

CITY COUNCIL
CITY OF NEW YORK

----- X

TRANSCRIPT OF THE MINUTES

Of the

SUBCOMMITTEE ON ZONING AND
FRANCHISES

----- X

April 19, 2023
Start: 12:16 p.m.
Recess: 2:31 p.m.

HELD AT: 250 BROADWAY - COMMITTEE ROOM, 14TH
FLOOR

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

COUNCIL MEMBERS:

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

OTHER COUNCIL MEMBERS ATTENDING:

Marjorie Velazquez
Julie Won
Shahana Hanif

A P P E A R A N C E S

Penny Lee, planning consultant, on behalf of
Dynamic Star AAGS Holdings

James Davidson, project architect

Brad Zackson, project developer

Rick Parisi, Managing Principal MFPF Landscape
Architects

Tom Grech, President and CEO Queens Chamber of
Commerce

Jason Paul, Local Union Number 3, International
Brotherhood of Electrical Workers in the Borough
of Queens

James Schaefer, member of Local 3 International
Brotherhood of Electrical Workers

James Bua, Business Representative for Local 3
International Brotherhood of Electrical Workers

Neil D'Auria, member of Local Union 3,
International Brotherhood of Electrical Workers

Eli Gewirtz, from Davidoff Hutcher and Citron,
representing Stamford, LLC and Capri Optics, Inc.

Jacqueline Skernsey

Chris Walker

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

Jahn Valladares, Managing Director of Affordable
Housing at Slate Property Group

Justice Favor, Director of Strategic Partnership
at the Laborers

Jessica Ortiz, SEIU Local 32BJ

Roxanne Delgado

Kesha Parchment, resident of the Allerton
Section, Community Board 13

Michael Kaess, resident in Bronx Community Board
11

2 SERGEANT-AT-ARMS: This is a microphone
3 check for the Committee on Zoning and Franchise.
4 Today's date is April 19, 2023. Located on the 14th
5 Floor. Recorded by Steve Sadowsky.

6 SERGEANT-AT-ARMS: Good afternoon and
7 welcome to the Subcommittee on Zoning and Franchises.

8 At this time, we ask if you could please
9 place phones on vibrate or silent mode. Thank you.

10 Chair, we are ready to begin.

11 CHAIRPERSON RILEY: [GAVEL] Good afternoon
12 and welcome to a meeting of the Subcommittee on
13 Zoning and Franchises. I am Council Member Kevin
14 Riley, Chair of the Subcommittee.

15 This morning, I am joined by Council
16 Members Abreu, Hanks, Carr, Won, Schulman, Bottcher,
17 and remotely by Council Member Moya.

18 Today, we will vote on two rezoning
19 proposals in Queens and hold public hearings for
20 three rezoning proposals, one in Queens, one in the
21 Bronx, and one in Brooklyn.

22 Before we begin, I recognize the
23 Subcommittee Counsel to review the hearing
24 procedures.

2 COMMITTEE COUNSEL MARTINEZ-RUBIO: Thank
3 you, Chair Riley. I am Angelina Martinez-Rubio,
4 Counsel to the Subcommittee.

5 This meeting is being held in hybrid
6 format so members of the public who wish to testify
7 may testify in person or via Zoom. Members of the
8 public wishing to testify remotely may register even
9 now by visiting the New York City Council website at
10 www.council.nyc.gov/landuse to sign up or, for those
11 of you here in Chambers, please see one of the
12 Sergeants to fill out one of these slips so just make
13 sure you include your LU number or your project name
14 so we can put you in the right item.

15 Members of the public may also view a
16 livestream broadcast of this meeting at the Council's
17 website.

18 When you are called to testify before the
19 Subcommittee, if you are joining us remotely, you
20 will remain muted until recognized by the Chair or I
21 to speak.

22 When the Chair or I recognize you, your
23 microphone will be unmuted. Please take a moment to
24 make sure your device is unmuted before you begin
25 speaking. We will limit public testimony to two

2 minutes per witness and Council Member questions to
3 five minutes. If you have additional testimony you
4 would like the Subcommittee to consider or if you
5 have written testimony you would like to submit
6 instead of appearing before the Subcommittee, please
7 email it to landusetestimony@council.nyc.gov. Please
8 indicate the LU number and/or project name in the
9 subject line of your email.

10 We request that witnesses joining us
11 remotely remain in the meeting until excused by the
12 Chair as Council Members may have questions.

13 Finally, there will be pauses over the
14 course of this hybrid meeting for various technical
15 reasons, and we ask that you please be patient as we
16 work through any issues.

17 Chair Riley will now continue with
18 today's agenda items.

19 CHAIRPERSON RILEY: Thank you, Counsel.
20 Today, we will vote to approve Preconsidered LU 183
21 for the 245-06 South Conduit Avenue Commercial
22 Overlay Proposal in Majority Whip Brooks-Powers
23 District in Queens. This proposal will map a C2-3
24 zoning district within an existing R3-2/C1-3 zoning
25 district and bring an existing tire shop into the

2 conformance with zoning. Majority Whip Brooks-Powers
3 is in support of this application.

4 We will also approve with modifications
5 Preconsidered LU 181 for the 25-46 Far Rockaway
6 Boulevard Rezoning also in Majority Whip Brooks-
7 Powers District in Queens. The proposal will rezone
8 an existing R4-1 to an R6B zoning district and was
9 originally filed with a related zoning text amendment
10 to map an MIH program area. The Council's
11 modification will be to change the proposed R6B
12 District to an R5D District to better reflect the
13 surrounding community character. We are also reducing
14 the rezoning area in order to remove from the zoning
15 area a zoning lot that contains an existing school
16 with no future plans for redevelopment. I will also
17 note that the Council is in receipt of a letter from
18 the applicant indicating withdrawal of the proposed
19 text amendment which is not applicable to R5D zoning
20 districts. Therefore, pursuant to Council Rule 11.60B
21 Preconsidered LUs 182 for the 25-46 Far Rockaway
22 Boulevard zoning text amendment proposal is hereby
23 withdrawn, and the application is void. Majority Whip
24 Brooks-Powers is in support of this proposal as
25 modified.

