --

17   (Applause)

18   COUNCIL MEMBER REYNOSO: -- we

19 feel we have -- we have recourse, we have a place

20 where we can go to get justice. So, I mean, and I

21 apologize, I mean it's no -- it doesn't speak to

22 the work that you do. I respect it deeply. But

23 unfortunately, the process by which we approve or

24 move through land use in the City of New York has

25 affected my community in significant ways. And we

2   have to be very careful as to what we legitimize

3   through that process.

4   (Applause)

5   THE CHAIR: Other questions for

6   Council Member Reynoso?

7   (No response)

8   THE CHAIR: Thank you very much

9   for coming here today.

10   COUNCIL MEMBER REYNOSO: Thank

11 you very much. God bless you.

12   (Applause)

13   THE CHAIR: As our next speaker

14 we also have another elected official, Council

15 Member Levin.

16   COUNCIL MEMBER LEVIN: Hi, Chair

17 Lugo. I don't have any -- and members of the

18 Commission. I don't have any prepared remarks, but

19 I did want to come down today and to speak a little

20 bit about -- about this proposal and the process

21 and how I'm approaching it.

22   I represent the 33rd District,

23 which is where this proposed development is

24 located. So it's entirely within the confines of

25 the 33rd District. And I've represented that

2   district for the past seven and a half years. And

3   so I've had a significant amount of experience on a

4   lot of the issues that we are looking at today, and

5   have had a number of other private development

6   sites in the Williamsburg community come before the

7   Council during my tenure, so we've looked at a lot

8   of these issues before.

9   So I'd like to start off by

10 saying that, you know, I fully sympathize and

11 understand the frustration of community members

12 when it comes to the lack of affordable housing and

13 what we've seen in terms of displacement of

14 families, generations of families in the

15 Williamsburg, Greenpoint community. We've seen

16 displacement, secondary displacement.

17   We've seen a lot of

18 redevelopment over the last fifteen years. The

19 2005 Greenpoint, Williamsburg waterfront rezoning

20 caused a bullish market in Williamsburg Greenpoint

21 when it comes to real estate. There was a little

22 bit of a pause during the Recession, we saw a lot

23 of projects stall. They have commenced again. And

24 so as a result we have a lot of economic pressure

25 being placed on families, whether it's -- if it's a

2   non-rent stabilized unit, you know, it has been

3   almost impossible, an insurmountable challenge to

4   retain that unit as something goes to affordable.

5   And I see it all the time. I'm working with

6   constituents that reach out to me that are being

7   evicted and going through the process of trying to

8   find legal assistance for them and retain those

9   units.

10   If they're rent stabilized,

11 there's all types of harassment that goes on, I've

12 seen that as well. I've worked with tenants. One

13 tenant who had -- a hundred rent stabilized tenants

14 of two buildings on Tenth Avenue across the street

15 from the rezoning on North Eighth Street and Tenth

16 Avenue, and the landlord removed the roof from the

17 building for the winter. It's a rent stabilized

18 building, it's a 101-year-old tenant, rent

19 stabilized tenant. And they didn't -- they still

20 got a certificate of no harassment, by the way,

21 because removing the roof doesn't constitute

22 harassment. So, you know, I understand the

23 frustration. I see the frustrations firsthand and

24 we deal with it at our office.

25   I have been dismayed by the

2   tenor of this conversation and this debate as it

3   pertains to this particular development project up

4   to this point, because what I have seen is that

5   frustration being used to go at a project that is

6   in and of itself not part of that conversation. In

7   other words, this is a discrete project. It's a

8   private application, as you said. This is not the

9   2005 rezoning.

10   (Bell rung)

11   COUNCIL MEMBER LEVIN: It's not

12 the Broadway Triangle rezoning. It is a private

13 application. And, as I have seen it, it is -- it's

14 presented almost as if it's the latest chapter in a

15 very long novel. And instead it should be and it

16 ought to be and it's the responsibility of your

17 Commission and of the Council to look at this on

18 the merits of the application itself. Not what

19 happened in 2005, not what happened in 2009. Not

20 the developer's other projects. This is an

21 application that is -- should be looked at on its

22 own merit.

23   Now, I'm not saying it's a

24 perfect project. I'm still looking at it right

25 now, and I'm sure I'm going to have recommendations

2   at the Council for how can we improve it. I am

3   sure you will have recommendations on how it should

4   be approved, but -- improved. But I think it, like

5   all other private applications, deserves to be

6   weighed by this Commission on its own merit and

7   not -- and not just a chapter in a long saga in

8   which, frankly, it's a political -- there's a

9   political debate. And this has been drawn into the

10 undertow of a political debate. And I think that

11 that's unfortunate.

12   And so I would just ask that

13 this Commission look at the merits of the

14 application. If there are recommendations that

15 you -- if there are things that you want to see in

16 that application reflected in that application as

17 it moves forward through the ULURP process, through

18 the Council, by all means, I would love -- I would

19 love to see those recommendations, I would love to

20 work with this Commission on implementing those

21 recommendations. But again, I think that it

22 deserves, like any application, to be weighed on

23 its own merit.

24   THE CHAIR: Thank you, Council

25 Member Levin. Would you be willing to take

2 questions?

3   COUNCIL MEMBER LEVIN: Of

4 course.

5   THE CHAIR: Commissioner Douek.

6   COMM. DOUEK: So, going back to

7 recommendations. Yes, this project should be

8 weighed on its own merit, and I believe from my

9 perspective certainly it is. So going back to the

10 recommendations, and I know that it's going to come

11 to you at the Council, obviously we have a Borough

12 President recommendation on the unit mix, and those

13 concerns have been voiced by this Commission, by

14 local Commissioners.

15   So one of the recommendations I

16 would say is I would like to see the unit mix, the

17 allotment, the unit mix written down, you know, put

18 down on paper. And I would like to see some of the

19 BP's recommendations certainly, such as including

20 studios in that mix, included in that -- in the mix

21 that the applicant will commit to, whether it be

22 legally binding or not, but certainly in some kind

23 of a commitment, which would allay a lot of

24 concerns from many parties here, so.

25   COUNCIL MEMBER LEVIN: So I'm

 2   open to that discussion as well. I haven't fully

 3   been able to review all of the Borough President's

 4   recommendations. You know, I look forward to doing

 5   that, you know, throughout the rest of the summer

 6   and into the fall.

 7   I would point to, there are

 8   developments -- so within the South Williamsburg

 9   area there have been successful developments that

10   are private developments that have accommodated,

11   you know, various aspects, various parts of the

12   community's needs, various demographic aspects of

13   the community's needs. So I would look at

14   something like Schafer, which was developed about

15   15, 18 years ago, where if you go to Schafer today,

16   it is -- now, that's a 40 percent affordable

17   development. That was on City owned land, but it

18   was developed by a private applicant. It was Don

19   Capoche's group that developed that back then. You

20   know, that is a mixture of family sized units of

21   smaller units.

22   If you go there today, and by

23   all means I think everyone should go there, it's

24   economically diverse, it is racially diverse.

25   There are Hasidic families living on the same floor

2   as Latino families, living on the same floor as

3   African-American families. And everybody is -- I

4   always say that nothing brings a community together

5   like living on the same floor and having to borrow

6   flour or sugar or, you know, from their neighbor,

7   you know when they run out and it's ten o'clock and

8   they need to make, you know, lunch for their kids

9   the next day. So, you know, an integrated

10   development I think is achievable, and you need

11   look no further than Schafer unit.

12   COMM. DOUEK: Thank you.

13   THE CHAIR: Other questions?

14   Commissioner de la Uz.

15   COMM. DE LA UZ: Council Member

16   Levin, I just want to say thanks for coming, I

17   appreciate that. And, you know, I appreciate that,

18   you know, as you said, each project needs to be

19   weighed on its own merit. I think the context and

20   the history is important. And I think you're

21   right, oftentimes people can project a lot of

22   concerns, you know, obviously very legitimate

23   concerns about fears of displacement, history of

24   discrimination. And I think that your point about

25   that an integrated development is achievable is

 2   true. I think the challenge is we're missing

 3   information to know if that actually can happen.

 4   And so I think, you know, the

 5   Commission is being asked to weigh something, and

 6   in my mind ensuring that projects can further fair

 7   housing should be part of what we look at in the

 8   land use process. I mean, obviously we took a lot

 9   of time not too long ago to look at mandatory

10   inclusionary housing to ensure we have an

11   economically diverse city. And in my mind this is

12   part of thinking about that really very, very

13   seriously.

14   COUNCIL MEMBER LEVIN: And I

15   think that there's -- there's a role when it comes

16   for MIH for HPD as it oversees the affordable

17   component of any development. And I know that the

18   affordable component needs to mirror the market

19   component of any development in an MIH project, and

20   so -- in terms of unit size right now. And I would

21   think that HPD would have some role.

22   I actually called HPD this

23   morning and they were talking about -- because it's

24   not going to be a financed HPD project, and it's

25   obviously not on City owned land. But as an MIH

 2 project it's possible that there is some

 3 jurisdiction with HPD. But that's, you know, you

 4 might know better then I would.

 5   THE CHAIR: That's a very good

 6 point, Council Member. We'll actually bring back

 7 to the Commission's review session on this

 8 information about the regulatory agreements that

 9 HPD enters into for MIH projects and what influence

10 they can then have on the affordable unit size mix.

11   Yes, please continue.

12   COMM. DE LA UZ: If I might

13 though, I mean, obviously HPD should speak for

14 themselves, but in all of this about project

15 feasibility, and that was brought up by the

16 development team, the need for the project to be

17 feasible. And so, as you said, HPD's role may come

18 later than many of the community's concerns can be

19 addressed. And so I think it would be helpful

20 to -- let's not end up with another lawsuit I guess

21 is what I'm trying to say.

22   COUNCIL MEMBER LEVIN: Mm-hmm.

23   THE CHAIR: Commissioner.

24   COUNCIL MEMBER LEVIN: One other

25 thing that I would say is, you know, I have --

2   we've gone now through, and some of you have been

3   on the Commission when we looked at Domino the

4   first time, when we looked at Domino the second

5   time. And, you know, I think that it's fair to

6   look at -- I mean yes, there is a context. That

7   context includes all of the developments that have

8   gone through this Commission at least during my

9   tenure. So we look at Rose Plaza on the river. We

10   look at either iteration of Domino. We just did

11   the rezoning at Rose Castle, which was in a

12   different community board, but nearby. And that

13   was a process that at the end everybody found

14   satisfactory. The Community Board voted in favor.

15   The Commission obviously voted out and we at the

16   council voted it out, and it was I think to

17   everybody's satisfaction. And that was just, you

18   know, just a couple of months ago.

19   One other thing obviously, as

20   you know, but the Community Board voted on this

21   proposal and voted in favor. You know, they

22   carefully considered it. And there was -- I was

23   there for the debate, and it was an extensive

24   debate and it was at times extremely emotional. I

25   was not thrilled that -- I thought that there was

 2 some misinformation that was thrown out there

 3 during the course of the debate. I think one

 4 challenge, frankly, is that sometimes accurate

 5 information is bundled in with inaccurate

 6 information and thrown out there as a single

 7 package, and sometimes it's hard to break it out as

 8 to what's true and what's not. And so that

 9 happened at this Community Board debate. I thought

10 that was very unfortunate. But I think, you know,

11 it's important to look clear eyed at a proposal and

12 see what's in there and what's not in there.

13   THE CHAIR: Commissioner Ortiz.

14   COMM. ORTIZ: Hi. Earlier

15 Commissioner Levin raised a concern about how we

16 ensure long term maintenance of the public space,

17 particularly if -- or, you know, there's nothing to

18 prevent this from being split up and owned by, you

19 know, a variety of owners, as opposed to a single

20 owner who has more of an interest in maintaining

21 that. You know, you asked about what we'd like to

22 see. And I think, you know, much more clarity

23 around what mechanisms are set up and embedded

24 within, you know, any agreements, ownership

25 agreements that would require the maintenance of

2   the space.

3   And I think about shopping

4   centers where it's very normal to have a common

5   area maintenance charge that is required,

6   incorporated into every single lease that then goes

7   towards the maintenance of common area space and

8   then it's managed by a single entity. You know, I

9   don't know what the corollary of that is for a

10 residential project like this, but certainly it's a

11 model and it's something we'd like to see, I

12 personally would like to see described in a little

13 more detail. We don't want, you know, 20 years to

14 go by and have something we're not proud of.

15   COUNCIL MEMBER LEVIN:

16 Absolutely. I think that's absolutely fair. As

17 the projects -- as development projects go through

18 the ULURP process and things, you know, issues like

19 this become clearer, you know, we've worked with

20 City Planning at the Council and worked on

21 restrictive decs or whatever mechanism there may be

22 to ensure, you know, voluntary long term agreements

23 to ensure that things like this are addressed in

24 the long term.

25   COMM. ORTIZ: Are mandatory.

  2   COUNCIL MEMBER LEVIN: Right,

  3 and run with -- and run with the deed.

  4   COMM. ORTIZ: Yeah. Thank you.

  5   THE CHAIR: More questions for

  6 council Member Levin?

  7   (No response)

  8   THE CHAIR: Thank you very much

  9 for coming.

 10   COUNCIL MEMBER LEVIN: Thank you

 11 for the opportunity. Thank you, thank you, Madam

 12 Chair.

 13   THE CHAIR: We will now continue

 14 with a number of speakers in opposition. We'll go

 15 to speakers in favor, return to speakers in

 16 opposition, return to speakers in favor. Our first

 17 speaker in opposition is Sonia Gulardo.

 18   MS. GULARDO: Gulardo.

 19   Hi. I'd like to clarify that.

 20 That's opposition with amendments we would like to

 21 see. So I want to thank you for the opportunity to

 22 speak to you this afternoon regarding the Pfizer

 23 Sites rezoning.

 24   My name is Sonia Ortiz Gulardo,

 25 and I'm director of parent engagement and community

2 outreach at Beginning with Children Foundation,

3 serving students in Williamsburg, Bed-Stuy and

4 through Brooklyn.

5   As the founding principal of the

6 first Beginning with Children school over 25 years

7 ago at one of the Pfizer sites, I have been

8 involved in education in the Williamsburg community

9 since 1992. Beginning with Children Charter School

10 two, like the original school, is located at 11

11 Bartlett Street, directly across the street from

12 the sites proposed to be rezoned. This school was

13 recently approved to grow from a K to five to a

14 much needed middle school. Our site includes the

15 school building which fronts on Bartlett Street, as

16 well as the playground which fronts on Cherry

17 Street.

18   Our school does not have an

19 indoor gymnasium. The play yard is the only area

20 that can accommodate exercise, which we know is

21 critical to our students' physical development and

22 educational attainment. Our neighborhood lacks

23 access to park land today. This development should

24 include, if approved, enhanced open space that is

25 accessible to the entire community and complements

  2   existing recreation areas.

  3   It is crucial, if a large scale

  4   development is approved on the neighboring lots,

  5   our school community is protected from truck

  6   traffic, emissions, dust, noise, and other adverse

  7   construction impacts. Our parents are concerned

  8   about safety precautions when doing construction on

  9   an environmentally compromised site. For the

 10   safety of the students in our school and others

 11   nearby, we believe that an environmental monitoring

 12   system providing real time information to our

 13   community is essential.

 14   In addition, there is already

 15   limited space for parking, student drop off and

 16   loading. Accommodations should be made to ensure

 17   that if the project is approved, there is adequate

 18   room for both our school's parking and busing needs

 19   during and after the project.

 20   Furthermore, as a community

 21   based organization, working to increase educational

 22   opportunities for local families for more than 25

 23   years, we have seen rapid changes in the

 24   demographics of the neighborhoods we serve. Our

 25   students are 68 percent Latino, 23 percent English

 2   language learners, and 93 percent qualify for free

 3   or reduced lunch. And they have achieved

 4   remarkable success. Nearly a hundred percent have

 5   graduated high school on time and are accepted to

 6   college.

 7   As our neighborhood continues to

 8   be a prime target for high-end residential

 9   construction, it is important to our school

10   community that our families are able to remain and

11   thrive in Williamsburg in close proximity to our

12   school and alumni programs. Increasing rents and

13   the loss of good jobs in the neighborhood have

14   strained many of our local families. To that end,

15   Beginning with Children supports the creation of a

16   comprehensive community planning framework for the

17   entire Broadway Triangle area.

18   (Bell rung)

19   THE CHAIR: If I could ask you

20   to wrap up. I should have said at the beginning of

21   the remarks, given the very large number of

22   speakers --

23   MS. GULARDO: Fine. No, I agree

24   with you.

25   THE CHAIR: -- that we will hold

2   you to three minutes. But I certainly open it up

3   to questioning Ms. Ortiz.

4   Yes, Commissioner Effron.

5   COMM. EFFRON: I can't resist.

6   Congratulations on your graduation rates.

7   MS. GULARDO: Oh, thank you. We

8   are very proud also.

9   THE CHAIR: With good reason.

10   MS. GULARDO: Thank you for

11 listening to us.

12   THE CHAIR: Oh, I'm sorry.

13 Commissioner de la Uz.

14   COMM. DE LA UZ: Hi. The first

15 thing that you raised was enhanced open space. And

16 obviously the project proposal does include passive

17 open space. Is that something that you --

18   MS. GULARDO: Well --

19   COMM. DE LA UZ: -- think would

20 meet your needs or not so much?