2 Members of the Subcommittee who have
3 questions or remarks about today's items should use
4 the raise hand button now or just indicate if you
5 have a question. Counsel will announce Members in the
6 order that their hands are raised.

7 Counsel, are there any Council Members
8 with questions or remarks at this time?

9 COMMITTEE COUNSEL MARTINEZ-RUBIO: I don't
10 see any Council Members with questions at this time.

11 CHAIRPERSON RILEY: Thank you. I now call
12 for a vote to approve Preconsidered LU 183 relating
13 to the 245-06 South Conduit Avenue Rezoning Proposal
14 to approve with modifications I have described,
15 Preconsidered LUs 181 related to the 25-46 Far
16 Rockaway Boulevard Rezoning Proposal and to file
17 Preconsidered LU 182 also relating to the 25-46 Far
18 Rockaway Boulevard Rezoning Proposal. Counsel, please
19 call the roll.

20 COMMITTEE COUNSEL MARTINEZ-RUBIO: Chair
21 Riley.

22 CHAIRPERSON RILEY: Aye on all.

23 COMMITTEE COUNSEL MARTINEZ-RUBIO: Council
24 Member Moya.

25 COUNCIL MEMBER MOYA: I vote aye.

1 SUBCOMMITTEE ON ZONING AND FRANCHISES 9

2 COMMITTEE COUNSEL MARTINEZ-RUBIO: Council
3 Member Abreu.

4 COUNCIL MEMBER ABREU: Aye on all.

5 COMMITTEE COUNSEL MARTINEZ-RUBIO: Council
6 Member Bottcher.

7 COUNCIL MEMBER BOTTCHEER: Aye on all.

8 COMMITTEE COUNSEL MARTINEZ-RUBIO: Council
9 Member Hanks.

10 COUNCIL MEMBER HANKS: Aye on all.

11 COMMITTEE COUNSEL MARTINEZ-RUBIO: Council
12 Member Schulman.

13 COUNCIL MEMBER SCHULMAN: Aye on all.

14 COMMITTEE COUNSEL MARTINEZ-RUBIO: Council
15 Member Carr.

16 COUNCIL MEMBER CARR: Aye on all.

17 COMMITTEE COUNSEL MARTINEZ-RUBIO: By a
18 vote of seven in the affirmative, no negatives, no
19 abstentions, the items are approved and will be
20 referred to the full Land Use Committee, and I guess
21 we will leave the vote open for now.

22 CHAIRPERSON RILEY: Thank you, Counsel. I
23 will now open the public hearing on Preconsidered LUs
24 186, 187, and 188 relating to the 23-10 Queens Plaza

25

2 South Rezoning Proposal in Council Member Won's
3 District in Queens.

4 This application seeks a zoning map
5 amendment to rezone an existing M1-5/R9 zoning
6 district to an M1-6/R9 zoning district, a relating
7 zoning text amendment to map an MIH program area, and
8 a zoning special permit pursuant to the Zoning
9 Resolution Section 117-533 to modify the distance
10 between buildings and street wall location
11 requirements.

12 For anyone wishing to testify on this
13 item remotely, if you have not already done so, you
14 must register online, and you may do that now by
15 visiting the Council's website at
16 council.nyc.gov/landuse. Once again, for anyone with
17 us in person, please see one of the Sergeants to
18 prepare and submit a speaker's card.

19 Counsel, please call the first panel for
20 this item.

21 COMMITTEE COUNSEL MARTINEZ-RUBIO: If we
22 could have the panelists for this item join us up
23 front.

24 Since I'm not sure I have all of your
25 names, could you please identify yourselves.

2 PENNY LEE: My name is Penny Lee.

3 BRAD ZACKSON: Brad Zackson.

4 JAMES DAVIDSON: James Davidson.

5 RICK PARISI: Rick Parisi.

6 COMMITTEE COUNSEL MARTINEZ-RUBIO: Chair,
7 I will administer the affirmation.

8 CHAIRPERSON RILEY: I'm sorry, Rick. What
9 was your name again?

10 RICK PARISI: Parisi.

11 CHAIRPERSON RILEY: Parisi.

12 RICK PARISI: P a r i s i.

13 COMMITTEE COUNSEL MARTINEZ-RUBIO: If you
14 could all raise your right hand and answer the
15 following question.

16 Do you affirm to tell the truth, the
17 whole truth, and nothing but the truth in your
18 testimony before the Subcommittee and in your answers
19 to all Council Member questions?

20 PANEL: (INAUDIBLE)

21 COMMITTEE COUNSEL MARTINEZ-RUBIO: Thank
22 you.

23 CHAIRPERSON RILEY: Thank you, Counsel.
24 For the viewing public, if you need an accessible
25

2 version of this presentation, please send an email to
3 landusetestimony@council.nyc.gov.

4 Now, the applicant team may begin.
5 Panelists, as you begin, I'll just ask that you state
6 your name and organization for the record. You may
7 begin.

8 PENNY LEE: Thank you very much. Good
9 afternoon. My name is Penny Lee. I'm a planning
10 consultant, and I am here on behalf of Dynamic Star
11 AAGS Holdings.

12 I just want to note one thing for the
13 record, though. When the three ULURP items were read,
14 there is no MIH application here. These are three
15 ULURP applications to facilitate a purely commercial
16 development. The residential zoning is staying the
17 same.

18 COMMITTEE COUNSEL MARTINEZ-RUBIO: We'll
19 doublecheck that, but thanks for correcting that on
20 the record.

21 PENNY LEE: Next slide please. The three
22 ULURP applications are to rezone the property from
23 M1-5/R9 to M1-6/R9, a zoning text amendment to
24 establish Area D within the Queens Plaza Subdistrict
25 of the Long Island City Special District, and then

1 establish within Area D FARs of 15 for commercial and
2 manufacturing, 10 for community facility, and then
3 the existing 8 FAR for residential uses would remain
4 the same. The text amendment would also establish
5 height and setback provisions for the new Area D and
6 then the third application is a City Planning
7 Commission Special Permit to modify the minimum
8 distance between building requirements of Section 23-
9 711E and the street wall location requirements of
10 Section 117-531 of the Zoning Resolution. Next slide,
11 please.

12
13 This is an image of the existing zoning
14 map identifying the site. The site is located in the
15 red circle, and it's on kind of the western edge of
16 the Queens Plaza Subdistrict at the corner of 23rd
17 Street and Queens Plaza South. Next slide, please.

18 This image is more of a map to illustrate
19 mass transit and public open space in proximity to
20 the site. The site, itself, is identified with the
21 red rectangle, and the subway station entrances are
22 indicated with the blue text so, for those of you
23 looking at this, you can see that the red rectangle
24 which represents the building is kind of equidistant
25 from four subway stations. The F subway station at

2 21st Street Queensbridge, the 7, the N, and the W at
3 Queensboro Plaza, the E and the R and the M at Queens
4 Plaza, and then down at Court Square which has the
5 same stations as Queens Plaza, you also get the G so
6 there's a rich abundance of transit opportunities
7 here. The public open space shown here closest to the
8 site is Queensboro Bay Bridge Baby Park which is
9 mapped parkland and leads to Queensbridge Park which
10 is an approximately 20-acre park on the East River
11 waterfront. Next slide, please.

12 This is an aerial photo showing the site.
13 There's a tall building next to the curvature
14 represented by the ramp to the upper deck of the
15 Queensboro Bridge with a low-rise loft building in
16 front of that which is the site itself. Next slide,
17 please, which will illustrate the site much better.

18 The top left photograph is a closeup of
19 the existing loft building that was formerly used by
20 Eagle Electric. It's been vacant since approximately
21 2000. It's a bisque-colored building, four stories in
22 height. The top left image is looking to the left
23 towards 24th Street which is southerly and to the top
24 of the image along Queens Plaza South which is
25 towards the east. The lower right image is showing

2 24th Street which forms the eastern edge of the site.
3 You're looking southerly towards the Citi Bank
4 building. The building on the left is Apex Technical
5 School. That building is to be enlarged and
6 repurposed for a life science building, and then the
7 subject of these applications is the building to the
8 right. The photograph in the lower left is just
9 showing context of Queens Plaza South. This is
10 looking as if it's taken from the Queensboro Plaza
11 Subway Station pedestrian bridge looking towards
12 Manhattan. Next slide, please.

13 These are historical images of the
14 building. The top left image is the Eagle Electric
15 sign that used to be on the top of the building
16 facing Manhattan. Perfection is not an accident is
17 the Eagle Electric slogan. The two images in the
18 middle are little insets of the building details that
19 will be preserved. The lower left photograph is
20 showing the building before in its gray state. All of
21 the Eagle buildings, I believe there were eight of
22 them, were gray. It seemed to be the Eagle Electric
23 color, and then it was painted sometime after the
24 building closed to the current color represented on
25 the right. Next slide, please.

2 This is a rendering of the building
3 showing the loft building in the lower ground floors
4 then a setback fifth story and then the balance of
5 the new construction, and we have the architect here
6 who can go through the building in more detail. The
7 existing loft building is around 105,000 square feet.
8 The total amount of office space afforded by the text
9 amendments is around 320,000 square feet so it will
10 be around 26 stories in height, around 390 feet in
11 height. Next slide, please.

12 This is a summary of the WELL
13 Certification Program. Dynamic Star is seeking to
14 have the building certified as a WELL-certified
15 building. Dynamic Star is using CBRE as their leasing
16 agent, and they run a WELL certification program.
17 WELL certification, if you're unfamiliar with it, is
18 really designed and intended to ensure a very healthy
19 building so that employees are able to kind of
20 function in a clean and healthy well-ventilated,
21 well-circulated building that also has public open
22 space, adequate accessory recreation facilities. It's
23 really geared towards making a building that takes
24 its employees at heart and makes sure they have a
25

2 really productive working environment. Next slide,
3 please.

4 I think this is when I turn it over to
5 Jim. I'm turning it now over to Jim Davidson, the
6 project architect.

7 JAMES DAVIDSON: Good afternoon. Thank you
8 very much for having us. First slide with image.

9 We were actually the developer's
10 architects for the residential building that you see
11 on the developed portion of the block which our
12 proposed building tends to build out. The residential
13 is fully built on the site as an R9 with 8 FAR, and,
14 if you walk the site today and as we walked the site
15 many years ago, we had always envisioned that the
16 best use of this warehouse would be to revitalize it
17 as an office/manufacturing kind of building and to
18 activate the ground floor with uses that would help
19 round out the needs of the neighborhood. You'll see
20 today that there is a paucity of retail. The previous
21 developers way back when didn't understand that, and
22 we had always pushed, especially with our new client,
23 Dynamic Star, for active retail at all exposed
24 facades at the ground floor. The other thing that we
25 wanted to do, which we felt was very important, was

2 to retain the aesthetic of that great historic
3 manufacturing district building that you see today
4 and to restore its façade, to replace the windows
5 with the same aesthetic but in a manner that would be
6 energy efficient, and you'll see that there is a gap
7 between the roof of the manufacturing building and
8 the first floor of the office building portion that
9 we're proposing that fills the entire site. The
10 reason for that is that we felt very strongly that we
11 wanted to keep the sense of the volume of the
12 manufacturing district building and then that space,
13 which would be set back, would be used for open
14 landscape space accessible to the community as well
15 as the users of the office as well. Also to have an
16 active potential restaurant space there as well.
17 Upstairs, we would have the full-floor office
18 buildings and then we would repeat that recess as you
19 see in this rendering that would repeat the scale of
20 the manufacturing building as it appears today. Above
21 each of those recesses, there is a smaller floor
22 plate, and it terraces back further up, further up
23 until you have a relatively small floor plate which
24 pares away from the views of the residential building
25 that's presently standing there. Next slide.

1 There are really two ground floors so to
2 speak because of the grade changes. There is a lower
3 ground floor, and there's an upper ground floor based
4 on the extensive grade changes throughout the site,
5 and there is a proposed Community Board meeting
6 space, and we met quite often with them, and they had
7 very valuable input on the uses of the ground floor.
8 You see the yellow portion that's further up on 23rd
9 Street. That is envisioned to be a local produce and
10 food market where local vendors would be invited to
11 sell their product, and it would be envisioned as an
12 open space where people can visit and walk around,
13 and it would also give access to the main roof for
14 the community for access to an open-to-the-sky
15 landscaped area, and that little green area that you
16 see goes directly to a dedicated elevator that takes
17 you up to the fifth floor. The balance of the floor
18 is with office-related uses, additional retail, and
19 the mechanical component that serves the building.
20 Next slide.