21   MS. GULARDO: Well, the way --

22 I'm sorry, the way I understand it, the open space

23 is more like corridors. And I don't think that

24 really is sufficient for a community. And from

25 what I have seen in the neighborhood, the open

2   space in other projects that exist in the community

3   really are not open space. They're just walkways

4   that people walk. If that is the case, then that

5   is not going to be sufficient for our community.

6   And we don't have any park land at all.

7   COMM. DE LA UZ: Thank you.

8   THE CHAIR: Other Commissioners?

9   (No response)

10   MS. GULARDO: Thank you.

11   THE CHAIR: Thank you very much

12   for taking the time.

13   COMM. LEVIN: Thank you for

14   coming.

15   THE CHAIR: Our next speaker in

16   opposition is Martin Needelman.

17   AUDIENCE MEMBER: He's no longer

18   here.

19   THE CHAIR: Okay, thanks very

20   much for letting me know.

21   And our next speaker in

22   opposition is Robert Camacho.

23   MR. CAMACHO: I like your bell.

24   I was a fighter. And every time I heard a bell, it

25   reminded me of -- it reminded me of to wait until

 2   the referee stops the fight, because if not, I'll

 3   keep fighting. And that's what I'm going to keep

 4   doing.

 5   But my name is -- I didn't write

 6   nothing. Everything I write is from the heart.

 7   I'm a member of Bushwick. I've been in Bushwick

 8   all my life, 57 years. My grandmother, 101, still

 9   in Bushwick. Guess her income? Six hundred

10   dollars a month, just on a little check.

11   That's what these guys are

12   doing. They're disenfranchising our seniors.

13   They're taking away our homes. They're taking what

14   we fought for and what we believed for. Bushwick

15   is family oriented.

16   This developer came to CB 4,

17   which I am a member, and I am representing our

18   Community Board, our residents, he wants to promise

19   us 20 percent affordable housing, ten percent for

20   seniors, ba ba ba, change the zoning. When the

21   zoning was set to end, why don't we change it to

22   residential. Guess what he did, which I know you

23   know what he did. He turned around and sold it to

24   another developer. And then the developer says,

25   which he represents, says, guess what, the deal

 2   wasn't with me. You know, you play the dice, you

 3   know when you play the dice you get a seven you

 4   don't win, somebody else wins. And he took it from

 5   us.

 6   This guy is like cancer. He's

 7   going to CB 1. Came to CB 4, he laid us up.

 8   Cancer spreads. He's going to spread it around.

 9   They're not from the community. They don't help

10   the community. Everything is pocket and greed.

11   It's not for me.

12   My daughter can't afford to live

13   in Bushwick that she lived here 32 years. She

14   lives in Staten Island, paying $1,500 rent because

15   she makes two dollars more than affordable housing.

16   My grandson is 12 years old. He said dad, I want

17   mom to get an apartment in the house. Your mother

18   can't afford to live there. And she was born and

19   raised here. Is that fair? Is that fair to you

20   guys, to us, that we fought when the bad guy was

21   there? Nobody wanted us. When the houses were

22   building in Bushwick, nobody wanted us. Now your

23   developer comes, everybody wants to run to

24   Bushwick. Two thousand dollar rent, three thousand

25   dollar rent, four thousand dollar rent. It ain't

2   me. It's them yuppies that are coming with their

3   Starbucks coffee and their phone and they don't

4   even talk to us anymore.

5   I own a home, I ain't going

6   anywhere. I got a two-family home. You ain't

7   building up in my house because I'm not going to

8   allow you to and I'm not selling it. Bushwick is

9   not for sale. Bushwick, Williamsburg, what

10   happened to them happens to us. We'll all take

11   full cash basement areas, CB 4, CB 1, and all the

12   other communities, we got to get together and you

13   got to help us.

14   (Bell rung)

15   MR. CAMACHO: We need your help.

16   You see the bell? It's a hard fight. I was a

17   fighter for a long time. And I'm going to continue

18   fighting, because I'm losing and my kids are moving

19   away. I can't make my kids stay in my

20   neighborhood. They can't afford to live here.

21   THE CHAIR: Thank you.

22   MR. CAMACHO: They're moving us

23   away.

24   THE CHAIR: Thank you.

25   MR. CAMACHO: You want -- you

 2 want -- you guys are teaching our kids, 22, 29, 34,

 3 and 32 to be family oriented, to create and move

 4 up.

 5   THE CHAIR: Thank you. That

 6 concludes --

 7   MR. CAMACHO: But I can't push

 8 my son out.

 9   THE CHAIR: Thank you for your

10 passion. And would you mind waiting?

11   MR. CAMACHO: Sure.

12   THE CHAIR: Thank you.

13   (Applause)

14   THE CHAIR: Are there questions

15 for Mr. Camacho?

16   (No response)

17   MR. CAMACHO: I don't think they

18 do.

19   THE CHAIR: I actually would

20 want to say something, which is how fortunate you

21 are to have a 101-year-old abuela. I think many of

22 us would wish we did.

23   MR. CAMACHO: Yeah. But it is

24 getting sad because she looks around, and our

25 people are no longer there.

2   THE CHAIR: Thank you, Mr. --

3   MR. CAMACHO: You open a window

4   and they're not there anymore. And the people that

5   are there are not interested in us.

6   Thank you.

7   THE CHAIR: Thank you.

8   (Applause)

9   THE CHAIR: Our next speaker in

10 opposition is Carlos Santiago. Is Mr. Santiago

11 here?

12   (No response)

13   THE CHAIR: Okay. Our next

14 speaker in opposition is Juan Ramos.

15   MS. JENNINGS-HOUSTON: Juan is

16 no longer here.

17   THE CHAIR: Thank you.

18   Our next speaker in opposition

19 is Denise Jennings-Houston.

20   MS. JENNINGS-HOUSTON: I'm sure

21 here.

22   THE CHAIR: You're here. Thank

23 you for being here.

24   MS. JENNINGS-HOUSTON: I spent

25 most of the morning trying to construct something

2 that I was going to read, but when the Councilman,

3 Councilman Reynoso came up, I mean, I can't say it

4 anymore more eloquently than he did. I remember

5 him because I -- he started out as a community

6 organizer. And so to watch him grow up, and I'm

7 61, to watch him grow up and to become a Council

8 Member has been very good for me and for the

9 community. So instead I'm just going to try to

10 speak to the spirit rather than the letter of the

11 law.

12   I know the last Councilman Levin

13 was here and he mentioned at some point that the

14 Community Board had approved the plan. But it

15 wasn't unanimous. So let's don't forget, councils

16 and commissions are made up of individuals. It

17 wasn't like everybody agreed. There was pros and

18 there were cons. So in a way I don't think he

19 meant it, but it's a little disingenuous with us to

20 say oh, it was approved. It was not unanimous. So

21 that's number one.

22   The second thing would be, when

23 we talk about affordable, it's not affordable. If

24 you go into a poor or low income working class

25 community and you build there, and it's not at a

2   level where the people are making the salary, you

3   cannot say it's affordable. We don't want

4   affordable. We want fair and equitable. I'm a

5   product of NYCHA houses. I grew up in Williamsburg

6   when it was called projects. Which they are,

7   they're not houses, they're not going to end with a

8   small little home. It says projects are not

9   houses. But my mom, who's 85, she made 85, she

10 still lives there, she pays $1,041 for the same

11 square footage that she had 57 years ago. Is that

12 fair? No, it's not. Is it affordable? Maybe.

13   So we come here for change. In

14 1968 you had the Civil Rights Act/the Fair Housing

15 Act, which allowed us to begin to have the

16 conversation. So when you say things like well,

17 it's really not ours, when I passed that homeless

18 person that at that moment I cannot make -- I

19 cannot impact in the way that I would like, I still

20 know it's a homeless person and I still have to be

21 connected to it. I can't say well, that's not my

22 problem. That is my problem. And --

23   (Bell rung)

24   MS. JENNINGS-HOUSTON: And when

25 we come here to you all to say it's our problem,

2 like he said, please help us in any way that you

3 can.   Please help us.

4   THE CHAIR: Thank you, Ms.

5 Jennings-Houston.

6   MS. JENNINGS-HOUSTON: So I'd

7 like to end with, it's only -- it's only a minute,

8 believe me, I write short poems.   And this one

9 says --

10   COMM. LEVIN: Can you maybe send

11 it in?

12   THE CHAIR: Would you be able to

13 submit, please, because we do have a very large

14 number of other speakers --

15   MS. JENNINGS-HOUSTON: Yes.

16   THE CHAIR: -- in opposition.

17   MS. JENNINGS-HOUSTON: Okay.

18   COMM. LEVIN: Give it in

19 writing.

20   MS. JENNINGS-HOUSTON: It just

21 says, Projects, they call them houses, these tiny

22 rectangles, dominoes stacked on all sides, where

23 elevator tubes shoot like ladders, move crowds in a

24 small place, bodies pressed against squares.   And

25 they call them houses, these tiny dungeons robbing

2   the sky, untouched by trees or sun, swinging low.

3   Let's get one thing straight. Projects are not

4   houses, but are a cold shoulder turned, robber of a

5   right to attend the land given by God and belonging

6   to no one.

7   Thank you very much.

8   THE CHAIR: Thank you,

9   Ms. Jennings-Houston.

10   COMM. DE LA UZ: Thank you.

11   THE CHAIR: Would you be willing

12 to wait for a moment in the event there are

13 questions?

14   (No response)

15   THE CHAIR: Okay, thank you. I

16 think your poem left us speechless.

17   MS. JENNINGS-HOUSTON: Thank you

18 so much.

19   THE CHAIR: Our next speaker in

20 opposition is Mike Bradley.

21   (No response)

22   THE CHAIR: Okay. The next

23 speaker who has signed up is.

24   AUDIENCE MEMBER: I think Mike

25 Bradley is coming in.

 2   THE CHAIR: Oh, he's coming

 3   over, great.

 4   AUDIENCE MEMBER: Yes.

 5   THE CHAIR: Welcome.

 6   MR. BRADLEY: Thank you.

 7   Hi, good afternoon. My name is

 8   Mike Bradley, and I'm a member of SEIU 32BJ. I'm

 9   here today to testify on behalf of over a thousand

10   32BJ members who live or work in the residential

11   buildings in the Williamsburg area. 32BJ

12   represents over 80,000 building service workers in

13   New York City, including workers in residential

14   buildings like the one being proposed at the Pfizer

15   site.

16   Where 32BJ represents workers,

17   building service jobs have long offered New Yorkers

18   wages and benefits that allow workers and their

19   families to live, work and succeed in the City.

20   Unfortunately, while most of the developers in the

21   City assure that service workers at their buildings

22   have good jobs, the developers -- some developers

23   have adopted a low road business model. The Rabsky

24   Group is one of these developers.

25   We are here today to say this

2   project should not move forward without a clear

3   demonstration that the Rabsky Group has addressed

4   the record of dangerous behavior that has

5   negatively impacted workers, tenants, and

6   communities surrounding their developments. It's

7   important that the City Planning Commission reject

8   this proposal. We have to uphold high standards

9   for workers and tenants in the City, and the

10 developer bringing this proposal has a track record

11 that should raise concerns.

12   Entities affiliated with the

13 Rabsky Group have engaged in wage theft by

14 violating prevailing wage laws. Last year an

15 investigation by ProPublicla found that tenants in

16 the building owned by a Rabsky Group affiliate were

17 subjected to a scheme to dodge the rent

18 stabilization requirements attached to the 421-a

19 tax abatement the building received. The Rabsky

20 Group has refused to honor the Community Benefits

21 Agreement signed by the former developer of a site

22 Rabsky purchased since 2010. This was because a

23 Rabsky Group affiliated contractor, HSD

24 Construction, has been fined over $20,000 for

25 failing multiple inspections. The City Planning

2   Commission should ensure that this project does not

3   move forward unless they see concrete evidence that

4   the developer and its affiliates have changed their

5   behavior.

6   Thank you.

7   THE VICE CHAIR: Thank you,

8   Mr. Bradley.

9   Questions?

10   (No response)

11   THE VICE CHAIR: Thank you, sir.

12   MR. BRADLEY: Thank you.

13   THE VICE CHAIR: William Fuller.

14   MR. FULLER: Good afternoon. My

15 name is William Fuller. I live in Brooklyn. I

16 have been a member of 32BJ ten years.

17   I am here today because of my

18 concern about the Rabsky Group expanding the

19 footprint in our community, being building services

20 like me. My union job had paid me a family

21 situation, a wage, and provide a great health

22 benefit, a retirement benefit for me and my family.

23 But I know that in these new buildings throughout

24 Brooklyn where the developer have not committed to

25 create high quality service jobs, workers with the

2   same job as me, including workers at Rabsky

3   affiliated buildings, have often been paid twelve

4   to thirteen dollars an hour, and given no

5   meaningful benefits. According to those industry,

6   last year this was even true in Rabsky affiliated

7   buildings that was required to pay workers the

8   prevailing wage because of receiving a 421-a tax

9   exempt. The low wages threaten to bring down wages

10 across the entire building service industry. They

11 are a threat to job security of workers like me.

12 This is a bad for the community. These buildings

13 are in the community where the workers live. Over

14 1,300 members of the community have signed a

15 petition saying it is important that the developer

16 on this site commit and create good jobs and

17 affordable housing.

18   I am calling on the City

19 Planning Commission to disapprove this applicant

20 unless the Rabsky Group provide concrete evidence

21 that the company and its affiliate have changed

22 their practice.

23   THE VICE CHAIR: Thank you,

24 Mr. Fuller.

25   Questions?

  2   (Applause)

  3   (No response)

  4   MR. FULLER: Thank you.

  5   THE VICE CHAIR: Thank you, sir.

  6   Boris Santos.

  7   AUDIENCE MEMBER: Boris is

  8   coming.

  9   MR. SANTOS: Run Forest run,

 10   don't come, run.

 11   (Laughter)

 12   MR. SANTOS: Good afternoon,

 13   everyone. So I just have some prepared remarks

 14   that I would like to read.

 15   Someone -- some of you may know,

 16   in the audience, know me as the organizing work

 17   that I do with Antonio Reynoso. First and foremost

 18   I would like to address that and choose to step

 19   away from that role and speak to you and the

 20   Commission as a former 18 year resident of Los

 21   Sures, Williamsburg.

 22   The current elected

 23   representative in which this rezoning falls under

 24   has been quoted as stating before, "We should judge

 25   this project by its merits." I believe that in

2   assessing whether or not this particular zoning is

3   in the best interests of not only CB 1 but CB 3 and

4   CB 4, we must judge the project not only on the

5   provided specs but on the context the community

6   finds itself in.

7   Between the years of 2000 and

8   2014, the Latino population of Williamsburg's

9   Southside has decreased by 34 percent. This

10 according to seven census tracks. Much of this can

11 and should be to the 2005 Williamsburg waterfront

12 rezoning that introduced Williamsburg to countless

13 amounts of luxurious waterfront housing, and led to

14 skyrocketing costs of rent. Families such as mine

15 were pressured out to move from their homes, from

16 their communities, and, most importantly, from the

17 place they love and feel comfortable in.

18   Today, if you happen to be a low

19 income New Yorker looking for somewhere to move,

20 Williamsburg is not an option. Considering that

21 most of it is developed and you can hardly find

22 vacant land, let alone affordable housing. The

23 history and current state of Community District 1

24 can therefore be summarized as being one where land

25 has proven to be scarce and where displacement has

2   taken scores due to market pressure. The best

3   housing policy for CD 1 is one in which the

4   production of affordable housing should be

5   maximized in order to further offset displacement.

6   A current policy of MIH, 20 to

7   30 percent affordability, is not enough for a

8   community that has seen a higher percentage of

9   black and brown people displaced. It is time for

10   developers such as Rabsky to do more than the bare

11   minimum of what the law has to offer.

12   Unfortunately, the rezoning that is being

13   considered today will lead to the further

14   displacement of black and brown people instead of

15   the job placement of them, which is the current

16   existing zoning context of manufacturing. It will

17   lead to possibly more segregation in the Broadway

18   Triangle instead of inclusive housing, and, lastly,

19   it will suppress the voices of activists, advocates

20   and attorneys that are calling for a comprehensive

21   plan on the Broadway Triangle.

22   Asking for more affordable

23   housing is not unrealistic. It is not radical

24   either. In fact, it is very much aligned with the

25   recommendations of the Borough President, the

 2 Brooklyn Borough President. And this is one of the

 3 recommendations which I believe you all have

 4 availed and evaded, which is more affordability.

 5 You've addressed the mixture and bedroom concept.

 6 In his recommendations the Borough President states

 7 that the developer is building higher than the

 8 minimum zoning text that would trigger MIH, which

 9 is R7A, in some areas of this development. Right,

10 it will be R7A, and in some areas R8A. By doing

11 this, the developer yields more profit and the

12 Borough President goes on to recommend including

13 more affordable housing.

14   In addition to these important

15 details, the community and orgs going against this

16 project know that providing more affordable housing

17 is an achievable goal. For example, the office of

18 Council Member Reynoso is currently supporting the

19 rezoning of developers in the site of 349 Suydam

20 and 1080 Willoughby, which will expand

21 manufacturing and provide 100 percent affordable

22 housing. So we're just not a party of no. And

23 Council Member Reynoso's office wants it, and my

24 belief as well.

25   (Bell rung)

 2   MR. SANTOS: So --

 3   THE VICE CHAIR: Thank you, Mr.

 4 Santos.

 5   MR. SANTOS: Questions.

 6   THE VICE CHAIR: Thank you.

 7   Questions? Commissioner de la

 8 Uz.

 9   COMM. DE LA UZ: So, Mr. Santos,

10 you seem to have two very concrete requests. One

11 is to maximize the total FAR that -- on the site,

12 which would then increase the total number of

13 affordable units minimally under MIH, and then for

14 the developer to go beyond the 25 percent on MIH

15 and have a greater percentage of the units be

16 affordable.

17   MR. SANTOS: Correct.

18   COMM. DE LA UZ: Do you have a

19 particular target number?

20   MR. SANTOS: I do not have

21 another target number, and I will leave that up to

22 the community to decide. And that's why it's very

23 important when the council members states, you

24 know, revising land use process, this is something

25 that would have been determined by the community

 2 ahead of time prior to this -- prior to being at

 3 this point of history.

 4   COMM. DE LA UZ: Okay, thank

 5 you.

 6   MR. SANTOS: All right.

 7   THE VICE CHAIR: Other questions

 8 for Mr. Santos?

 9   (No response)

10   THE VICE CHAIR: Thank you, sir.

11   MR. SANTOS: Thank you.

12   (Applause)

13   THE VICE CHAIR: We will now

14 turn back to those in favor. The next speaker is

15 Sarah Bikel. Sarah Bikel. She would be followed

16 by Christopher Singleton. Who will be followed

17 by speakers in opposition.

18   MS. BIKEL: Good afternoon.

19   (Inaudible)

20   THE VICE CHAIR: Speak into the

21 mic, please, thank you.

22   MS. BIKEL: I'm able to speak to

23 you today, Honorable Commissioners, and thanks for

24 giving me a chance to express our situations and

25 why we urge you to ask that the rezoning of the

2 former Pfizer properties should be approved. So my

3 name is Sarah Bikel. My name is Sarah Bikel. I'm

4 a life-long Williamsburg resident and raise here my

5 family of seven children. In the recent years I

6 married off two of them, which we struggle to find

7 apartments.

8 So one of them got a one bedroom

9 apartment, paying most of their income for the

10 rent. And they have two babies already. And the

11 second one had to settle in a basement, paying top

12 dollar, barely affording it. And I see on a daily

13 basis the situation where they just grab the two

14 kids, come spend the day with me in my house, in my

15 kitchen. It's unbearable for them, for me, for the

16 other kids in the house. But as a mother this is

17 what we need to do.

18 The shortage of housing

19 obviously is the problem. My parents, elderly,

20 sick people, would love to move into me for the

21 weekends and holidays. But we can't just triple

22 up. So a bigger apartment would definitely be able

23 to accommodate all of this.

24 So the current application

25 before you for the Pfizer development will result

2   in the largest project in our neighborhood, and

3   will significantly alleviate the shortage of

4   apartments. More important, it calls for 287

5   affordable apartments, which is nice, and this will

6   help many couples like my kids to afford a decent

7   apartment.

8   So I beg this Commission to

9   approve this plan because it's very critical to

10 alleviate the current situation. We are anxious

11 for relief, and we hope that it will be granted

12 through green lighting this major development to go

13 in. And I thank you.

14   THE CHAIR: Thank you, Ms.

15 Bikel.

16   Questions from the Commission?

17   (No response)

18   THE CHAIR: Thank you.

19   MS. BIKEL: Thank you.

20   THE CHAIR: Our next speaker is

21 Christopher Singleton.

22   MR. SINGLETON: I decline to

23 speak.

24   THE CHAIR: Okay, thank you.

25   Our next speaker is Bruchie

2   Schwartz.

3   MS. SCHWARTZ: Hi. My name is

4   Bruchie Schwartz. I'm involved in assisting many

5   community residents by consulting them regarding

6   social services needs. I interact with constant

7   clients and share with them the family situations.

8   I find most of the times the most -- the biggest

9   burden upon them is housing. They have large

10 families and there's no big apartment for the

11 growing families. And even the tiny apartments are

12 barely affordable.

13   From the beginning of the

14 mid-century housing was -- there was a housing

15 need. It was needed to alleviate the problem

16 worldwide. But, unfortunately, very few of them

17 were rezoned since then, and developments

18 decreased. This led to sky high rocketing rents.

19 Families with two incomes can barely afford the

20 rent. Apartments, oftentimes they're three weeks

21 wages can barely meet their monthly rent. I can

22 tell from my own experience. I have a family of

23 the six children, married, who have grown families.

24 They struggle with apartments and can barely afford

25 even the tiny apartments. While interacting with

 2 the other clients, I see how the high rents,

 3 overcrowded apartments, virtually damaged with the

 4 families, and they -- the families are getting

 5 totally destroyed. It impacts the healthy

 6 development of education and children. When

 7 parents worry about this month's rent and last

 8 month's rent, it deprives them from a healthy

 9 development and the love that they so much deserve.

10   The proposed Rabsky development

11 will increase the availability and ease the

12 tremendous need which is so imperative for the

13 community. Hence, I appeal, please accept this

14 application so we can proceed and complete this

15 project without further delay.

16   To conclude, I thank the

17 Commission for listening to the voice of the people

18 and take, please, the struggles of the people to

19 override the reasons.

20   Thank you again.

21   THE CHAIR: Thank you,

22 Ms. Fried.

23   Commissioner Eaddy.

24   COMM. EADDY: Ms. Fried.

25   MS. SCHWARTZ: Yes.

2   COMM. EADDY: Thank you for

3   coming and thank you for your testimony.

4   The representative for the

5   developer in presenting to us has indicated that

6   they have not made public a unit mix in terms of

7   the number of large size units or anything like

8   that. Has anyone shared with you that there will

9   be large units in this?

10   MS. SCHWARTZ: No, they don't

11   know. I don't know whether it is. I'm asking you

12   to please include large apartments.

13   COMM. EADDY: Okay. We don't

14   have purview over the size of the units. I was

15   just curious whether or not you have any

16   information that we don't have.

17   MS. SCHWARTZ: I have no idea.

18   And I'm just asking as a -- as -- I know the need,

19   and I'm asking to please have them include large

20   apartments.

21   COMM. EADDY: I appreciate the

22   need. Thank you very much.

23   THE CHAIR: Other questions?

24   (No response)

25   THE CHAIR: Thank you,

 2 Ms. Schwartz.

 3   MS. SCHWARTZ: Thank you.

 4   THE CHAIR: Our next speaker in

 5 support is Chaya Fried.

 6   MS. FRIED: Hi, good afternoon.

 7 My name is Chaya Fried. I live at Williamsburg.

 8 It's an honor for me to be here today and ask you

 9 to support the Pfizer development. I'm going to do

10 my best to hold your attention until my very last

11 word. There is that famous quote, things that are

12 known, things that are unknown, and there are doors

13 in between. That's why I'm here; to open the door

14 of action and opportunity.

15   What would you do if you were

16 forced to leave your native city and move abroad to

17 the unknown? You don't know where you're going to.

18 Of course, this would arouse lots of confusion and

19 distress to you and your family.

20   We all want to live in

21 Williamsburg. That's a close knit community for

22 us, and that's where we were raised with passion

23 and care. Williamsburg is a place that is

24 meaningful to our community. Williamsburg is a

25 place where we want to live and raise our children.

2   It's a place that is our comfort zone, and that's

3   where we want to live. We can't even think of

4   leaving it behind. That's why I'm here to support

5   this development. Dear Commissioners, I really

6   appreciate you listening to me. And we've come

7   here to spend our precious time here to assure that

8   you will act on our behalf, and make Williamsburg a

9   place where we can ultimately remain and establish

10 residential zoning all across Williamsburg.

11   I thank you in advance for your

12 positive feedback and I count on you will support

13 us.

14   THE CHAIR: Thank you,

15 Ms. Fried. And you did keep our attention.

16   Questions?

17   (No response)

18   THE CHAIR: Thank you.

19   Our next speaker is Lori

20 Raphael.

21   MS. RAPHAEL: Good afternoon,

22 Commissioners, staff and guests. I'm Lori Raphael,

23 Vice President of Strategic Partnerships at the

24 Brooklyn Chamber of Commerce, and staff liaison for

25 the Brooklyn Chamber's Real Estate and Development

 2 Committee. I am delivering testimony on behalf of

 3 Andrew Hoan, the President and CEO of the Brooklyn

 4 Chamber.

 5   With over 2,100 active members,

 6 the Brooklyn Chamber is the largest chamber of

 7 commerce in New York State. We promote economic

 8 development across the borough, as well as advocate

 9 on behalf of our member businesses. The Brooklyn

10 Alliance is a not-for-profit economic development

11 affiliate of the Brooklyn Chamber, which works to

12 address the needs of businesses through direct

13 assistance programs.

14   We respectfully urge that you

15 lend your formal support for the development

16 proposed by Harrison Realty at 200 Harrison Avenue.

17 As you are aware, the project, which at last would

18 revitalize a former Pfizer site that has sat vacant

19 for decades, recently won the approval of Community

20 Board 1.

21   As the leading voice of

22 Brooklyn's business community, we see this project

23 as a tremendous opportunity to address one of the

24 greatest obstacles to doing business in the

25 borough, finding available commercial and

2   affordable residential space. This project will

3   help satisfy this demand, with its proposed 1,146

4   residential units and 64,000 square feet of

5   neighborhood retail.

6   When completed, this project

7   will add nearly 300 much needed affordable

8   apartments to Brooklyn's housing stock. With

9   demand for housing for low income New Yorkers on

10 the rise in Brooklyn, this is a chance to help

11 fulfill the City's ambitious vision to create more

12 affordable housing, an objective that's critical to

13 our borough's continued growth and vitality. Our

14 members tell us repeatedly that our talented,

15 diverse workforce is one of the key factors in

16 their decision to do business here. We must

17 continue to make every effort to ensure Brooklyn

18 remains a place where the poorest can afford to

19 live.

20   The neighborhood retail

21 component of the project will be a welcome addition

22 for businesses looking to relocate and/or expand,

23 as well. This will not only offer community

24 residents new shopping options, but also will

25 create local job opportunities, together with the

2   hundreds of construction jobs that this project

3   will create.

4   On behalf of the members of the

5   Brooklyn Chamber of Commerce, we ask that you

6   support this project, which will support our

7   collective goal of a strong, vibrant Brooklyn.

8   Thank you for the opportunity to

9   testify.

10   THE CHAIR: Thank you,

11   Ms. Raphael.

12   Questions?

13   (No response)

14   THE CHAIR: Thanks.

15   Our next speaker in support is

16   Rabbi David Niederman.

17   RABBI NIEDERMAN: Good

18   afternoon, Madam Commissioner, Chair and

19   Commissioners. I really thank you for giving us

20   the opportunity to speak. It was almost taken

21   away, as it has been on two other occasions. But

22   thank you for making sure that our voices could be

23   heard.

24   My name is Rabbi David

25   Niederman. I am the Executive Director of the

2 United Jewish Organization for Williamsburg. And

3 I'm also a member of Community Board number 1 and

4 its Land Use Committee.

5   For the respect of the process,

6 for the respect of the Community Board, who worked

7 so hard, I must object to what was said. Four

8 times opportunities were given at the local

9 community board level in order for people to come

10 and listen to it. It was before the project

11 started the ULURP process, because they wanted to

12 hear the input. You are dealing with a developer

13 that is not coming from someplace else from the

14 planet. The developer is local. The developer has

15 developed local developments, okay. And he wants

16 to hear what the community has to say.

17   I am also a small developer.

18 And I'm proud the Councilman just invoked a project

19 that I was here testifying many years ago, the

20 Schafer project. The UJO was responsive. The UJO

21 put in the developer's fee to make sure that the

22 project is 40 percent, in addition to the money

23 that came in, you know, the land and other type of

24 subsidies.

25   And look at that project, what

  2 the UJO has. Look at it. And I say this is going

  3 to be a mirror. You will have Latino,

  4 African-Americans and Hasidic community members

  5 living and working together. This has been the

  6 project, the joint venture with Las Sourdes 907

  7 Bricks. This is -- I have another project which is

  8 68 units inclusionary project, which is all

  9 minorities, and this is going to be here as well.

 10   And you know what, because you

 11 fortunately the mayor had the vision of ensuring

 12 affordable housing, the MIH, you voted -- worked so

 13 hard to get that done, and that is the result.

 14 That has been the result in Schafer, because HPD

 15 not only oversees the lottery, you know that, that

 16 HPD is actually sitting over there. It goes into a

 17 locked box and then all of the applications are

 18 opened in the presence of community -- I'm sorry,

 19 of HPD, and whoever is the administering agent hand

 20 selects it. But he has to go in line. That is

 21 established and kept by the HPD a lot, and goes

 22 through and says okay --

 23   (Bell rung)

 24   RABBI NIEDERMAN: -- we want to

 25 do that. And it cannot be done, it has to go to

2   HPD for approval before it's granted.

3   THE CHAIR: Thank you, Rabbi

4   Niederman.

5   Any questions from the

6   Commission?

7   (No response)

8   THE CHAIR: Thank you very much

9   for coming.

10   RABBI NIEDERMAN: Madam.

11   THE CHAIR: Our next speaker in

12 support is Robert Munoz.

13   (No response)

14   THE CHAIR: Okay.   Our next

15 speaker in support is John Vieira.

16   MR. VIEIRA: Good afternoon,

17 everyone.   My name is John Vieira.   I represent

18 Sunshine of East Coast, a subcontractor that

19 performs work in the Brooklyn, Queens, mostly

20 Brooklyn, Queens, maybe 80 percent of our work.

21 And we are an equal opportunity employer I must

22 say, and I'm very proud of it.

23   We've acquired projects like

24 this, 200 Harrison Avenue, as we do acquire a lot

25 of projects, so we can maintain the workforce that

2   we do carry. Right now we started once with 30

3   men, now 50, 70, we are up to 100. With projects

4   like this it affords us the opportunity to employ

5   more people, there's a greater workforce, and also

6   it affords us the opportunity to grow our company.

7   I'm very respectful and glad to

8   hear about the -- that there's 287 affordable

9   housing units. Because many of our employees that

10   do live in the Brooklyn, Queens area have very

11   difficult times finding housing, affordable

12   housing. I well know that they double up and

13   triple up. There's four, five, six, seven people

14   living in a two bedroom apartment. Very difficult

15   for people.

16   And I'm very proud to say that

17   over the last 35 years I began working from

18   Brooklyn in the Bushwick area, doing Section 8

19   houses. I was very fortunate to be able to do

20   about 250 houses. And that's what got me started.

21   So I'm very glad to hear this, and I hope this all

22   works out with everything, you know, make this

23   work. That's all I have to say.

24   THE CHAIR: Thank you for

25   bringing a business owner's perspective to the

2 conversation.

3   Questions? Yes, Commissioner de

4 la Uz.

5   COMM. DE LA UZ: I appreciate

6 you coming. And since the earlier part of the

7 presentation and the development of the project was

8 laid out, there was, you know, a request from the

9 Community Board that the developer said that they

10 were going to hire about 25 percent of local

11 hiring, minority, women owned. And so as a sub is

12 something that you would be contributing to on

13 their behalf?

14   MR. VIEIRA: Well, we do by

15 default in itself, being the type of work that we

16 do, I'd say 85 percent of our workforce is of

17 minority originally. And also, and I'm going to

18 say it right about now I don't have an exact

19 amount, but right now currently our workforce in

20 the Brooklyn and Bronx and Queens residents has

21 increased tremendously, because we need the

22 workforce.

23   I'm very proud to say we just

24 recently hired our first African-American woman.

25 She's wonderful. She's working very well with us

 2   on the project. But, you know, it's unfortunate

 3   she's the first and only one, you know, I gotta --

 4   out of 100 people. But in general I can say this.

 5   I'm doing this a long time, and it's nice to see

 6   some changes. Because 35 years ago the

 7   demographics of Bushwick in Brooklyn were quite

 8   different than they are now. And things change,

 9   and hopefully for the better in general for all of

10   us.

11   COMM. DE LA UZ: Thank you.

12   THE CHAIR: Thank you,

13   Mr. Vieira.

14   Our next speaker in support is

15   Josi Cruz. Oh, I'm sorry.

16   MR. CRUZ: Don't worry about it.

17   I didn't put the comma after the E, so that's why.

18   Today I'm here to support the

19   relocation zoning, the zoning relocation naming,

20   because it creates a lot of jobs. It creates

21   construction jobs, probably over 600 jobs in

22   construction, electricity, electricians, plumbers.

23   It creates doorman positions. It creates

24   superintendents. It creates nannies, you know, if

25   there is a residential building, there's going to

2 be nannies there. There's going to be small mom

3 and pop companies that just start developing. It

4 can be a cleaning agency, it can be whatever it is.

5 But there's a possibility. Right now we have

6 nothing. Right now it's a lot. Right now there's

7 no jobs. And that's what we have to see.

8   And yes, there's affordable

9 housing. There's a little bit of everything.

10 There's commercial space. There's no -- but

11 there's no commercial space right now. But so

12 what. It's a commercial space but it's not

13 developing any money, there's no jobs, no one lives

14 there. It's not safe. Prostitution, which was

15 there, what, ten years ago?

16   So Williamsburg is changing.

17 Bushwick is changing. New York is changing. I was

18 raised in Harlem. I got relocated. I moved on.