21 This is an image that we worked through
22 with the Community Board for an open versatile space
23 that the Community Board could fashion over time on
24 an as-needs basis so to speak for their meetings or
25

2 for other get togethers that they might plan, and
3 we've made a commitment to maintain the space to be
4 sure that it's in great condition over the life of
5 the facility. Next.

6 This is a view of the entrance of the
7 Community Board facility that you see fronting 23rd
8 Street, and we're showing on the upper left one of
9 the many iterations that might be used for their
10 meetings. You could see that there's going to be
11 storage space for those chairs just as you see here,
12 and that lends a certain vitality and versatility of
13 the space, which also has access to the local produce
14 component that we mentioned earlier. Next.

15 The upper ground floor provides the main
16 entrance in the middle of the block fronting Queens
17 Plaza South for the office building component, and
18 it's also an additional access point for the
19 dedicated elevator for more people to be able to gain
20 access to our proposed open landscaped space open to
21 the sky. The umber yellow portions that you see are
22 envisioned to be additional retail spaces. We're
23 envisioning to curate these spaces so that we would
24 have food produce locally sourced and other
25 additional retail spaces as well as just to the right

1 of that green lobby area there's going to be an
2 exhibit of the history of Eagle Electric, and that
3 would keep the sense of history alive and educate
4 people to its reuse. The balance of the floor plate
5 is for dedicated loading, which presently exists on
6 the site for the office building, and a component for
7 bicycle storage which includes electric recharge
8 stations. Next.

10 This is a view of the roof of the
11 existing Eagle Electric building, which is envisioned
12 to have covered open and open-to-the-sky landscaping
13 that you see in that portion of the floor plan which
14 is in sort of a slate blue. The green portion to the
15 right is a continuation of that travel access for
16 those members of the community who want to be
17 outside, open to the sky where they could sit and
18 enjoy the balance of the site, and the beige area is
19 envisioned to be an outdoor, both covered and
20 uncovered, seating area for the envisioned smaller
21 restaurant which you see in yellow. The balance of
22 the floor plate is dedicated for office use. That
23 would be in the pale plum. Next.

24 Here you see the progression of the floor
25 plates. On the right is the largest floor plate,

2 which is the Eagle Electric floor plate below as well
3 as the floor plate for the office building upstairs
4 with the 60-foot separation above. Next.

5 Okay, here's another fourth floor
6 iteration of the existing Eagle Electric building. On
7 the right is another image of the fifth floor. That's
8 a repeat of what we discussed before. Next.

9 Now you see that pale blue area
10 represents that 60-foot distance between the back of
11 the residential building and our first new floor of
12 office which fills out the street wall up to a height
13 of 150 feet. As soon as we reach that height of 150
14 feet, you see that cascading setback of the
15 additional office floors as you go higher up in the
16 building. Next.

17 Here, you see additional setbacks as well
18 until you reach that final setback where we start
19 splaying from the back to allow for views for the
20 residents from 1 QPS, it's referred to which is the
21 completed residential building to the south. Next
22 level.

23 On the right, you'll see the final floor,
24 which is the 26th floor, which provides another
25 opportunity for office users for outdoor space. What

2 we've done here is to work with the best minds
3 available from a marketing point-of-view to educate
4 us to the latest needs post-COVID for office users,
5 which would be wellness both inside as well as access
6 to open landscaped space throughout the building.
7 We've also found from a marketing point-of-view that
8 the smaller floor plates are going to be very much in
9 demand as opposed to the larger floor plates, and you
10 can see that there's a broad range of sizes for
11 potential office users through the building. I think
12 that's it. Next.

13 I'm going to introduce Rick Parisi who
14 could give some greening to these otherwise stale-
15 looking drawings of mine. Thank you.

16 RICK PARISI: Good afternoon. I'm Rick
17 Parisi, Managing Principal MFPP Landscape Architects,
18 and, as Jim and Penny both mentioned, this building
19 has been designed with open space in mind, and
20 there's a tremendous amount of open space for the
21 building users, and there's also an open space on
22 that fifth floor above the electric building's roof
23 that's accessible from the lower level and the street
24 level via elevator. If you go to the next one,
25 please.

2 Everything that's in light green is the
3 open space that's developed as a series of rooms for
4 the building users, and to the right of the bottom of
5 the sheet there's a 2,600 square foot open space
6 that's available to the public, and that is adjacent
7 to a restaurant open to the sky. It actually goes
8 underneath the tower, and there's a bar area and
9 seating for that restaurant that wraps around the
10 corner of the building as well. The public open space
11 is envisioned as a very flexible space that you could
12 program small community events in. There's a lot of
13 moveable tables and chairs, there's some fixed
14 seating, there's planting, there's an elevated deck
15 that is ADA accessible that you can come up to and
16 view over the parapet, and we see it as pretty much
17 an extension of the thinking in the building that
18 this open space just wraps the building. They will be
19 able to see into the private open space. It feels
20 like you're up on a very large roof park. If you go
21 to the next, you'll see the sections.

22 This is a cross-section through the
23 elevated platform. The sloped access is up behind
24 that, and you can see you view over the parapet. Next
25 section.

2 This is a section through the cafe. The
3 cafe is on the right. The elevated platform with the
4 slope up is to the left of that so they'll be mature
5 trees up there, they'll be built-in seating, moveable
6 seating, and we think it's a nice amenity for small
7 programmable events up there. That's it.

8 PENNY LEE: I just want to be mindful of
9 time. I just want to summarize that we received a
10 unanimous approval from Community Board 2 with a
11 number of conditions that Dynamic Star had agreed to,
12 and they were attached to the Community Board's
13 recommendation, and we also a recommendation of
14 approval from the Queensboro President's office.

15 I just want to clarify a couple of things
16 because there have been some changes to the initial
17 presentation that have come up rather recently that
18 we have been not able to brief our architect on. The
19 community space, we have had preliminary discussions
20 with the Y and with their intergovernmental folks
21 about the idea of the Long Island City Y being able
22 to use that space for programming. We had a very
23 productive, very short discussion at the end of the
24 day yesterday, and the headquarters intergovernmental

2 folks are going to be reaching out to the Long Island
3 City Y today to have that discussion.

4 The only other thing I wanted to mention
5 is that we have also had outreach with Spectrum,
6 which was one of the Community Board's conditions of
7 their approvals. We reached out to Spectrum about
8 providing wi-fi in the building when it's constructed
9 and then also plugging into their public wi-fi
10 network so those discussions are also underway.

11 I think now it's probably most beneficial
12 to allow all of you to ask questions.

13 CHAIRPERSON RILEY: Thank you so much for
14 your presentation. I have a few questions for the
15 applicants, and then I'm going to pass it over to
16 Council Member Won.

17 Before we begin, I just want to announce
18 that we've been joined by Council Member Louis and
19 Council Member Hanif.

20 I'm just going to open up the vote for
21 Council Member Louis.

22 COMMITTEE COUNSEL MARTINEZ-RUBIO: Council
23 Member Louis, how do you vote on today's items, LUs
24 181, 182, and 183?

2 COUNCIL MEMBER LOUIS: Sorry. I have a
3 quick question. Are the Council Members in support?

4 COMMITTEE COUNSEL MARTINEZ-RUBIO: Yes,
5 the local Council Member is in support.

6 COUNCIL MEMBER LOUIS: All right, I vote
7 aye.

8 COMMITTEE COUNSEL MARTINEZ-RUBIO: Thank
9 you. The final vote is eight in the affirmative, no
10 negatives, no abstentions. The items are approved and
11 will be referred to the full Land Use Committee for
12 review and approval.

13 I just want to correct, Chair, if you'll
14 allow me, because Penny brought it up. Indeed, we
15 just went through the presentation, and so the zoning
16 text amendment, I just want to correct on the record,
17 which was an oversight in the remarks for the Chair.
18 The zoning text amendment is to establish Area D in
19 the Queens Plaza Subdistrict to make an area de-
20 subject to the Subdistrict's Special Bulk Regulations
21 and add new floor area and base height regulations to
22 Area D so thanks, Penny, for bringing it to our
23 attention.

24 I just want to also point out that this
25 item is on our website and notice correctly and

2 introduced correctly, but thanks, Penny, for bringing
3 it to our attention.

4 PENNY LEE: Thank you.

5 CHAIRPERSON RILEY: Thank you, Counsel. My
6 first question is you spoke about a lot of commercial
7 space. Can you indicate how many commercial spaces
8 are on the ground level?

9 JAMES DAVIDSON: We're presently
10 envisioning four but based on the reception of the
11 spaces over time, there may be more smaller spaces.
12 We've envisioned that each of the corners would be a
13 prime retail opportunity, but I would defer to our
14 developer, Brad Zackson, to see how that might
15 evolve, but we've envisioned curating the spaces to
16 be more locally sourced as opposed to some big box
17 national use.

18 CHAIRPERSON RILEY: Okay. Jim, I may have
19 misunderstood, but did you indicate that this will be
20 the Community Board's new location or the Community
21 Board will have access to space at this location?

22 JAMES DAVIDSON: That they would have
23 access to spaces, but I seem to have been updated at
24 the last moment in terms of its envisioned use. I
25 just wasn't aware of it until now.

2 PENNY LEE: Like I said, this was very
3 late-breaking. We had a meeting at the end of the day
4 yesterday about the possibility of the Long Island
5 City Y operating the community space in the lower
6 ground floor. Tom Grech is also here from the Queens
7 Chamber to talk about a potential collaboration for
8 the northwest corner of the lower ground floor for
9 incubator space as well.

10 CHAIRPERSON RILEY: Okay. What would be
11 most likely the alternative if this rezoning were
12 disapproved?

13 PENNY LEE: The building could really not
14 be repurposed. Right now, based on the existing
15 zoning, approximately 20,000 square feet of floor
16 area could be constructed on this site, either by a
17 reuse of the existing building or a demolition of the
18 existing building and then just the construction of a
19 new building. I also want to note that in order to
20 save the ground floor of the building to use it for
21 office space, the upper floors would have to be
22 demolished because of the existing FAR restriction.

23 CHAIRPERSON RILEY: Thank you, Penny.

24 PENNY LEE: Sure.

2 CHAIRPERSON RILEY: Why do you see Queens
3 Plaza South as a good location for new office space,
4 especially with work from home and hybrid working
5 arrangements becoming more common for office work?
6 Are there certain industries or types of tenants that
7 you think will find this proposal space attractive?

8 BRAD ZACKSON: Yes, we think there's a
9 large market for new buildings that are healthy, fun,
10 well-located like this building and also priced
11 nationally (INAUDIBLE) what's happening in Manhattan,
12 if you look at what's leasing in Manhattan are the
13 WELL-certified buildings, the rents are almost three
14 times, so there's very little companies on a national
15 basis. We are looking at tech, medical, and a lot of
16 other industries, CBREs. We initially had an initial
17 press release, and we've had quite a few calls from
18 different companies that we didn't think were coming
19 to Long Island City, national companies, technology,
20 film industry, medical industry, and some others are
21 coming on the leasing.

22 JAMES DAVIDSON: We're also seeing that
23 there's a sea change in terms of attitudes in the
24 sense of safety and a need for people contact back in
25 the office. The work at home that we've received as

2 architects has not been as successful, and most of
3 our people are now back in the office. We're
4 experiencing that there likely will be a change to
5 maybe half or two-thirds of one's time being at the
6 office with flexibility for being able to work at
7 home. That's what we're experiencing now as we
8 distance ourselves from the pandemic.

9 CHAIRPERSON RILEY: Thank you. My last
10 question. Could you describe the environmental
11 features of the proposed project?

12 PENNY LEE: Could you clarify what you
13 mean by environmental just so I...

14 CHAIRPERSON RILEY: Pretty much the
15 features that you're going to be doing for climate
16 change for the building so can you describe the
17 features that you're going to be having at the
18 location for environmental benefits for the
19 community?