19 It's not that hard. People can move on. People

20 can develop. People could, you know, take the hit

21 and raise up again.

22   But we're not relocating anyone.

23 This is an empty lot we are talking about. It's an

24 empty lot, guys. Let's develop something here,

25 let's create jobs, let's get housing and let's get

2   moving.

3   That's what I have to say.

4   THE CHAIR: Thank you, Mr. Cruz.

5   Questions?

6   (No response)

7   THE CHAIR: Thank you for

8   coming.

9   MR. CRUZ: No worries.

10   THE CHAIR: Our next speaker in

11 support is David P.

12   MR. P: Hi, guys. My name is

13 David. I've been living in the Bed-Stuy,

14 Williamsburg area for the last 15, 20 years. And

15 developments like this are the reason I have a job.

16 So I support this, because of that. And of course

17 they'll have a lottery for the housing as well. I

18 support that as well.

19   That's pretty much it.

20   THE CHAIR: Thank you, sir.

21   COMM. DE LA UZ: Thank you.

22   THE CHAIR: Succinct and

23 effective.

24   (Laughter)

25   THE CHAIR: We will now return

2 to speakers in opposition. Ron Shiffman.

3   (No response)

4   THE CHAIR: Okay. Then Kevin

5 Worthington?

6   (No response)

7   THE CHAIR: Okay, those were the

8 last two speakers in opposition that were signed

9 up. I will now return to speakers in support.

10   Diana Ortiz.

11   MS. ORTIZ: Good afternoon,

12 everyone. I'm here in favor of the project. I

13 personally live in Queens. I do work in the

14 Borough of Brooklyn, Bushwick, Tenth Avenue.

15   Sadly, Queens has become an area

16 where you see a lot of drug use, a lot of criminal

17 history. And I also spent over four hours a day

18 coming back and forth from Queens to Brooklyn to be

19 able to get to my job. I'm a single mother. I

20 have an 11-year-old. And I would love to be able

21 to live in the place where I work, and be able to

22 spend those four hours or three hours a day with

23 her, because as a single mother it's a really hard

24 job, and every minute I spend with her is really

25 worth it. So I really am in favor of the project.

 2   THE CHAIR: Thank you. And

 3   thank you in light of being a mother and with that

 4   commute for taking the time to participate.

 5   MS. ORTIZ: Thank you very much.

 6   THE CHAIR: Questions?

 7   (No response)

 8   THE CHAIR: Thank you,

 9   Ms. Ortiz.

10   Our next speaker in support is

11   Robert Schmidt.

12   MR. SCHMIDT: Good afternoon.

13   My name is Robert Schmidt. I'm president of United

14   Panel Technologies. United Panel Technologies is

15   based in New York. We specialize in design,

16   fabrication and installation of building exteriors.

17   I support the project, and I would like to ask the

18   City Planning Commission to do the same.

19   Our work relies on projects like

20   this one and for this property. The new

21   development planned on this empty site will create

22   over 1,100 new apartments. That would mean work

23   for a lot of companies and people in the

24   surrounding area. The project means not only job

25   security for our workers, it means companies like

2 mine and many others can hire new workers. There

3 are a lot of people who are looking for good

4 quality work, and we can use every job we can get.

5 So please support this project and help create new

6 jobs and expand prosperity for the people of

7 Brooklyn.

8   THE CHAIR: Thank you.

9   MR. SCHMIDT: Thank you.

10   THE CHAIR: Thank you,

11 Mr. Schmidt.

12   Questions?

13   (No response)

14   THE CHAIR: Thanks.

15   Our next speaker in support is

16 Stefanie Marazzi.

17   MS. MARAZZI: Good afternoon.

18 I'm a member of the development team. And I don't

19 have any testimony, so I'm just here for questions

20 you have.

21   THE CHAIR: Questions for

22 Ms. Marazzi?

23   (No response)

24   THE CHAIR: Thank you.

25   MS. MARAZZI: Thank you.

2   THE CHAIR: Our next speaker in

3   support is Hasani Jones.

4   COMM. DOUEK: He's coming.

5   THE CHAIR: Oh, he's coming,

6   great, thank you.

7   MR. JONES: Good afternoon,

8   everyone. My name is Hasani Jones. I'm a former

9   resident of the Williamsburg area. I lived there

10   for about 20 years. I went to elementary school

11   and high school, not to mention I guess you could

12   say college in St. Francis.

13   I'm for this opp -- I'm for this

14   development for the simple fact that I would like

15   the opportunity to move back into the neighborhood

16   that I grew up in. Since my family moved out, as

17   you guys know, it's -- the prices over there to

18   come back are very high, and I can't afford that.

19   I have a daughter of my own who's about -- going to

20   be ten next month. And we come down here, we visit

21   her cousins. And she always talks about how she

22   would love to come back over to the same

23   neighborhood that I grew up in, how she would like

24   to come back and stay with her cousins who were

25   fortunate enough not to leave the neighborhood.

2 But, unfortunately, without a development like

3 this, I can't afford to come back here.

4   I work for a living. I consider

5 myself fairly well educated. But I still, at this

6 point, do not make the amount of money, that four

7 to five thousand dollars for an apartment in

8 Williamsburg. So that is why I'm for the

9 development.

10   THE CHAIR: Thank you for taking

11 the time to come here, Mr. Jones.

12   Questions?

13   (No response)

14   THE CHAIR: Thank you.

15   MR. JONES: Thank you.

16   THE CHAIR: Our next speaker in

17 support is Raizy Deutsch.

18   MS. DEUTSCH: Honorable

19 Commissioners and all those assembled in this room,

20 my name is Raizy Deutsch, and I am a mother for a

21 large size family.

22   I have been living in

23 Williamsburg for the past 19 years with my growing

24 family. I have been struggling with housing

25 conditions as my family was getting larger, with no

 2 options of affordable housing. My children are

 3 sleeping doubled up. Some of my friends have to

 4 put their children to sleep in their laundry room.

 5 And there are some parents that need to eliminate

 6 the bath for their children because their bathtub

 7 is being used for storage.

 8   I fully support this Pfizer

 9 housing project, and I ask the City to please do

10 the same.

11   Thank you.

12   THE CHAIR: Thank you, Ms.

13 Deutsch.

14   Questions?

15   (No response)

16   THE CHAIR: Thanks.

17   Our next speaker in support is

18 Jose Hernandez.

19   (No response)

20   THE CHAIR: Okay. Our next

21 speaker in support is Rafael Rabinowitz.

22   Oh, Mr. Hernandez?

23   MR. HERNANDEZ: Yes, that's me.

24   THE CHAIR: Thank you.

25   MR. HERNANDEZ: Good afternoon,

2   Board. My name is Jose Hernandez. And I was born

3   and raised in Williamsburg my whole life. I worked

4   in the neighborhood over 20 years. And I'm for the

5   Pfizer rezoning, for numerous reasons.

6   One, as he said, it's an empty

7   lot. There's two square blocks of hideous

8   machines. I have to walk through there every

9   night. There's hundreds of rats through there.

10   There's abandoned vehicles, burned down vehicles.

11   It's not safe. There's vandalism, there's always

12   robberies. God forbid, there's rapes. There's all

13   kind of things in that neighborhood.

14   Two, it will bring so many homes

15   to the neighborhood. I work so hard, and I work

16   sometimes over 18, 20 hours a day so I could afford

17   to live in the neighborhood. It's going to bring

18   over 300 apartments to the neighborhood. It's an

19   empty lot. We're getting 300 apartments. I

20   understand people want more, but if this is all

21   that can be given, it's better than nothing. It's

22   an empty lot.

23   I want to live in one of those

24   homes. My son, I cannot -- I don't even walk

25   through that neighborhood at night. Cops, you

2   don't even see cops walking through that beat at

3   night because it's so bad.

4   There's a G train station right

5   there on the corner. It's so dangerous, one out of

6   three people skip that stop. They'd rather get off

7   at Myrtle or Broome, because it's so bad. If you

8   do this, it's like you're throwing a fresh coat of

9   paint over the neighborhood. We need lights, we

10   need trees, we need life. Right now that

11   neighborhood is like a desert. It needs water, it

12   needs life. Please help us.

13   And number three, most

14   importantly, it will bring hundreds and hundreds of

15   jobs to the neighborhood. I'm one of those people

16   that are fortunate to have had one of those jobs.

17   And I've already been in the field over ten years.

18   And I have helped over 30 people get jobs. And

19   they help somebody get a job, they help somebody

20   get a job, they help somebody get a job. So it's

21   not like a dead end situation once it comes over,

22   no, the jobs keeping on going, and going and going.

23   And this is why I'm for the zoning of Pfizer.

24   Thank you. Any questions?

25   THE CHAIR: Thank you,

2 Mr. Hernandez.

3   Questions?

4   COMM. DE LA UZ: I do.

5   THE CHAIR: Yes, Commissioner de

6 la Uz.

7   COMM. DE LA UZ: So you said you

8 walk through the site very regularly. What do you

9 do in the area?

10   MR. HERNANDEZ: Me, I -- there's

11 a park close, I walk with my kids. There's a

12 grocery market. I know a lot of people. I was

13 born and raised in that neighborhood. So I have my

14 mechanic since I was four years old, he lives close

15 by. So we are always back and forth through the

16 neighborhood, we are always walking through.

17   COMM. DE LA UZ: Okay. Thank

18 you.

19   MR. HERNANDEZ: But again, not

20 through those blocks. But Flushing yes, but not

21 those two blocks.

22   COMM. DE LA UZ: Okay.

23   MR. HERNANDEZ: No, I wish -- I

24 should have recorded it and brung it with me. If

25 you see all the, you know, the numerous -- it's

 2   just, it's an eyesore. It's an eyesore. You work

 3   so hard and you come home and you look at it and

 4   you feel gross, it's like I work so hard, this

 5   neighborhood has so many beautiful buildings, you

 6   look on TV, I wish I could live there, it could

 7   happen. We could make our block beautiful. Stop

 8   going against it. I don't know why you guys are

 9   going -- not you guys per se, but there's so many

10   people against it. It's helping everybody. It's

11   helping the upperclass, the middle class, the lower

12   class. It's doing it for everybody. This is what

13   we asked for, they're giving to us, and we are

14   rejecting it. I don't understand why.

15   THE CHAIR: Thank you,

16   Mr. Hernandez.

17   MR. HERNANDEZ: Thank you.

18   THE CHAIR: Our next speaker in

19   support is Rafael Rabinowitz.

20   It doesn't appear that someone

21   is hustling up.

22   (No response)

23   THE CHAIR: Okay. Our next

24   speaker in support is Chaim Orgel.

25   (No response)

 2   THE CHAIR: And the last

 3   scheduled person who has signed up to speak in

 4   support is Ephraim Pilchick.

 5   MR. PILCHICK: Good afternoon,

 6   guys. I'm not a speaker, so you've got to -- you

 7   know. I am the CEO of Safety Fire Sprinkler. We

 8   do fire protection throughout the City.

 9   I've been dealing with the

10   Rabsky Group actually for many years. And I can

11   tell you a lot of things that I heard about Rabsky

12   Group was -- I mean, we service their buildings.

13   And they have numerous buildings throughout the

14   City, and I can tell you that they're the highest

15   standard that I know of. And I don't know what

16   people are saying.

17   Number two, I've actually done

18   the work in the building across the street, which

19   is actually a girls school right now, on Harrison

20   Avenue. And I can tell you, that place was, like

21   the previous speaker was saying, people wouldn't

22   walk by there at night. If I'm not mistaken, it

23   was on the news there were kids that gotten beaten

24   there with their bikes on that same block too.

25   And I remember working at the

 2   school building, and I kept asking what the heck is

 3   going on on the site across the street, it looks

 4   like a vandalized site. And like I'm just thinking

 5   to myself, I have a company, we have, like the

 6   gentleman Joe was saying earlier, he also started a

 7   company, 20 guys, 30, 50, 80. We also started off

 8   with ten guys and we have over 100 people right

 9   now. And I can tell you that we have workers which

10   are mainly minority workers. And I can tell you

11   that for the last two years actually my lead

12   supervisor is a minority guy. And I'm saying, you

13   know, he started off in a shelter, actually in a

14   homeless shelter -- on a homeless shelter, moved

15   out, bought himself a house, okay. And I don't

16   understand why anybody would be objecting to such a

17   project with low income housing. Like he was

18   saying also, you know, like whatever it is, it is.

19   I mean, come on, there's nothing there. It's not

20   like you're knocking out people out of their houses

21   to build something. You have nothing there. I

22   mean give -- whatever it is, if you've got to give

23   him ten houses give it to him, he needs 500 houses.

24   And also, everyone is saying

25   that people are displaced, the Latinos and the

2 Polish. I'm not from Williamsburg, I'm actually in

3 Flatbush, but I work a lot going to the area, and I

4 can tell you there's a lot of Hasidic and Jews that

5 are also displaced because of the prices and the

6 housing market that's going on there. So you know

7 what, so whoever gets in, like everyone is saying,

8 it's going to be Latinos and everyone can live in

9 those houses, I mean especially the low income,

10 which is, I assume it's a lottery, I'm not familiar

11 with these things. But whatever it is, I mean

12 everyone is going to gain over there. I can't see

13 why anybody would object, you know, to building

14 such a complex. That's all I can -- that's all I

15 can tell you.

16   THE CHAIR: Thank you, Mr.

17 Pilchick.

18   Questions?

19   (No response)

20   THE CHAIR: Thank you.

21   So that is the end of the

22 registered speakers. But if there is anyone else

23 in the room who would like to speak, please just

24 raise your hand.

25   RABBI NEIDERMAN: Can I take the

2   time of the applicant?

3   (Laughter)

4   THE CHAIR: Nice work, Rabbi.

5   I'm afraid not. You've had your time.

6   I will note that the record on

7   this matter is going to remain open for ten days,

8   through Monday, the 7th of August, for comments on

9   the Draft Environmental Impact Statement.

10   And with that, the public

11 hearing on this matter is closed.

12   (Time noted: 3:00 p.m.)

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C E R T I F I C A T E

STATE OF NEW YORK   )
) SS:
COUNTY OF ORANGE   )

                    I, KARI L. REED, a Shorthand

Reporter (Stenotype) and Notary Public with and for

the State of New York, do hereby certify:

                    I reported the proceedings in

the within-entitled matter and that the within

transcript is a true record of such proceedings.

                    I further certify that I am not

related, by blood or marriage, to any of the

parties in this matter and that I am in no way

interested in the outcome of this matter.

                    IN WITNESS WHEREOF, I have

hereunto set my hand this 8th day of August, 2017.

                    Kari L. Reed

                    _____
                         KARI L. REED

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ANTONIO REYNOSO
COUNCIL MEMBER. 34 DISTRICT. BROOKLYN and QUEENS

City Planning Commission ULURP hearing
Testimony on Pfizer Development Proposal
July 26, 2017

Thank you Commissioners for the opportunity to submit testimony on Rabsky Group's proposed development of the Pfizer site, located in the Broadway Triangle.

Throughout the public review process, I have stood with the Broadway Triangle Community Coalition in opposition, and will continue to do so as the process proceeds toward the City Council vote. This plan will only perpetuate discriminatory development practices that have been an issue at the Broadway Triangle since the City's proposal for the site in 2009, and I cannot simply let this continue.

I strongly urge you to follow the example of Brooklyn Borough President Eric Adams and vote NO on this proposal. Instead, residents of Williamsburg, Bed-Stuy, and Bushwick deserve a community-based planning process for all the remaining undeveloped sites in this area, in order to ensure that Federal fair housing requirements and community needs are met.

As you are no doubt familiar, in 2009, the City rezoned the adjacent blocks of the Broadway Triangle, including both private and City-owned sites, from manufacturing to residential. The City's plan, created with two organizations with no public bidding, included low-rise buildings with large unit sizes, meaning that the number of affordable housing units was not maximized, and the planned affordable units would not be accessible to many of the smaller families in the surrounding communities of color.

A coalition representing residents of these neighborhoods successfully sued the City over this plan for violating Federal fair housing regulations. The Judge found that the City's plan "[would] not only NOT foster integration of the neighborhood, but [would] perpetuate segregation in the Broadway Triangle." Despite ongoing negotiations with the City, the lawsuit still has not been settled.

The court issued an injunction on development of the two City-owned sites, yet development of the privately owned sites continues unabated, despite the fact that my community has long been advocating that any settlement of the lawsuit include a commitment from the City to create a truly inclusive, community-based plan for the entire Broadway Triangle area. Instead, the City is allowing this development to move forward with no meaningful community input.

You might recall that late last year, I testified at the scoping hearing for this project. Your records will show that I asked for the following:
- Analysis of a scenario that includes manufacturing retention on-site
- An increase in density in order to maximize the number of affordable housing units

- Analysis of household size need based on a larger radius than one-quarter mile, in order to meet the need of surrounding communities
- Acknowledgement of a potential future scenario on the City-owned sites that may be very different from the stalled plan, pending the outcome of the litigation
- A higher standard to be upheld regarding HUD's requirement to ensure non-discrimination and equal housing opportunity, based on this area's history
- A mechanism for public oversight of open space to ensure that it will truly be open to the public
- A plan to address strain on public transit infrastructure.

Despite this, nothing in Rabsky Group's proposal has changed – none of these comments have been responded to in any way in the DEIS. Even worse, the DEIS has revealed even more issues. It shows an unaddressed impact on our local schools, and potentially on local traffic as well. How can we allow a developer to continue with a proposal with no plan to address adverse impacts on our community that they admit will happen as a result of their project?