20 PENNY LEE: Sure. I can speak to the WELL-
21 certification program, and I think Jim can speak more
22 to the compliance with the energy code.

23 The hallmark feature of this building
24 will be using as much natural air as possible to
25 bring into the building for employee wellness. That

2 does have impacts on energy usage because that air
3 has to be conditioned, but that is the goal to have
4 as much clean air brought into the building as
5 possible. Dynamic Star also wants to work to have as
6 many of the upper floors as possible with the ability
7 to open windows, again to maximize the amount of
8 clean positive air in the building, and I'll turn it
9 over to Jim for energy compliance.

10 JAMES DAVIDSON: In terms of the
11 efficiency of the building, not only are we going to
12 be having superior glazing for insulation and
13 exterior wall, but additionally we had always
14 envisioned the exposed roofs to be heat sink roofs
15 with passive landscaping which is different from what
16 you would see typically for buildings that have been
17 built maybe a year or so or earlier so we fully
18 expect to be compliant and then go above that in
19 terms of passive heat sinks for our major roof areas
20 on top of the high level of insulation that we have
21 for the exterior wall which is being studied right
22 now by our mechanical engineers.

23 CHAIRPERSON RILEY: Thank you. I am going
24 to yield my time to Council Member Won. Council
25 Member Won.

2 COUNCIL MEMBER WON: Thank you so much,
3 Chair Riley. Hello, everybody. It's good to see you
4 again. It's great to hear that you've been able to
5 connect with the Long Island City YMCA. Can you tell
6 me about the recreational space on what the hours
7 will be for the recreational space for public use
8 including the Y?

9 PENNY LEE: Yes, when we had spoke to the
10 Y, and I just want to clarify we spoke with the
11 intergovernmental relations folks for the
12 headquarters of the Y and then they're going to be
13 reaching out to the Long Island City Y, but we had
14 talked to them about incorporating the gym space,
15 it's a half basketball court, and then fitness space
16 to be combined with the community room between 2:30
17 and 6, those kinds of hours. That was the initial
18 discussion. It may modify, but that was the initial
19 discussion.

20 COUNCIL MEMBER WON: Okay, so I would like
21 to see the commitment for that timeframe, 2:30 to 6
22 p.m., especially around dismissal time because of the
23 heightened shootings and violence that the at-risk
24 youth have been showing in the community for public
25 safety reasons, and I will continue to follow up with

2 you before the vote to see how that conversation is
3 going, and I'll reach out to the Long Island City
4 YMCA as well.

5 Have you been able to get in contact with
6 LaGuardia Community College about the incubator
7 space?

8 PENNY LEE: We have not been in contact
9 with LaGuardia Community College. Tom Grech from the
10 Queens Chamber is a partner with them in their
11 incubator space, and he was planning to speak to that
12 in his testimony.

13 COUNCIL MEMBER WON: Okay. For the
14 community facility for the Community Board, how will
15 that be accessed?

16 PENNY LEE: That was the kind of mix-up.
17 It's the 2,410 square feet that was designated as
18 community space, right, whether it would be used by
19 the Community Board itself, whether it would be used
20 by the Y, it was to be programmed in collaboration
21 with the community and yourself and other elected
22 officials and civic groups so right now we are
23 engaging with the Y for the operation of that space.

24 COUNCIL MEMBER WON: Okay. That's great.
25 Can you commit to supporting one full-time staff

2 member at minimum for the community program with this
3 space, preferably with the Y, if they're not
4 available, with somebody else?

5 BRAD ZACKSON: Yes.

6 COUNCIL MEMBER WON: Okay.

7 BRAD ZACKSON: We're also committed to
8 work with them to figure out how we could staff it
9 because it will not be charged (INAUDIBLE)

10 COUNCIL MEMBER WON: Okay.

11 BRAD ZACKSON: We need to work that out,
12 but we're committed to it.

13 COUNCIL MEMBER WON: Because it would
14 probably cost anywhere from like 52 to 75k per year
15 for that one employee.

16 BRAD ZACKSON: (INAUDIBLE)

17 COUNCIL MEMBER WON: Okay, thank you.
18 We'll hear about the incubator space from Tom Grech.

19 For the fifth floor rooftop open space
20 that is open to the public, can you describe what
21 hours of operations will be and how they will be able
22 to access the rooftop? Will it just be open where
23 anyone can come in and out without a key or a code?

24 PENNY LEE: Yeah, it will definitely be
25 publicly accessible to anybody coming in. It'll be

2 accessible from two points of entry, the building
3 lobby, itself, along Queens Plaza South and then also
4 from the incubator space in the lower ground floor.
5 That leads to an elevator that goes directly up to
6 the roof.

7 COUNCIL MEMBER WON: Okay.

8 PENNY LEE: When you come in from the
9 lobby, that would also take you to the same elevator
10 that would take you up to the roof. The initial hours
11 that we've been thinking about is 8 a.m. to 6 p.m.
12 Monday through Friday as a way to start and then,
13 depending on usage, to modify the hours accordingly.

14 COUNCIL MEMBER WON: Are you open to
15 having it open on weekends?

16 PENNY LEE: Sure.

17 COUNCIL MEMBER WON: Okay, thank you.

18 PENNY LEE: The other thing that we would
19 want to work with you on and the community on as the
20 building gets closer to opening is just the most
21 appropriate locations for signs, just to make sure
22 that people are aware that there is the public open
23 space on the roof.

24 COUNCIL MEMBER WON: Great. Will you be
25 having programming or will you allow for programming

2 on the public rooftop space? For example, if the Y
3 wants to have youth programming on the rooftop, will
4 that be allowed?

5 PENNY LEE: I think that would be a case-
6 by-case basis. It doesn't make sense to rule it out.

7 JAMES DAVIDSON: The only concern might be
8 noise generation for the residents of the apartment
9 building.

10 COUNCIL MEMBER WON: In the neighborhood
11 you mean?

12 JAMES DAVIDSON: The one façade for 1 QPS
13 that faces over the roof so we have to be mindful of
14 those residents.

15 COUNCIL MEMBER WON: Okay.

16 BRAD ZACKSON: Depending on the event and
17 what it is (INAUDIBLE) the restaurant for the same
18 thing so I think we could coordinate depending on
19 what it is.

20 COUNCIL MEMBER WON: Okay.

21 BRAD ZACKSON: (INAUDIBLE) office building
22 will be closed so we can work through it as long as
23 it's not, I would say, something that's too noisy.

24 COUNCIL MEMBER WON: I'm glad to hear
25 you've connected with Spectrum so are you able to

2 commit to providing free wi-fi in the community
3 spaces and the rooftop?

4 BRAD ZACKSON: Yes.

5 COUNCIL MEMBER WON: Thank you. Will there
6 be preferential rents in the building for non-
7 profits?

8 BRAD ZACKSON: We'll look at it on an
9 individual basis. We haven't had a broad (INAUDIBLE)
10 but, yes, Borough President has requested it, I think
11 you did, and we're open to do it on a case-by-case
12 basis.

13 COUNCIL MEMBER WON: Can you describe what
14 a percentage rent is? What leases will be percentage
15 rent leases?

16 BRAD ZACKSON: All the retail will be
17 percentage leases to local operators, which means
18 that until they make money, they don't pay any rent,
19 and then when they finally do make money they pay a
20 percentage of the profits as their long-term rent.
21 It's a way of us investing into the right operators
22 to get great operators and being their partners. It's
23 been very successful in other parts of the City and
24 other places to get the best local retail.

2 COUNCIL MEMBER WON: Okay, do you know
3 what percentage of that will be?

4 BRAD ZACKSON: Typically, it's 8, 9
5 percent of the gross when it gets to a profit is what
6 the number is, but each one is negotiated separately,
7 but we'll come up with something similar to what
8 others are doing.

9 COUNCIL MEMBER WON: Okay, got it. Lastly,
10 are you expecting to have labor agreements for the
11 construction and the operation of the proposed
12 projects and with whom?

13 BRAD ZACKSON: Yes.

14 COUNCIL MEMBER WON: For union labor?

15 BRAD ZACKSON: Yes. We are working with
16 Gary LaBarbera, and we're working with the
17 Carpenters' Union also.

18 COUNCIL MEMBER WON: Okay, and then 32BJ
19 is also going to be on...

20 BRAD ZACKSON: 32BJ has been signed up,
21 and we're going to be training locally all of the
22 employees to gather from the local people.

23 COUNCIL MEMBER WON: Okay. For the Street
24 Vendor Project, have you been able to connect with
25 them?

2 BRAD ZACKSON: No, we haven't, but I would
3 look forward to talking to them because they could be
4 part of the food concept as we have another space
5 above that could work for something similar to that
6 which we might expand the food idea to the second
7 floor.

8 COUNCIL MEMBER WON: Okay. Thank you so
9 much.

10 CHAIRPERSON RILEY: Thank you, Council
11 Member Won. Are there any more Council Members with
12 questions for this applicant panel. Council Member
13 Louis.

14 COUNCIL MEMBER LOUIS: Thanks. Good to see
15 you all today. Thank you, Chair. I just have a quick
16 question because they were all answered already about
17 community space. With the inclusion now of the YMCA,
18 is it going to be the same square footage and
19 occupancy number for the community space that you
20 already have?

21 BRAD ZACKSON: The community space will be
22 the same, but we're adding the use of the health club
23 in certain hours so it's shared with the office
24 building so it'll be open on the weekends, whatever
25 hours they decide, because we're not open, the office

2 building, and I think we talked about 2:30 to 6 so
3 every day it's used so it's expanded space.

4 COUNCIL MEMBER LOUIS: No, I'm aware of
5 the time, but the square footage of the actual
6 community space where the Community Board could
7 utilize this space for meetings. Is that going to
8 remain the same square footage and occupancy?

9 BRAD ZACKSON: Yes.

10 COUNCIL MEMBER LOUIS: The last question
11 is in...

12 PENNY LEE: I just want to clarify. It's
13 not a health club. It's an accessory fitness area.

14 BRAD ZACKSON: To answer your question,
15 the Community Board did ask me on certain meetings
16 that we would be able to use the conference on the
17 top floor for their larger meetings, and I agreed to
18 do that. I don't know if it's in writing, but we did
19 agree to that.

20 COUNCIL MEMBER LOUIS: Right. We should
21 probably get that in writing. In regards to the 30
22 percent threshold for M/WBE firms, are you willing to
23 go a little bit higher than the 30 percent that the
24 Borough President is recommending and have you

2 already identified M/WBE firms that could support the
3 project?

4 BRAD ZACKSON: We haven't, but we will,
5 and we will be bringing on a construction manager and
6 a team to be doing that with the unions, but we
7 haven't done it yet.

8 COUNCIL MEMBER LOUIS: Okay.

9 BRAD ZACKSON: We always try to beat what
10 the minimums are when we do.

11 COUNCIL MEMBER LOUIS: Okay. Thank you.

12 CHAIRPERSON RILEY: Thank you, Council
13 Member Louis.

14 There being no further questions, this
15 applicant panel is excused.

16 Counsel, are there any members of the
17 public who wish to testify on 23-10 Queens Plaza
18 South Rezoning Proposal remotely or in person?

19 COMMITTEE COUNSEL MARTINEZ-RUBIO: Chair,
20 we have at least a couple of people here in person so
21 we could have, after the applicant team moves on, we
22 can have Tom Grech and Jason Paul come up to the
23 table, and, if there's anyone else here in person
24 testifying for this item, if you could see one of the
25 Sergeants so you can fill out a with slip, and we

2 also have online John Schaefer, James Bua, and Neil
3 D'Auria.

4 I'll just make a couple of quick
5 announcements about the testimony. For members of the
6 public here to testify, just know you'll be called in
7 panels just like I did. For those of you online,
8 please stand by when you hear your name being called
9 and prepare to speak when the Chair says that you may
10 begin.

11 Please, once you have finished your
12 testimony, if you're remote, you'll be removed as a
13 group but stay in the meeting in case the Council
14 Members have questions for you until you are removed.

15 Chair, we have the two witnesses here so
16 up to you who you want to call on first.

17 CHAIRPERSON RILEY: Thank you, Counsel.
18 Members of the public will be given two minutes to
19 speak. Please do not begin until the Sergeant-at-Arms
20 has started the clock.