My scoping testimony also detailed the extent to which Rabsky Group has failed to uphold commitments to the Bushwick community, and has exhibited illegal and dangerous behavior at other developments they own in CB1 and elsewhere. Despite these well-documented issues, the City continues to support them as they profit off Brooklyn neighborhoods – since I delivered my testimony in November of 2016, Rabsky Group has purchased development sites in Flatbush, Downtown Brooklyn, DUMBO, and on the Williamsburg Waterfront, AND they have codified their refusal to deliver on commitments to affordable housing at Rheingold - Bushwick will now have 88 fewer affordable units than promised at that site.

Given this, it is no wonder that my community is outraged. It is important to stress that we ALL want affordable housing. In fact, we know that the need is dire in our communities, which is why they are here today to urge you not to accept a bad plan just because affordable units are included. We can do better, we can do MORE, we can ensure that the community is part of the planning process.

I encourage you to closely read Borough President Adams' very thorough recommendations regarding affordable housing, including going beyond the minimum requirements of MIH, codifying a mix of unit sizes, and expanding community preference; as well as his recommendations in the areas of transportation, open space, and jobs. While these interventions would go a long way toward improving this plan, the better outcome would be to start over to create a comprehensive plan for the area that reflects a community vision. I encourage you again to say NO to this proposal and look forward to working with you on developing a plan that works for ALL Brooklyn's communities.

Thank you,

Antonio Reynoso Council District 34

Aron E. Feldman

63 Walton Street Apt. #702
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347-423-9200

July 30th 2017

 NYC City Planning Commission
22 Reade Street
New York, NY 10007

Re: Pfizer Sites Rezoning – 150278 ZMK, 150277 ZRK

Dear Chair and Commissioners:

 I am writing to you about the proposal to redevelop the former Pfizer building in Williamsburg[1], which sits across the street from my current residence – on land recently rezoned by the City Planning Commission – where I live with my family[2].

I am a child of immigrants. My father was born in Hungary, then sought refuge in Mandatory Palestine during World War II before immigrating to the United States in 1956. My mother, the daughter of Austrian refugees, was born in the United Kingdom and immigrated in 1961.

My father bought his first home – a two-family residence in Crown Heights – for $26,000[3] in 1968. He was a proud homeowner, who rented space to another family for $175 per month – approximately 30 percent of the Median Household Income[4].

At that time, my father was working in the textile industry for about $150 per week while my mother cared for my older siblings. The cost of our entire house amounted to 40 months of wages, while the actual costs incurred by my parents was obviously reduced by the rental income.

Today, New York City's housing situation is dire. Without growing in area[5], the only way to accommodate our housing needs is to increase housing density and ensure economic stability for

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[1] Disclosure: As part of my job, I worked on this project and met with Dept. of City Planning staff to discuss the project. My comments in writing are solely my personal views, as a neighbor to the site.
[2] 100041 ZMK
[3] ~$188,000 in 2017 dollars according to the Bureau of Labor statistics Inflation Calculator.
[4] $7,700 was the median household income in 1968 Census.gov
[5] Landfills went out of vogue in the sixties.

City residents. The current proposal to transform the vacant Pfizer site will allow the densest zoning in the neighborhood, while providing job opportunities for local residents.

With the median household income at ~$58,000[6] and median home price at $795,000[7] – which equals about 164 months of income – we cannot reasonably expect that housing will be nearly as affordable as it was 50 years ago.

Thankfully, we live in a time when social safety nets are in place to help the most vulnerable among us – including New York City's MIH program which mandates affordable housing be provided on all rezoned sites in the city. The proposal for the Pfizer site will provide a significant number of affordable units, while also increasing the general housing inventory for Brooklyn and the City.

Finally, the site is currently zoned for heavy industrial use. Nowhere in the entire borough of Brooklyn does a similar condition exist. The M3 District extends over three blocks – one of which is currently occupied by an elementary school, separating it from the adjacent M1 District and surrounded by medium density residential districts on the three sides. Until 1993, the Heavy Manufacturing District was buffered from residential neighborhoods by Light Manufacturing Districts.[8] By 2012, the Heavy Manufacturing District was an island surrounded exclusively by residential districts and a school.

The site, in its current condition, is contaminated and produces dust that may adversely affect the health of children in the multiple adjacent schools and playground. Based on NYC data[9], Williamsburg-Bushwick and Bed-Stuy-Crown Heights have the fifth and sixth highest rates of hospitalizations for asthma. The redevelopment of the site, to be lined with street trees and green open spaces will reduce dust while producing oxygen.

I urge you to consider approving this project for the financial stability and physical well-being of the community. I have attached photos of the site, taken from my apartment across the street so you can see it for yourselves as we see it and live with it each and every day.

Thank you in advance for your consideration. If you have any questions or concerns, please feel free to call anytime at (347) 423-9200.

Sincerely

Aron E. Feldman

Aron E. Feldman

P.S. I signed this letter electronically to keep the hyperlinks active.

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[6] US Census Bureau Data by State. (Most recent data is for 2015)
[7] Elliman Report Q2 2017.
[8] Historical zoning maps 13b.
[9] NYC 2014 Data

NO TO THE PFIZER REZONING !
NO TO SEGREGATION AND DISPLACEMENT OF NORTH BROOKLYN COMMUNITIES OF COLOR!

Broadway Triangle Community Coalition is opposing the proposed rezoning of two manufacturing zoned blocks by Rabsky Property Group. At the crossroads of 3 community districts, the Broadway Triangle crystallizes the worst of American history past and present: racial segregation. The Coalition's specific opposition to this project is grounded in 3 concerns: 1) residential displacement; 2) segregation; and 3) the developer. Below is an executive summary of the Coalition's testimony, followed by the full testimony itself.

I.   <u>**The Coalition is alarmed by the breadth of the displacement of current residents this project will cause.**</u>

As acknowledged by the developer The Rabsky Group, this proposal is going to bring more than 4,000 new residents, increasing the population within a ½ mile by more than 5% and by 20% within ¼ mile. Since this will be a massive luxury housing development, these new residents will overwhelmingly be higher-income than the current population, and this massive influx of wealthier residents will drive up rents throughout the area – these rising rents will lead to harassment, eviction and displacement of low-income residents of color.

In spite of a predicted one billion dollar increase in property value if the rezoning is approved, the developer is planning to make only 1-in-4 of the residential units "affordable", the legal minimum[1]. Even then, such "affordable" units will still be unaffordable and out of reach to much of the community at risk of displacement, especially those residing across the street from Community Board #1, because the community preference schemes set in mandatory inclusionary housing and 4-21 tax break rules will not apply to them.

II.   <u>**The Coalition is extremely concerned that the project will exacerbate existing patterns of segregation in the neighborhood**</u>.

The context here is critical: Broadway Triangle has been the site of extensive and deliberate housing discrimination. The housing in the Broadway Triangle has not benefited any residents of color. Much litigation has condemned public polices advanced and often implemented by the

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[1] The Project projects the construction 1,147,202 for an average $1,000 price per square foot in the area according to MNS for the first quarter of 2017, resulting in a potential property value of 1,1 billion dollars after construction, v. 12.7 million dollar purchase of the property in 2012, according to public records, i.e. Automated City Register Informations System, ACRIS.

City because it favored White Hasidic Jewish communities over the Latino and African American communities of Williamsburg and Bedford Stuyvesant. In 2009, Judge Goodman in New York State Supreme Court issued a temporary restraining order over the last rezoning in this area and then a preliminary injunction in 2012. The current project does not recognize or propose to address any of these serious fair housing issues in its Environmental Impact Statement or in its rezoning plans. Instead, it proposes simply to build a new development that house a predominantly white and wealthy population at the expense of the people of color who will be displaced from the surrounding area. Worse still, the project does not disclose any information about the mix of units and number of bedrooms, which was one of the major issues for the 2009 Broadway Triangle rezoning. As the court found in its 2011 injunction decision in that litigation, the unit sizes would have a major disparate impact in violation of the federal Fair Housing Act. With regards to this rezoning, the developer's continued refusal to disclose the unit mix raises, again, serious fair housing concerns. Even given the information revealed so far, however, there is no question that the project will greatly exacerbate existing patterns of segregation.

III. **The Developer, Harrison Realty Corp., also known as Rabsky Property Group, has a documented history of refusing to honor development commitments; poor construction and building maintenance practices and is now being sued for Fair Housing violations.**

As a developer of the nearby Rheingold site, Rabsky has refused to comply with the affordable housing and local employment commitments upon which the project was originally approved, and over three years it has consistently refused to meet or negotiate with community representatives. Even if Rabksy were to make commitments sufficient to satisfy the Coalition's displacement and discrimination concerns, it has shown itself to be undeserving of our trust.

Recent incidents in the applicant's properties (most often recognized as Rabsky Property Group) in Williamsburg and Long Island City cast doubts about their construction and building maintenance practices. A couple weeks ago, on June 26, a scaffolding collapse severely injured 6 construction workers at the site of residential tower being developed by Rabsky Group. On October 2nd, 2015, a man lost his life because of a defective elevator in a Rabsky owned property located at 156 Hope Street, Brooklyn, NY, 11221.

Finally, Rabsky Property Group is now being sued by the Fair Housing Justice Center because of its non-compliance with accessibility requirements in several buildings throughout the City, including in Williamsburg. It is concerning to observe the City complacently shepherding the project of a developer with such a notorious record.

In light of these concerns, we urge all City officials to reject the proposal for rezoning the Pfizer site.

<div align="center">BROADWAY TRIANGLE COMMUNITY COALITION.</div>

August 3, 2017

The City Planning Commission of New York City
22 Reade Street
New York, New York

<div align="center">

Re: *BTCC Opposition to Pfizer Sites Rezoning Application*
       CEQR No.:   15DCP117K
       ULURP Nos.: N150277ZRK & 1502787ZMK

</div>

Dear Commissioners:

The Broadway Triangle Community Coalition ("BTCC" or the "Coalition") is a coalition of individuals and community-based organizations living and working in and around the Broadway Triangle area of Brooklyn, and the surrounding neighborhoods of Williamsburg, Bushwick and Bedford-Stuyvesant. The Coalition is writing to express its continued concerns over the Pfizer Sites Rezoning application (the "Application") and the immense, adverse impact it is anticipated to have upon the low-income communities of color surrounding the proposed rezoning area. As you consider the Application as part of the Uniform Land Use Review Process (ULURP), we write to you to share the grave concerns of the Coalition, and by extension the communities we serve, regarding the residential displacement and segregative impacts that this proposed project will exacerbate.

For the reasons below, we vigorously oppose the Application and demand that the design process for this rezoning be redone, so that input from the affected communities (Williamsburg, Bedford Stuyvesant, and Bushwick) on all issues can be fully and meaningfully considered.

> *I)*   *The proposed rezoning will have an adverse impact on low-income communities of color by generating massive secondary displacement, and will perpetuate entrenched residential segregation in and around the Broadway Triangle.*

    a) The proposed development will displace low-income families in the Broadway Triangle and in the surrounding neighborhoods.

The Coalition is greatly troubled, first and foremost, by the residential displacement that stands to occur if the Application is approved and this rezoning allowed to proceed. The proposed project would bring more than 4,000 new residents to the area, increasing the population within the surrounding ½-mile radius by more than 5%, and the population within the surrounding ¼-mile radius by more than 20%. This massive influx in population—especially a population that is anticipated to be significantly wealthier than the current residents of the surrounding community—will inevitably bring changes to the local economy, dramatically increasing the surrounding rents as well as the cost of living in the area. These rises in prices and rents will displace the long-term residents of our community who cannot afford to remain and who are already being forcibly displaced from North Brooklyn due to the ongoing gentrification and segregation following the 2005 Williamsburg-Greenpoint Waterfront Rezoning and the 2009 Broadway Triangle rezoning. Indeed, this phenomenon has been widely documented. A recent

study from the Institute of Governmental Studies at the University of California, Berkeley, evaluated the impact of new, unsubsidized development upon the surrounding areas, and its data suggested that "over time, the construction of market-rate housing [can] have a catalytic effect on a neighborhood, increasing its attractiveness to upper-income residents."[2] The Coalition has witnessed these impacts first-hand in the years following the waterfront rezoning, which has displaced thousands of low-income Williamsburg residents and continues to do so more than ten years later.

Indeed, recent history has shown that the rezoning of manufacturing land for residential development has typically caused much more indirect displacement than has been predicted by the typical environmental quality review analysis undertaken by the City. Although the City regulations only require a ½-mile study area in regard to indirect displacement of residential tenants, the history acknowledged in the Applicant's Draft Environmental Impact Statement underscores the need to consider a larger study area. In the current DEIS, the Applicant recognizes that "as a result [of Williamsburg-Greenpoint rezoning in 2005] residential rents and sales prices in Williamsburg have increased considerably with limited inventory which has led to spillover demand in adjacent inland neighborhoods, such as Bedford Stuyvesant".[3] In essence, the effects of the waterfront rezoning extended well beyond a ½-mile radius studied by the City in its environmental analyses, since Bedford-Stuyvesant is located between 0.8 miles and 2.5 miles from the closest corner of the Williamsburg-Greenpoint zoning area (Grand Street and Union Avenue). It is the Applicant's (and the City's) responsibility to truly account for the impact this project will actually have on the communities surrounding the rezoning area—not simply to perform a formulaic analysis of environmental impacts in order to comply in name only with land use regulations. Close consideration of the affected surrounding communities is even more critical given the economic vulnerability of many of the area's long-term residents. The Draft Environmental Impact Statement notes that 44.1% of people living in the half mile radius of the Pfizer sites live below the poverty line.[4] Their economic condition makes them even more vulnerable to rapid changes in the real estate market.

Contrary to what the DEIS claims, not all publicly-assisted housing is immune from secondary displacement effects. Indeed, the residents of Project-based Section 8 housing developments have experienced increasing threats regarding the partial or total redevelopment of their developments to accommodate luxury housing. 120 Section 8 tenants at Caribe Gardens, for example, were recently confronted with a harsh bargain: the renewal of their Section 8 contract became contingent upon the approval of the development of two luxury towers on the two parking lots of the complex.[5] Similarly, the City has moved ahead with identifying NYCHA developments in "hot" real estate markets for in-fill development of mix-used residential buildings by private developers. The rezoning of the Pfizer sites and the projected 800 units of luxury apartments will certainly increase the appeal of surrounding NYCHA developments for

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[2] Miriam Zuk, *Housing Production, Filtering and Displacement: Untangling the Relationships,* Institute of Government Studies, University of California, Berkeley, *available at* https://escholarship.org/uc/item/7bx938fx

[3] Pfizer Sites Rezoning - Draft Environmental Impact Statement, at p. 3-9.

[4] *Id.*, p. 3-11.

[5] Rebecca Baird-Remba, *Slate Files Plans For 117-unit at 198 Johnson Avenue,* March 10, 2016, available at http://newyorkyimby.com/2016/03/slate-files-plans-for-117-unit-building-at-198-johnson-avenue-east-williamsburg.html.

similar mix-income in-fill residential developments, making far worse an already precarious situation for public housing tenants in this area of Brooklyn.

Finally, there are hundreds—if not thousands—of rent-regulated and unregulated multiple-dwellings in the larger surrounding area that will face the impact of rising rents in the neighborhood. Although the Applicant claims that the proposed development itself will not significantly accelerate the current increase in sale and rent prices in Williamsburg and Bedford-Stuyvesant, there is ample evidence that the surrounding neighborhoods will experience an uptick in residential displacement and that the proposed new units—including the "affordable units"—will do little to mitigate the exclusion of the lowest-income families. With median incomes around $40,000, long-term residents living in surrounding Bushwick and Bedford Stuyvesant will face more harassment, constructive eviction, illegal work and other predatory practices.[6] As Brooklyn, and Williamsburg especially, are seeing an abrupt increase in households composed of individuals living alone or with unrelated roommates, entire family-oriented neighborhoods are on the verge of becoming a haven for transient young professionals who are predominantly white.[7] The proposed development stands to feed into these trends, perpetuating the adverse impact on low-income families and communities of color.

The Mandatory Inclusionary Housing Program (MIH) will ensure that 20-30% of the units in the development be established as "affordable" apartments. However, even these "affordable" apartments will exclude a significant part of the community. If the option with the deepest levels of affordability were to be applied to the site and 20% of all units were required to be affordable to households earning 40% of the area median income—$ 31,080 for a family of three—about a third of Williamsburg, Bushwick and Bedford Stuyvesant households would nevertheless be excluded because of insufficient incomes.[8] If any of the other options under MIH were selected, even more families would be excluded from eligibility for the newly-created housing.

Given the Applicant's failure to properly assess the displacement impacts of the proposed development and the absence of a real anti-displacement plan in an already heavily gentrified and segregated area of Brooklyn, the Coalition demands that the Application be denied in its entirety.

    b) The Project will exacerbate racial and religious segregation which has plagued the Broadway Triangle and its surrounding neighborhood for decades.

The residential displacement which the proposed development will cause is problematic not only in its own right, but insofar as its negative impacts will fall unevenly across different racial and religious demographics, perpetuating the existing segregation in the area. Indeed,

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[6] NYC Furman Center, *State of New York City's Housing and Neighborhoods in 2016,* at pp. 54-57, available at http://furmancenter.org/files/sotc/SOC_2016_Full.pdf.

[7] *Id.* For instance, Bedford Stuyvesant has experienced a decrease of its black population from 74.9% in 2000 to 50.4% in 2015, in stark contrast with the explosion in white population in that same period. Over the same period, families with children declined in their share of Bedford Stuyvesant households from 45% to 33%. Similarly, Bushwick has seen families with children as a percentage of households decrease from 43.3% to 27.9% between 2000 and 2015, while experiencing a marked decrease in its Latino population, from 67.8% to 55.8%. During this period, Bushwick also saw a sharp increase in its white population.

[8] *Id*. In Williamsburg, 21.3% of households earn less than $20,000 a year and 38.2% less than $40,000 a year. In Bedford Stuyvesant, 29.1% of households earn less than $20,000 a year and 52.8% earn less than $40,000 a year. In Bushwick, 26% earn less $20,000 and 48.3% earn less than $40,000 a year.

Williamsburg and Bedford-Stuyvesant, the neighborhoods in which the Broadway Triangle Urban Renewal Area and the Pfizer sites are located, have for decades been heavily segregated as a result of city rezonings and private development that deliberately divided the area among racial and religious groups. This history of segregation must not be forgotten, and any significant housing development in the area must proactively work to further fair housing in the surrounding communities.

The point cannot be stressed enough—the Broadway Triangle and its surrounding neighborhoods are starkly segregated today as a direct result of the City of New York's long-standing practice of aiding and abetting the exclusion of African-American and Latino residents from South Williamsburg. Indeed, since the mid 1960's, the portion of the Hasidic Jewish community allied with the United Jewish Organizations of Williamsburg has benefited from these City policies and practices, ranging from strict racial quotas in publicly owned and subsidized housing to the discriminatory City-initiated rezoning of the area in 2009. This documented history of discrimination continues through the present day, and must be a primary consideration with respect to any application to rezone or bring further development to the area.

The history of fair housing litigation surrounding segregated developments in the neighborhood is extensive. In 1976, community members brought suit in federal court to end discrimination in Williamsburg's public housing, whose apartments were rented largely to UJO-allied white Hasidic Jewish over applicants of color according to strict numerical quotas, despite an eligible borough-wide applicant pool that was and remains over 90% non-white.[9] The resulting consent decree failed to put an end to this illegal discrimination in public housing. Repeated and extensive litigation over the following thirty years was required to resolve issues related to the implementation of and compliance with the decree.[10]

In 1990, another lawsuit against the New York City Housing Authority, brought in collaboration with the United States Department of Justice, produced a consent decree regarding the Authority's citywide tenant selection and assignment policies, which discriminated against black and Latino residents to produce residency demographics that were disproportionately white, including in Williamsburg's public housing developments.[11] In that suit, UJO opposed the decree insofar as it limited Hasidic families' ability to exercise residential preferences for the same Williamsburg developments that were the subject of the prior consent order. However, the

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[9] *Williamsburg Fair Housing Committee v. New York City Housing Authority and United Jewish Organizations of Williamsburg, Inc.*, 493 F. Supp. 1225 (S.D.N.Y. 1980).

[10] *See Williamsburg Fair Housing Committee v. The New York City Housing Authority and United Jewish Organizations of Williamsburg, Inc.*, 2007 WL 486610; *Williamsburg Fair Housing Committee v. The New York City Housing Authority and United Jewish Organizations of Williamsburg, Inc.* 73 F.R.D. 381 (S.D.N.Y. 1976) ("Williamsburg I"); *Williamsburg Fair Housing Committee v. The New York City Housing Authority and United Jewish Organizations of Williamsburg, Inc.* 450 F. Supp. 602 (S.D.N.Y. 1978) ("Williamsburg II"); *Williamsburg Fair Housing Committee v. The New York City Housing Authority and United Jewish Organizations of Williamsburg, Inc.* 493 F. Supp. 1225 (S.D.N.Y. 1980) ("Williamsburg III"); *Williamsburg Fair Housing Committee v. The New York City Housing Authority and United Jewish Organizations of Williamsburg, Inc.* 2005 WL 736146 (S.D.N.Y. Mar. 31, 2005) ("Williamsburg IV"); *Williamsburg Fair Housing Committee v. The New York City Housing Authority and United Jewish Organizations of Williamsburg, Inc.* 2005 WL 2175998 (S.D.N.Y. Sept. 9, 2005) ("Williamsburg V"); *Williamsburg Fair Housing Committee v. The New York City Housing Authority and United Jewish Organizations of Williamsburg, Inc.*, 2007 WL 486610 (S.D.N.Y. Feb. 14, 2007).

[11] *Davis v. New York City Housing Authority*, 1992 WL 420923 (S.D.N.Y. Dec. 30, 1992).

court rejected these objections, upheld the *Davis* consent decree, and in the extended litigation that followed strove deliberately to avoid "perpetuat[ing] segregation" in Williamsburg.[12]

Most recently—and critically related to the proposed rezoning of the Pfizer site—in 2009 the Bloomberg administration pushed through the City Council a rezoning of the Broadway Triangle area that was again condemned by community members as discriminatory and likely to further historical patterns of segregation. The BTCC brought a lawsuit challenging the rezoning, and in 2011 the state supreme court confirmed that the City's plan would likely "not only not foster integration of the neighborhood, but [would] perpetuate segregation in the Broadway Triangle."13 Five years later, the problems created by this rezoning are still not resolved. While the City has resisted working with the Coalition to meaningfully address these problems, it has nevertheless allowed extensive new development under the rezoning to proceed, effectively "locking in" the terms of the rezoning across the physical landscape of the Broadway Triangle.

This discriminatory displacement and segregation of communities of color continues today. In 2014, Brooklyn was branded with the infamous badge of "least affordable housing market in the country".[14] Brooklyn is home to 2.6 million New Yorkers—among whom 23% live below the poverty line—and the rapid growth of high-end housing in the Borough has disproportionately affected communities of color residing in North and East Brooklyn. From 2000 and 2013, the Borough's overall white population increased by 1%, while its black population decreased by 3%.[15] The decline of African-Americans from the county is most pronounced in its historically black neighborhoods: Bedford Stuyvesant for example, lost approximately 15% of its black population, while its white population increased 20%.[16] Meanwhile, in Williamsburg, Brooklyn, from 2000 to 2010, the Latino population declined almost 25%, while the white population grew by 18%.[17]

This extensive, decades-long history of overt racial and religious discrimination and segregation and ongoing displacement is the context in which the Applicant proposes to build. Indeed, there is every reason to think that these historic patterns of segregation will be exacerbated if the Application is approved. Perhaps the single greatest factor accelerating the racially disparate trends of migration and displacement in Brooklyn are rezoning actions. They open the market to rampant real estate speculation, they impose harmful externalities upon existing communities reliant upon local services, and they flood the market with high-end residential properties which drive up rents and produce an uptick in evictions and harassment. Exemplifying the pernicious effects of rezonings on racial segregation is the 2005 Williamsburg Waterfront rezoning, which resulted in the massive displacement of Latino and African-American families. Indeed, between the years 2000 and 2013, census data shows that the Latino population declined by 27% in the rezoning area, compared to a 44% increase in the white

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[12] *Id.*

[13] *Broadway Triangle Community Coalition v. Bloomberg,* N.Y.S.2d 831, 839 (Sup. Ct. N.Y. C'nty 2011).

[14] Joe DeLessio, *Brooklyn is the Least Affordable Housing Market in the Country*, N.Y. Magazine, Dec. 4, 2014, available at http://nymag.com/daily/intelligencer/2014/12/brooklyn-is-the-least-affordable-place-in-us.html.

[15] NYU Furman Center, *State of New York City's Housing and Neighborhoods in 2014*, at p. 43, available at http://furmancenter.org/files/sotc/NYUFurmanCenter_SOC2014_HughRes.pdf.

[16] *Id.*, p. 90.

[17] Center for Urban Research, CUNY, *New York City Demographic Shifts, 2000 to 2010*, available at http://www.urbanresearchmaps.org/plurality/.

population. This was in stark contrast with the citywide trends which saw the white population decline and the Latino population grow during the same period of time.[18]

This segregation will only be magnified by the anticipated application of the community preference with respect to the affordable housing proposed for the development under MIH. While the Pfizer sites are just one block from Community District No. 3, and only 5 blocks from Community District No. 4, the site's location in Community District No. 1 will likely ensure that the affordable housing preference will be available only to CD1 residents. Containing the neighborhoods of Williamsburg and Greenpoint, CD1 has a significantly higher white population, and significantly fewer people of color than the surrounding neighborhoods of Bushwick (CD4) and Bedford Stuyvesant (CD3). Thus, relatively more white residents will be eligible for the community preference. Allowing the community preference to benefit only CD1 will ensure that even in the distribution of the new affordable housing, the historical patterns of segregation in South Williamsburg will be perpetuated. While CD3 and CD4 will suffer the negative impacts of the development, they will receive no benefit from any community preference. This dynamic was not considered by the Application.

Despite the documented segregative impacts of land use development in North Brooklyn and the specific concerns surrounding this Application, neither these impacts nor the unique history of the neighborhood was considered by the Applicant in the DEIS. Indeed, the stark absence of community engagement prior to the project's proposed development design has ensured that the historical patterns of segregation in North Brooklyn have not been neither acknowledged nor considered by the Applicant—and will be dramatically exacerbated by this Project. Where there is no recognition of racial injustice whatsoever in housing development and urban planning, there is no hope that residential integration can be achieved.

Furthermore, as acknowledged in the recommendation of Borough President Eric A. Adams,[19] as well as in the remarks of Council Member Antonio Reynoso at the City Planning Commission hearing on July 26, 2017, the Applicant's refusal to specify the Project's anticipated bedroom mix is extremely worrisome. In the prior rezoning of the Broadway Triangle neighborhood, the bedroom mix of affordable units was used precisely as a tool of deliberate racial and religious discrimination. The Hon. Emily Jane Goodman's 2011 decision enjoining development at the Broadway Triangle held that in a neighborhood with a "far greater local demand for smaller apartments," a plan to build a disproportionate number of larger units "favor[ed] one religious group to the detriment of others."[20] More recently, during negotiations surrounding the Rheingold Brewery Rezoning in 2013, the unit mix catered primarily to the needs of single-member households, which are statistically whiter and wealthier than area Black and Latino households. To strike the right balance and ensure that the Project does not exacerbate the neighborhood's existing segregation, the design specifications must be thoughtfully considered with a close eye towards the fair housing needs of our neighborhood in which this Project sits. Disclosing the projected mix of bedroom numbers would be only the first

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[18] Philip DePaolo & Sylvia Morse, "Williamsburg: Zoning Out Latinos", in *Zoned Out! Race, Displacement and City Planning In New York* City (Tom Angotti & Sylvia Morse, Eds. 2016).

[19] Brooklyn Borough President Eric. A. Adams, *BP Adams Unveils Recommendations for Future of Broadway Triangle*, press release published on July 21, 2017, *available* at http://www.brooklyn-usa.org/bp-adams-unveils-recommendations-for-future-of-broadway-triangle/

[20] *Broadway Triangle Community Coalition v. Bloomberg*, 2010 WL 2150612 (2010), at 7.

step in a more expansive effort to ensure that the development is inclusive and meets the fair housing and affordability needs of the neighborhood, especially in light of its problematic history in this very context.

The City must hold the Applicant accountable on these issues. As a recipient of federal funding, the City of New York is required to comply with federal fair housing laws, and more specifically the duty to "affirmatively further" the purposes of the Fair Housing Act.[21] The Department of City Planning has consistently refused, however, to consider segregation indices, as well as the social and economic conditions that exacerbate housing segregation, when deciding whether to allow rezonings to proceed. Contrary to federal law, these studies are simply ignored in the City's environmental analyses preceding any rezoning, and private applicants are similarly excused from any obligation to consider them. Certainly, no such studies have been undertaken with respect to the Broadway Triangle. The DEIS for the Application in no way considers how this rezoning will affect neighborhood integration and remove impediments to fair housing choice.[22] In fact, there has never been a comprehensive plan for residential integration in the Broadway Triangle.

In spite of the City's consistent refusal to consider issues of rezoning's disparate impact on communities of color, the Coalition continues to believe that City, State and Federal statutes place a burden on our municipality (here, the Department of City Planning) to study and mitigate the racial impacts of rezonings. It is their obligation to affirmatively further fair housing in New York City. The Supreme Court recently held that "zoning laws and other housing restrictions that function unfairly to exclude minorities from certain neighborhoods without any sufficient justification" are among the unlawful practices sanctioned by the federal Fair Housing Act.[23]

When the City allows for a rezoning such as the Pfizer development proposal to proceed without studying pre-existing racial segregation in the area; without even setting forth adequate standards and criteria to undertake such a study in the first place; and without identifying how a project will address or exacerbate housing discrimination in the area, the City is in violation of federal fair housing laws. At a time when New York City remains one of the most segregated metropolitan areas in the country, facing the most urgent and widespread problems of gentrification and displacement in the country, the City's failure to fulfill this responsibility is an affront to the basic principles of civil rights, housing justice, and urban planning. This Application embodies these very fundamental problems. It demonstrates how the City privileges private developers through rezonings and land use policies that force low-income tenants of color from their communities and, ultimately, this City.

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[21] The Fair Housing Act, 42 U.S.C. 3608(e)(5), requires that HUD programs and activities be administered in a manner affirmatively furthering the policies of the Fair Housing Act.

[22] The Department of Housing Urban Development amended the rules pertaining to the affirmatively furthering fair housing requirement so as to incorporate an "assessment of fair housing", which notes that "to develop a successful affirmatively furthering fair housing strategy, it is central to assess the elements and factors that cause, increase, contribute to, maintain, or perpetuate segregation racially or ethnically concentrated areas of poverty, significant disparities in access to opportunity, and disproportionate housing needs." Affirmatively Furthering Fair Housing, 80 Fed. Reg. 42271 (Jul. 16, 2015).

[23] *Tex. Dep't of Housing and Comm. Aff. V. Inclusive Communities Project, Inc.*,153 S.Ct. 2507, 2521-22 (2015).

II) *Mitigating the adverse impact of any rezoning proposal requires a strong relationship between a community and the developer, yet Rabsky Group has a track record of categorically refusing community engagement in other parts of Brooklyn.*

In a legal context that favors property owners over the enforcement powers of the City on behalf of tenants, the Coalition has witnessed the increasing problem of how real estate developers' are left unaccountable for the false promises they make to mitigate the impacts of their residential developments. While ULURP allows for the City to mandate certain mitigations, many important issues—the local marketing of affordable units, the local hiring of construction and service workers, etc.—are more often addressed in separate negotiations with community groups as part of rezoning applications. However, too often developers' promises are not enforced by the City and are simply ignored by either the original applicants or the subsequent owners of a rezoned site, as happened with the nearby Rheingold rezoning in Bushwick.[24]

Rabsky Property Group has distinguished itself as a developer which overtly disregards its commitments to the surrounding community. At the Rheingold Brewery, Rabsky purchased a significant part of the site shortly after the rezoning was completed, and then immediately reneged on the promises of affordable housing and local hiring promised by its predecessor-in-interest. It has consistently refused even to meet and negotiate with the people affected by the development. Because Rabsky has such a notorious track record, any mitigations to address the impact generated by the project must be tied to legally enforceable mechanisms by both the City and the affected communities. At this point of ULURP, there is little place for legally enforceable mechanisms to be put in place to address these issues, especially given the contempt the Applicant has shown for community engagement.

Rabsky recently made headlines related to their unsafe building practices, including a scaffolding collapse at 42-20 27th Street in Long Island, where 6 workers were injured on June 26, 2017,[25] and an elevator malfunction at 156 Hope Street in Williamsburg, resulting in a death. Additionally, just this month Rabsky was sued for noncompliance with federal fair housing laws with respect to several of its developments in Brooklyn and Queens.[26]

For the abovementioned reasons, the process for development of the Pfizer sites should start again from scratch in such a way that allows for negotiations and comprehensive planning to take place so as to address the adverse displacement as well as racial impacts of this rezoning. Furthermore, any resulting commitments must be explicitly included in the rezoning, such that they can be legally enforceable against an uncooperative developer.

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[24] Neil De Mause, *Bushwick Developer Sells Out, Takes Housing Promises With Him,* City Limits, September 30, 2015, available at http://citylimits.org/2015/09/30/developer-at-bushwick-site-vanishes-takes-housing-promises-with-him/.

[25] Angela Matua, *Six injured after scaffolding collapses at Long Island City rental building under construction,* Queens Courrier, June 26, 2017, available at https://qns.com/story/2017/06/26/6-injured-scaffolding-collapses-long-island-city-rental-building-construction/.

[26] *Fair Housing Justice Center, Inc. v. The Rabsky Group LLC, et al.,* 17-CV-04006 (E.D.N.Y.).

III) The public has repeatedly been deprived of meaningful opportunities to receive proper notice and comment on the application.

Another critical problem with respect to the Pfizer Sites Rezoning has been the community's deprivation of meaningful opportunities to speak out against the proposed development.

On June 6th, the Land Use Committee of Community Board No. 1 held a meeting open to the public to discuss the rezoning proposal. While a number of community members attended this meeting intending to speak out against the proposal, the Committee chair prevented most of them from doing so. On June 13th, many community members attended the monthly CB1 meeting intending again to speak on the record against the development and to encourage the Community Board to reject the Application. However, after a lengthy internal debate, the Community Board determined that the public had its opportunity to be heard at the prior Land Use Committee meeting, and thus that the Board would vote on the Application before any community members would be allowed to speak. Therefore, CB1 members voted and approved an application without familiarizing themselves with what the community had to say about the proposal, and community members were denied a critical right to be heard under the ULURP process. Many Broadway Triangle Community Coalition members, including long-time residents of rent-stabilized buildings, co-ops and NYCHA developments, testified in opposition only after the vote took place.

The Community Board's decision to outsource the formal public hearing under ULURP to a meeting of the sparsely-attended Land Use Committee was itself problematic, but then to deny many community members the opportunity to speak even at that committee meeting was unacceptable. Many community members attended two separate meetings to speak with their community board representatives, and were twice denied the opportunity to meaningfully be heard. The ability to communicate one's values and preferences to their representatives prior to a vote is a cornerstone not only of the ULURP process, but of democratic governance more generally. On the basis of this flawed process, the Application must be denied.

IV) The asymmetry between Community District 1 ethnic composition and its Board calls into question the legitimacy of the Board's land use decisions in historically segregated areas.

Community District 1 is a diverse neighborhood, including residents and workers from a broad spectrum of racial, cultural, ethnic and religious backgrounds—of this we should be proud. However, appreciation for this diversity should not lead us to turn away from the historic patterns of segregation which have burdened communities of color within the district, as discussed above. Community Boards were created with the objective of creating venues for local democracy, and allowing for meaningful contribution by community members to decisions affecting local populations. Unfortunately, the current demographic composition of Community Board 1 is not representative of the underlying community. For instance, the Land Use Committee, which approved the Application with only one objection, consists disproportionately of Board members residing in South Williamsburg, which is predominately Hasidic Jewish. Additionally, while most African-Americans in the district live NYCHA developments along Humboldt Street and Bushwick Avenue, no representatives from those developments sit on the Board. Because the City Charter placed the great responsibility of ensuring "adequate

representation from the different geographic sections and neighborhoods within the community district",[27] the Coalition urges that the Borough President's Office investigate the under-representation of Latino and NYCHA residents on Community Board 1. With respect to the current Application, the advisory vote of the Community Board should be given less weight in any further deliberations, due to its unrepresentative composition.

The Coalition is not opposed to housing development. However, it will not stand idly by as bureaucratic city procedures shepherd the current proposal through the review process and further the displacement, gentrification, and segregation in our communities. Reject the rezoning and let's work together to determine how this land can best serve our communities' interests.

Respectfully,

BROADWAY TRIANGLE COMMUNITY COALITION
By: Martin S. Needelman, Esq., Shekar Krishnan, Esq.
& Adam Meyers, Esq., Counsel

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[27] New York City Charter, Chapter 70, Section 2800(a).

Brooklyn Legal Services Corporation A
SHRIVER TYLER MACCRATE CENTER FOR JUSTICE

July 18, 2017

The Honorable Eric Adams, Brooklyn Borough President
Brooklyn Borough Hall
209 Joralemon Street
Brooklyn, New York 11201

> Re: *BTCC Opposition to Pfizer Sites Rezoning Application*
>   *CEQR No.:   15DCP117K*
>   *ULURP Nos.: N150277ZRK & 1502787ZMK*

Dear Borough President Adams:

The Broadway Triangle Community Coalition ("BTCC" or the "Coalition") is a coalition of individuals and community-based organizations living and working in and around the Broadway Triangle area of Brooklyn, and the surrounding neighborhoods of Williamsburg, Bushwick and Bedford-Stuyvesant. The Coalition is writing to express its continued concerns over the Pfizer Sites Rezoning application (the "Application") and the immense, adverse impact it is anticipated to have upon the low-income communities of color surrounding the proposed rezoning area. As you consider the Application as part of the Uniform Land Use Review Process (ULURP), we write to you to share the grave concerns of the Coalition, and by extension the communities we serve, regarding the residential displacement and segregative impacts that this proposed project will exacerbate.

For the reasons below, we vigorously oppose the Application and demand that the design process for this rezoning be redone, so that input from the affected communities (Williamsburg, Bedford Stuyvesant, and Bushwick) on all issues can be fully and meaningfully considered.

> I)   *The proposed rezoning will have an adverse impact on low-income communities of color by generating massive secondary displacement, and will perpetuate entrenched residential segregation in and around the Broadway Triangle.*

a) The proposed development will displace low-income families in the Broadway Triangle and in the surrounding neighborhoods.

The Coalition is greatly troubled, first and foremost, by the residential displacement that stands to occur if the Application is approved and this rezoning allowed to proceed. The proposed project would bring more than 4,000 new residents to the area, increasing the population within the surrounding ½-mile radius by more than 5%, and the population within the surrounding ¼-mile radius by more than 20%. This massive influx in population—especially a

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population that is anticipated to be significantly wealthier than the current residents of the surrounding community—will inevitably bring changes to the local economy, dramatically increasing the surrounding rents as well as the cost of living in the area. These rises in prices and rents will displace the long-term residents of our community who cannot afford to remain and who are already being forcibly displaced from North Brooklyn due to the ongoing gentrification and segregation following the 2005 Williamsburg-Greenpoint Waterfront Rezoning and the 2009 Broadway Triangle rezoning. Indeed, this phenomenon has been widely documented. A recent study from the Institute of Governmental Studies at the University of California, Berkeley, evaluated the impact of new, unsubsidized development upon the surrounding areas, and its data suggested that "over time, the construction of market-rate housing [can] have a catalytic effect on a neighborhood, increasing its attractiveness to upper-income residents."[1] The Coalition has witnessed these impacts first-hand in the years following the waterfront rezoning, which has displaced thousands of low-income Williamsburg residents and continues to do so more than ten years later.

Indeed, recent history has shown that the rezoning of manufacturing land for residential development has typically caused much more indirect displacement than has been predicted by the typical environmental quality review analysis undertaken by the City. Although the City regulations only require a ½-mile study area in regard to indirect displacement of residential tenants, the history acknowledged in the Applicant's Draft Environmental Impact Statement underscores the need to consider a larger study area. In the current DEIS, the Applicant recognizes that "as a result [of Williamsburg-Greenpoint rezoning in 2005] residential rents and sales prices in Williamsburg have increased considerably with limited inventory which has led to spillover demand in adjacent inland neighborhoods, such as Bedford Stuyvesant".[2] In essence, the effects of the waterfront rezoning extended well beyond a ½-mile radius studied by the City in its environmental analyses, since Bedford-Stuyvesant is located between 0.8 miles and 2.5 miles from the closest corner of the Williamsburg-Greenpoint zoning area (Grand Street and Union Avenue). It is the Applicant's (and the City's) responsibility to truly account for the impact this project will actually have on the communities surrounding the rezoning area— not simply to perform a formulaic analysis of environmental impacts in order to comply in name only with land use regulations. Close consideration of the affected surrounding communities is even more critical given the economic vulnerability of many of the area's long-term residents. The Draft Environmental Impact Statement notes that 44.1% of people living in the half mile radius of the Pfizer sites live below the poverty line.[3] Their economic condition makes them even more vulnerable to rapid changes in the real estate market.

Contrary to what the DEIS claims, not all publicly-assisted housing is immune from secondary displacement effects. Indeed, the residents of Project-based Section 8 housing developments have experienced increasing threats regarding the partial or total redevelopment of their developments to accommodate luxury housing. 120 Section 8 tenants at Caribe Gardens, for example, were recently confronted with a harsh bargain: the renewal of their Section 8 contract became contingent upon the approval of the development of two luxury towers on the two

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[1]Miriam Zuk, *Housing Production, Filtering and Displacement: Untangling the Relationships*, Institute of Government Studies, University of California, Berkeley, available at https://escholarship.org/uc/item/7bx938fx.
[2] Pfizer Sites Rezoning - Draft Environmental Impact Statement, at p. 3-9.
[3] *Id.*, p. 3-11.

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parking lots of the complex.[4] Similarly, the City has moved ahead with identifying NYCHA developments in "hot" real estate markets for in-fill development of mix-used residential buildings by private developers. The rezoning of the Pfizer sites and the projected 800 units of luxury apartments will certainly increase the appeal of surrounding NYCHA developments for similar mix-income in-fill residential developments, making far worse an already precarious situation for public housing tenants in this area of Brooklyn.

Finally, there are hundreds—if not thousands—of rent-regulated and unregulated multiple-dwellings in the larger surrounding area that will face the impact of rising rents in the neighborhood. Although the Applicant claims that the proposed development itself will not significantly accelerate the current increase in sale and rent prices in Williamsburg and Bedford-Stuyvesant, there is ample evidence that the surrounding neighborhoods will experience an uptick in residential displacement and that the proposed new units—including the "affordable units"—will do little to mitigate the exclusion of the lowest-income families. With median incomes around $40,000, long-term residents living in surrounding Bushwick and Bedford Stuyvesant will face more harassment, constructive eviction, illegal work and other predatory practices.[5] As Brooklyn, and Williamsburg especially, are seeing an abrupt increase in households composed of individuals living alone or with unrelated roommates, entire family-oriented neighborhoods are on the verge of becoming a haven for transient young professionals who are predominantly white.[6] The proposed development stands to feed into these trends, perpetuating the adverse impact on low-income families and communities of color.

The Mandatory Inclusionary Housing Program (MIH) will ensure that 20-30% of the units in the development be established as "affordable" apartments. However, even these "affordable" apartments will exclude a significant part of the community. If the option with the deepest levels of affordability were to be applied to the site and 20% of all units were required to be affordable to households earning 40% of the area median income—$ 31,080 for a family of three—about a third of Williamsburg, Bushwick and Bedford Stuyvesant households would nevertheless be excluded because of insufficient incomes.[7] If any of the other options under MIH were selected, even more families would be excluded from eligibility for the newly-created housing.

Given the Applicant's failure to properly assess the displacement impacts of the proposed development and the absence of a real anti-displacement plan in an already heavily gentrified and segregated area of Brooklyn, the Coalition demands that the Application be denied in its entirety.

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[4] Rebecca Baird-Remba, *Slate Files Plans For 117-unit at 198 Johnson Avenue*, March 10, 2016, available at http://newyorkyimby.com/2016/03/slate-files-plans-for-117-unit-building-at-198-johnson-avenue-east-williamsburg.html

[5] NYC Furman Center, *State of New York City's Housing and Neighborhoods in 2016*, at pp. 54-57, available at http://furmancenter.org/files/sotc/SOC_2016_Full.pdf.

[6] *Id.* For instance, Bedford Stuyvesant has experienced a decrease of its black population from 74.9% in 2000 to 50.4% in 2015 in stark contrast with the explosion in white population in that same period. Over the same period, families with children declined in their share of Bedford Stuyvesant households from 45% to 33%. Similarly, Bushwick has seen families with children as a percentage of households decrease from 43.3% to 27.9% between 2000 and 2015 while experiencing a marked decrease in its Latino population, from 67.8% to 55.8%. During this period, Bushwick also saw a sharp increase in its white population.

[7] *Id.* In Williamsburg, 21.3% of households earn less than $20,000 a year and 38.2% less than $40,000 a year. In Bedford Stuyvesant, 29.1% of households earn less than $20,000 a year and 52.8% earn less than $40,000 a year. In Bushwick, 26% earn less $20,000 and 48.3% earn less than $40,000 a year.

b) The Project will exacerbate racial and religious segregation which has plagued the Broadway Triangle and its surrounding neighborhood for decades.

The residential displacement which the proposed development will cause is problematic not only in its own right, but insofar as its negative impacts will fall unevenly across different racial and religious demographics, perpetuating the existing segregation in the area. Indeed, Williamsburg and Bedford-Stuyvesant, the neighborhoods in which the Broadway Triangle Urban Renewal Area and the Pfizer sites are located, have for decades been heavily segregated as a result of city rezonings and private development that deliberately divided the area among racial and religious groups. This history of segregation must not be forgotten, and any significant housing development in the area must proactively work to further fair housing in the surrounding communities.

The point cannot be stressed enough—the Broadway Triangle and its surrounding neighborhoods are starkly segregated today as a direct result of the City of New York's long-standing practice of aiding and abetting the exclusion of African-American and Latino residents from South Williamsburg. Indeed, since the mid 1960's, the portion of the Hasidic Jewish community allied with the United Jewish Organizations of Williamsburg has benefited from these City policies and practices, ranging from strict racial quotas in publicly owned and subsidized housing to the discriminatory City-initiated rezoning of the area in 2009. This documented history of discrimination continues through the present day, and must be a primary consideration with respect to any application to rezone or bring further development to the area.

The history of fair housing litigation surrounding segregated developments in the neighborhood is extensive. In 1976, community members brought suit in federal court to end discrimination in Williamsburg's public housing, whose apartments were rented largely to UJO-allied white Hasidic Jewish over applicants of color according to strict numerical quotas, despite an eligible borough-wide applicant pool that was and remains over 90% non-white.[8] The resulting consent decree failed to put an end to this illegal discrimination in public housing. Repeated and extensive litigation over the following thirty years was required to resolve issues related to the implementation of and compliance with the decree.[9]

In 1990, another lawsuit against the New York City Housing Authority, brought in collaboration with the United States Department of Justice, produced a consent decree regarding the Authority's citywide tenant selection and assignment policies, which discriminated against

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[8] *Williamsburg Fair Housing Committee v. New York City Housing Authority and United Jewish Organizations of Williamsburg, Inc.*, 493 F. Supp. 1225 (S.D.N.Y. 1980).

[9] *See Williamsburg Fair Housing Committee v. The New York City Housing Authority and United Jewish Organizations of Williamsburg, Inc.*, 2007 WL 486610; *Williamsburg Fair Housing Committee v. The New York City Housing Authority and United Jewish Organizations of Williamsburg, Inc.* 73 F.R.D. 381 (S.D.N.Y. 1976) ("Williamsburg I"); *Williamsburg Fair Housing Committee v. The New York City Housing Authority and United Jewish Organizations of Williamsburg, Inc.* 450 F. Supp. 602 (S.D.N.Y. 1978) ("Williamsburg II"); *Williamsburg Fair Housing Committee v. The New York City Housing Authority and United Jewish Organizations of Williamsburg, Inc.* 493 F. Supp. 1225 (S.D.N.Y. 1980) ("Williamsburg III"); *Williamsburg Fair Housing Committee v. The New York City Housing Authority and United Jewish Organizations of Williamsburg, Inc.* 2005 WL 736146 (S.D.N.Y. Mar. 31, 2005) ("Williamsburg IV"); *Williamsburg Fair Housing Committee v. The New York City Housing Authority and United Jewish Organizations of Williamsburg, Inc.* 2005 WL 2175998 (S.D.N.Y. Sept. 9, 2005) ("Williamsburg V"); *Williamsburg Fair Housing Committee v. The New York City Housing Authority and United Jewish Organizations of Williamsburg, Inc.*, 2007 WL 486610 (S.D.N.Y. Feb. 14, 2007).

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black and Latino residents to produce residency demographics that were disproportionately white, including in Williamsburg's public housing developments.[10] In that suit, UJO opposed the decree insofar as it limited Hasidic families' ability to exercise residential preferences for the same Williamsburg developments that were the subject of the prior consent order. However, the court rejected these objections, upheld the *Davis* consent decree, and in the extended litigation that followed strove deliberately to avoid "perpetuat[ing] segregation" in Williamsburg.[11]

Most recently—and critically related to the proposed rezoning of the Pfizer site—in 2009 the Bloomberg administration pushed through the City Council a rezoning of the Broadway Triangle area that was again condemned by community members as discriminatory and likely to further historical patterns of segregation. The BTCC brought a lawsuit challenging the rezoning, and in 2011 the state supreme court confirmed that the City's plan would likely "not only not foster integration of the neighborhood, but [would] perpetuate segregation in the Broadway Triangle."[12] Five years later, the problems created by this rezoning are still not resolved. While the City has resisted working with the Coalition to meaningfully address these problems, it has nevertheless allowed extensive new development under the rezoning to proceed, effectively "locking in" the terms of the rezoning across the physical landscape of the Broadway Triangle.

This discriminatory displacement and segregation of communities of color continues today. In 2014, Brooklyn was branded with the infamous badge of "least affordable housing market in the country".[13] Brooklyn is home to 2.6 million New Yorkers—among whom 23% live below the poverty line—and the rapid growth of high-end housing in the Borough has disproportionately affected communities of color residing in North and East Brooklyn. From 2000 and 2013, the Borough's overall white population increased by 1%, while its black population decreased by 3%.[14] The decline of African-Americans from the county is most pronounced in its historically black neighborhoods: Bedford Stuyvesant for example, lost approximately 15% of its black population, while its white population increased 20%.[15] Meanwhile, in Williamsburg, Brooklyn, from 2000 to 2010, the Latino population declined almost 25%, while the white population grew by 18%.[16]

This extensive, decades-long history of overt racial and religious discrimination and segregation and ongoing displacement is the context in which the Applicant proposes to build. Indeed, there is every reason to think that these historic patterns of segregation will be exacerbated if the Application is approved. Perhaps the single greatest factor accelerating the racially disparate trends of migration and displacement in Brooklyn are rezoning actions. They open the market to rampant real estate speculation, they impose harmful externalities upon existing communities reliant upon local services, and they flood the market with high-end residential properties which drive up rents and produce an uptick in evictions and harassment.

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[10] *Davis v. New York City Housing Authority*, 1992 WL 420923 (S.D.N.Y. Dec. 30, 1992).

[11] *Id.*

[12] *Broadway Triangle Community Coalition v. Bloomberg*, N.Y.S.2d 831, 839 (Sup. Ct. N.Y. C'nty 2011)

[13] Joe DeLessio, *Brooklyn is the Least Affordable Housing Market in the Country*, N.Y. Magazine, Dec. 4, 2014, available at http://nymag.com/daily/intelligencer/2014/12/brooklyn-is-the-least-affordable-place-in-us.html.

[14] NYU Furman Center, *State of New York City's Housing and Neighborhoods in 2014*, at p. 43, available at http://furmancenter.org/files/sotc/NYUFurmanCenter_SOC2014_HighRes.pdf.

[15] *Id.*, p. 90.

[16] Center for Urban Research, CUNY, *New York City Demographic Shifts, 2000 to 2010*, available at http://www.urbanresearchmaps.org/plurality/.

Exemplifying the pernicious effects of rezonings on racial segregation is the 2005 Williamsburg Waterfront rezoning, which resulted in the massive displacement of Latino and African-American families. Indeed, between the years 2000 and 2013, census data shows that the Latino population declined by 27% in the rezoning area, compared to a 44% increase in the white population. This was in stark contrast with the citywide trends which saw the white population decline and the Latino population grow during the same period of time.[17]

This segregation will only be magnified by the anticipated application of the community preference with respect to the affordable housing proposed for the development under MIH. While the Pfizer sites are just one block from Community District No. 3, and only 5 blocks from Community District No. 4, the site's location in Community District No. 1 will likely ensure that the affordable housing preference will be available only to CD1 residents. Containing the neighborhoods of Williamsburg and Greenpoint, CD1 has a significantly higher white population, and significantly fewer people of color than the surrounding neighborhoods of Bushwick (CD4) and Bedford Stuyvesant (CD3). Thus, relatively more white residents will be eligible for the community preference. Allowing the community preference to benefit only CD1 will ensure that even in the distribution of the new affordable housing, the historical patterns of segregation in South Williamsburg will be perpetuated. While CD3 and CD4 will suffer the negative impacts of the development, they will receive no benefit from any community preference. This dynamic was not considered by the Application.

Despite the documented segregative impacts of land use development in North Brooklyn and the specific concerns surrounding this Application, neither these impacts nor the unique history of the neighborhood was considered by the Applicant in the DEIS. Indeed, the stark absence of community engagement prior to the project's proposed development design has ensured that the historical patterns of segregation in North Brooklyn have been neither acknowledged nor considered by the Applicant. Where there is no recognition of racial injustice whatsoever in housing development and urban planning, there is no hope that residential integration can be achieved.

The City must hold the Applicant accountable on these issues. As a recipient of federal funding, the City of New York is required to comply with federal fair housing laws, and more specifically the duty to "affirmatively further" the purposes of the Fair Housing Act.[18] The Department of City Planning has consistently refused, however, to consider segregation indices, as well as the social and economic conditions that exacerbate housing segregation, when deciding whether to allow rezonings to proceed. Contrary to federal law, these studies are simply ignored in the City's environmental analyses preceding any rezoning, and private applicants are similarly excused from any obligation to consider them. Certainly, no such studies have been undertaken with respect to the Broadway Triangle. The DEIS for the Application in no way considers how this rezoning will affect neighborhood integration and remove impediments to fair

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[17] Philip DePaolo & Sylvia Morse, "Williamsburg: Zoning Out Latinos", in *Zoned Out! Race, Displacement and City Planning In New York* City (Tom Angotti & Sylvia Morse, Eds. 2016).

[18] The Fair Housing Act, 42 U.S.C. 3608(e)(5), requires that HUD programs and activities be administered in a manner affirmatively furthering the policies of the Fair Housing Act.

housing choice.[19] In fact, there has never been a comprehensive plan for residential integration in the Broadway Triangle.

In spite of the City's consistent refusal to consider issues of rezoning's disparate impact on communities of color, the Coalition continues to believe that City, State and Federal statutes place a burden on our municipality (here, the Department of City Planning) to study and mitigate the racial impacts of rezonings. It is their obligation to affirmatively further fair housing in New York City. The Supreme Court recently held that "zoning laws and other housing restrictions that function unfairly to exclude minorities from certain neighborhoods without any sufficient justification" are among the unlawful practices sanctioned by the federal Fair Housing Act.[20]

When the City allows for a rezoning such as the Pfizer development proposal to proceed without studying pre-existing racial segregation in the area; without even setting forth adequate standards and criteria to undertake such a study in the first place; and without identifying how a project will address or exacerbate housing discrimination in the area, the City is in violation of federal fair housing laws. At a time when New York City remains one of the most segregated metropolitan areas in the country, facing the most of urgent and widespread problems of gentrification and displacement in the country, the City's failure to fulfill this responsibility is an affront to the basic principles of civil rights, housing justice, and urban planning. This Application embodies these very fundamental problems. It demonstrates how the City privileges private developers through rezonings and land use policies that force low-income tenants of color from their communities and, ultimately, this City.

II)   *Mitigating the adverse impact of any rezoning proposal requires a strong relationship between a community and the developer, yet Rabsky Group has a track record of categorically refusing community engagement in other parts of Brooklyn.*

In a legal context that favors property owners over the enforcement powers of the City on behalf of tenants, the Coalition has witnessed the increasing problem of how real estate developers' are left unaccountable for the false promises they make to mitigate the impacts of their residential developments. While ULURP allows for the City to mandate certain mitigations, many important issues—the local marketing of affordable units, the local hiring of construction and service workers, etc.—are more often addressed in separate negotiations with community groups as part of rezoning applications. However, too often developers' promises are not enforced by the City and are simply ignored by either the original applicants or the subsequent owners of a rezoned site, as happened with the nearby Rheingold rezoning in Bushwick.[21]

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[19] The Department of Housing Urban Development amended the rules pertaining to the affirmatively furthering fair housing requirement so as to incorporate an "assessment of fair housing", which notes that "to develop a successful affirmatively furthering fair housing strategy, it is central to assess the elements and factors that cause, increase, contribute to, maintain, or perpetuate segregation racially or ethnically concentrated areas of poverty, significant disparities in access to opportunity, and disproportionate housing needs." Affirmatively Furthering Fair Housing, 80 Fed. Reg. 42271 (Jul. 16, 2015).

[20] *Tex. Dep't of Housing and Comm. Aff. V. Inclusive Communities Project Inc.*, 153 S.Ct. 2507, 2521-22 (2015).

[21] Neil De Mause, *Bushwick Developer Sells Out, Takes Housing Promises With Him,* City Limits, September 30, 2015, available at http://citylimits.org/2015/09/30/developer-at-bushwick-site-vanishes-takes-housing-promises-with-him/.

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Rabsky Property Group has distinguished itself as a developer which overtly disregards its commitments to the surrounding community. At the Rheingold Brewery, Rabsky purchased a significant part of the site shortly after the rezoning was completed, and then immediately reneged on the promises of affordable housing and local hiring promised by its predecessor-in-interest. It has consistently refused even to meet and negotiate with the people affected by the development. Because Rabsky has such a notorious track record, any mitigations to address the impact generated by the project must be tied to legally enforceable mechanisms by both the City and the affected communities. At this point of ULURP, there is little place for legally enforceable mechanisms to be put in place to address these issues, especially given the contempt the Applicant has shown for community engagement.

Rabsky recently made headlines related to their unsafe building practices, including a scaffolding collapse at 42-20 27th Street in Long Island, where 6 workers were injured on June 26, 2017,[22] and an elevator malfunction at 156 Hope Street in Williamsburg, resulting in a death. Additionally, just this month Rabsky was sued for noncompliance with federal fair housing laws with respect to several of its developments in Brooklyn and Queens.[23]

For the abovementioned reasons, the process for development of the Pfizer sites should start again from scratch in such a way that allows for negotiations and comprehensive planning to take place so as to address the adverse displacement as well as racial impacts of this rezoning. Furthermore, any resulting commitments must be explicitly included in the rezoning, such that they can be legally enforceable against an uncooperative developer.

III)   *The public has repeatedly been deprived of meaningful opportunities to receive proper notice and comment on the application.*

Another critical problem with respect to the Pfizer Sites Rezoning has been the community's deprivation of meaningful opportunities to speak out against the proposed development.

On June 6th, the Land Use Committee of Community Board No. 1 held a meeting open to the public to discuss the rezoning proposal. While a number of community members attended this meeting intending to speak out against the proposal, the Committee chair prevented most of them from doing so. On June 13th, many community members attended the monthly CB1 meeting intending again to speak on the record against the development and to encourage the Community Board to reject the Application. However, after a lengthy internal debate, the Community Board determined that the public had its opportunity to be heard at the prior Land Use Committee meeting, and thus that the Board would vote on the Application before any community members would be allowed to speak. Therefore, CB1 members voted and approved an application without familiarizing themselves with what the community had to say about the proposal, and community members were denied a critical right to be heard under the ULURP process. Many Broadway Triangle Community Coalition members, including long-time residents of rent-stabilized buildings, co-ops and NYCHA developments, testified in opposition only after the vote took place.

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[22] Angela Matua, *Six injured after scaffolding collapses at Long Island City rental building under construction*, Queens Courrier, June 26, 2017, available at https://qns.com/story/2017/06/26/6-injured-scaffolding-collapses-long-island-city-rental-building-construction/.

[23] *Fair Housing Justice Center, Inc. v. The Rabsky Group LLC, et al.*, 17-CV-04006 (E.D.N.Y.).

The Community Board's decision to outsource the formal public hearing under ULURP to a meeting of the sparsely-attended Land Use Committee was itself problematic, but then to deny many community members the opportunity to speak even at that committee meeting was unacceptable. Many community members attended two separate meetings to speak with their community board representatives, and were twice denied the opportunity to meaningfully be heard. The ability to communicate one's values and preferences to their representatives prior to a vote is a cornerstone not only of the ULURP process, but of democratic governance more generally. On the basis of this flawed process, the Application must be denied.

> IV) *The asymmetry between Community District 1 ethnic composition and its Board calls into question the legitimacy of the Board's land use decisions in historically segregated areas.*

Community District 1 is a diverse neighborhood, including residents and workers from a broad spectrum of racial, cultural, ethnic and religious backgrounds—of this we should be proud. However, appreciation for this diversity should not lead us to turn away from the historic patterns of segregation which have burdened communities of color within the district, as discussed above. Community Boards were created with the objective of creating venues for local democracy, and allowing for meaningful contribution by community members to decisions affecting local populations. Unfortunately, the current demographic composition of Community Board 1 is not representative of the underlying community. For instance, the Land Use Committee, which approved the Application with only one objection, consists disproportionately of Board members residing in South Williamsburg, which is predominately Hasidic Jewish. Additionally, while most African-Americans in the district live NYCHA developments along Humboldt Street and Bushwick Avenue, no representatives from those developments sit on the Board. Because the City Charter placed the great responsibility of ensuring "adequate representation from the different geographic sections and neighborhoods within the community district",[24] the Coalition urges that the Borough President's Office investigate the under-representation of Latino and NYCHA residents on Community Board 1. With respect to the current Application, the advisory vote of the Community Board should be given less weight in any further deliberations, due to its unrepresentative composition.

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[24] New York City Charter, Chapter 70, Section 2800(a).

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The Coalition is not opposed to housing development. However, it will not stand idly by as bureaucratic city procedures shepherd the current proposal through the review process and further the displacement, gentrification, and segregation in our communities. Reject the rezoning and let's work together to determine how this land can best serve our communities' interests.

Respectfully,
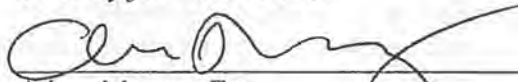
THE BROADWAY TRIANGLE COMMUNITY COALITION
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July 26, 2017

**Written testimony submitted by the Brooklyn Chamber of Commerce to the NYC Planning Commission
the Pfizer Sites Rezoning**

Good Afternoon Commissioners, staff and guests. I am Lori Raphael, Vice President of
Strategic Partnerships at the Brooklyn Chamber of Commerce, and staff liaison for the Brooklyn Chamber's
Real Estate and Development Committee. I am delivering testimony on behalf of Andrew Hoan, President and
CEO of the Brooklyn Chamber.

With over 2,100 active members, the Brooklyn Chamber is the largest Chamber of Commerce in New York
State. We promote economic development across the borough of Brooklyn, as well as advocate on behalf of
our member businesses. The Brooklyn Alliance is the not-for-profit economic development affiliate of the
Brooklyn Chamber, which works to address the needs of businesses through direct assistance programs.

We respectfully urge that you lend your formal support for the development proposed by Harrison Realty at
200 Harrison Avenue. As you are aware the project, which at last would revitalize a former Pfizer site that has
sat vacant for decades, recently won the approval of Community Board 1.

As the leading voice of Brooklyn's business community, we see this project as a tremendous opportunity to
address one of the greatest obstacles to doing business in the borough: finding available commercial and
affordable residential space. This project will help satisfy this demand, with its proposed 1,146 residential units
and 64,807 square feet of neighborhood retail space.

When completed, this project will add nearly 300 much needed affordable apartments to Brooklyn's housing
stock. With demand for housing for low income New Yorkers on the rise in Brooklyn, this is a chance to help
fulfill the City's ambitious vision to create more affordable housing, an objective that is critical to our borough's
continued growth and vitality. Our members tell us repeatedly that our talented, diverse workforce is one of the
key factors in their decision to do business here, so we must continue to make every effort to ensure Brooklyn
remains a place where that workforce can afford to live.

The neighborhood retail component of the project will be a welcome addition for businesses looking to
re-locate and/or expand, as well. This will not only offer community residents new shopping options, but also
will create job opportunities, together with the hundreds of construction jobs that this project will create.

On behalf of the members of the Brooklyn Chamber of Commerce, we respectfully ask that you support this
project, which will support our collective goal of a strong, vibrant Brooklyn. Thank you for the opportunity to
testify in this matter.

AH/mc

Hello everyone,

Some of you may know me due to the organizing work that I do on behalf of Council Member Antonio Reynoso. Right now, I chose to step away from that role and speak to you and the Commission as a former 18-year resident of Los Sures, Williamsburg. The current elected representative in which this rezoning falls under has been quoted as stating before that, "We should judge this rezoning based on the merits of the project". I believe that in assessing whether or not this particular rezoning (Pfizer sites) is in the best interest of all of CB1, CB3, and CB4 we must judge the project not only on the provided specifications but on the context the community finds itself in. Between the years of 2000 and 2014, the Latino population of Williamsburg's Southside decreased by 34% (according to seven Census tracts). Much of this can and should be attributed to the 2005 Williamsburg waterfront rezoning that introduced Williamsburg to countless amounts of luxury housing which lead to the skyrocketing costs of rent. Families such as mine were pressured out to move from their homes, from their community, and, most importantly, from the place they felt most comfortable in.

Today, if you happen to be a low-income New Yorker looking for somewhere to move—Williamsburg—is not an option, considering that most of it is developed and you could hardly find vacant land—let alone—affordable housing. The history and current state of CD1 can therefore be summarized as being one where land is proven to be scarce and where displacement has taken its course due to the market pressure. The best housing policy for CD1 is one in which the production of affordable housing should be maximized in order to further offset displacement. A current policy of MIH (20%-30% affordability) is not enough in a community that has seen a higher percentage of Black and Brown people displaced. It is time for developers such as Rabsky to do more than the bare minimum of what the law has to offer. Unfortunately, the rezoning that is being considered today will lead to the further displacement of Black and Brown people instead of the job placement of them, it will lead to possibly more segregation in the Broadway Triangle instead of inclusive housing, and lastly it will suppress the voices of advocates and attorneys that are calling for a comprehensive housing plan in the Broadway Triangle.

Asking for more affordable housing is not unrealistic. It is not radical either. In fact, it is very much aligned with the recommendations of the BK Borough President. In his recommendation the Borough President states that the developer is building higher than the minimum zoning text that would trigger MIH (which is R7A) in some areas of its development. By doing this the developer yields more profit and the BP goes on to recommend including more affordable housing. In addition to these important details, the community and orgs going against this project know that providing more affordable housing is an achievable goal. For example, The Office of CM Reynoso has supported the rezoning being pursued by the developers of 349 Suydam St. & 1080 Willoughby Ave to rezone these sites into a 100% affordable development that also expands manufacturing jobs. This rezoning is a great example of a developer that wants to work with the community not against it.

It's finally important to note that Rabsky continues to be an unresponsive player. CB4 decided to have a special land use session hearing to discuss the following rezoning which they believe would impact Bushwick residents. Rabsky was invited and they decided not to show up. This behavior is not unusual of them and, in fact, was proven to be the norm when they rezoned the Rheingold sites in Bushwick. I hope that if CB3 decides to also pursue the same course as CB4 in having a special land use session regarding this rezoning, that Rabsky be present to answer questions that BedStuy residents might have.

In the end, this rezoning is far from ideal and when dealing with a developer that is unresponsive we have to ensure that we set a high standard. Let us not reward a plan that does not reveal what kind of bedrooms will be included within the development. Let us not approve a plan simply because it has some affordable housing. I urge the Commission to vote 'no' to a rezoning that will not prevent displacement but would rather perpetuate it. Thank you.