21 We will first begin with Tom Grech. Tom,
22 you may begin. I'm sorry if I mispronounced your
23 name.

24 TOM GRECH: Thank you very much, Council
25 Member. No worries. It's my whole life. No worries.

1 My name is Tom Grech. I'm the President
2
3 and CEO of the Queens Chamber of Commerce. It's great
4 to see all of you in person, especially our local
5 elected official, Council Member Won.

6 I'm in full support of the rezoning of
7 23-10 Queens Plaza South. Dynamic Star's new
8 development will provide important new office space
9 for Long Island City while also providing local
10 community benefits such as new ground floor retail
11 with lighting, new rooftop, public open space, new
12 community space, and public restrooms. Dynamic Star
13 is working with the local community to determine the
14 right mix of small and local retail, and we have
15 already begun exploring potential incubator space
16 that will empower Queens entrepreneurs to start their
17 own businesses on Queens Plaza South. This is
18 something the Queens Chamber of Commerce is assisting
19 Dynamic Star with, and it's consistent with our
20 current partnership with LaGuardia Community College
21 along with Queens College and some other sites in
22 conjunction with President Ken Adams of LaGuardia
23 Community College. We can see the strong commitment
24 to the City through their labor agreement with 32BJ
25 for post-construction building operations. Not only

1 that, but the construction will be done with union
2 labor, further proving Dynamic Star's commitment to
3 providing well-paying jobs to the community. This is
4 the kind of development and partnership we need in
5 Queens, the kind of team and project that's
6 responsive to the needs of the Long Island City
7 community. For these reasons, to again restate, the
8 Queens Chamber of Commerce is in full support of the
9 20-10 Queens Plaza South Rezoning.
10

11 I have two other comments to make
12 regarding the street vendors that were brought up
13 before by the other Council Member and also the M/WBE
14 component upon questioning by your Board.

15 CHAIRPERSON RILEY: You can continue. You
16 have time.

17 TOM GRECH: Thank you. We have been in
18 contact unrelated to this Queens Plaza South project
19 with Mohamed Attia from the Street Vendor Project to
20 try to find a way to get the street vendors to work a
21 little bit better with the brick-and-mortar
22 businesses. That's an ongoing process. Just as an
23 FYI, we're building some bridges there.

24 On the M/WBE side, first with LaGuardia
25 Airport and now with JFK Airport, we have been

2 involved from day one with a lot of different M/WBE
3 components. In fact, we just got two of our members
4 to start offering food at Citi Field that were part
5 of the M/WBE component so we're very, very proud of
6 that, and we'll lend our expertise to not only this
7 Board but also to our friends at Dynamic Star to help
8 in that effort.

9 CHAIRPERSON RILEY: Council Member Won,
10 you have a question for him?

11 COUNCIL MEMBER WON: For the development
12 team (INAUDIBLE) Queens Chambers, can you commit to
13 having Street Vendor Project as part of the
14 incubator?

15 TOM GRECH: Not quite ready to commit yet.
16 We just started dialogue with the leadership there,
17 but I don't see it being a problem as this thing
18 further develops and transpires. I would love to be
19 able to get some of those street vendors to
20 eventually get to a brick-and-mortar situation, and
21 part of what we're going to do for the incubators
22 would include food-type of products so I can't
23 necessarily commit myself to that particular group,
24 but we are going to be seeking other food vendors in
25

2 general, and, if they can be part of that, I would
3 welcome it.

4 COUNCIL MEMBER WON: The street vendors
5 are street vendors. Their goal is not to become a
6 brick-and-mortar store necessarily. Some of them want
7 to be street vendors.

8 TOM GRECH: I understand. So you're saying
9 have street vendors into the incubator?

10 COUNCIL MEMBER WON: Yes, as part of the
11 incubation process for having ghost kitchens, etc.

12 TOM GRECH: For ghost kitchens in the
13 restaurant piece, yes, absolutely.

14 COUNCIL MEMBER WON: Okay, or catering
15 because they do do both.

16 TOM GRECH: On the food side...

17 COUNCIL MEMBER WON: Yes.

18 TOM GRECH: We've been engaging in that
19 entire space so my answer is yes, now upon
20 clarification.

21 COUNCIL MEMBER WON: Okay, because Street
22 Vendor Project is also a huge part of Western Queens
23 Land Trust who is watching this project very closely
24 have been asking for a food commissary as well as

25

2 access to commercial kitchens for their catering to
3 large events.

4 TOM GRECH: I can't speak for the group at
5 Dynamic Star, but I can speak for myself, that we're
6 committing to that.

7 COUNCIL MEMBER WON: Okay.

8 BRAD ZACKSON: I just want to say that
9 we've talked... (INAUDIBLE)

10 CHAIRPERSON RILEY: Brad, come up to the...

11 COUNCIL MEMBER WON: Okay, I'll talk to
12 you afterwards. For LaGuardia Community College, they
13 also have an incubator, and they've been seeking a
14 lot of support, especially financially, have you been
15 in touch with them about the incubator you're going
16 to open in this new building?

17 TOM GRECH: Yeah, so across the board, we
18 are supporting, and you might appreciate this from
19 your background in tech, we've formed a Queens Tech
20 Council. We currently have an incubator in Rockaway
21 at Beach 105. We have a tech incubator at the Greater
22 Nexus in Downtown Jamaica in the space on the Greater
23 Jamaica Development Corps and we're trying to get one
24 in Flushing, and we're going to have two more, one in
25 Queens College, the agreements are being prepared

2 right now so we're going to be putting companies in
3 the incubator space at Queens College, as well as at
4 LaGuardia Community College. We have access to the
5 companies. They have access to students. We want to
6 have a symbiotic relationship and get local startups
7 in that facility.

8 COUNCIL MEMBER WON: Can you clarify what
9 the incubator space will be then with this new
10 development?

11 TOM GRECH: It's uncertain right now. Food
12 and restaurant type ghost kitchens are ones that we
13 really want to pursue in this facility in a big, big
14 way because of the proximity to the Long Island City
15 area in general and also some tech.

16 COUNCIL MEMBER WON: Okay, thank you.

17 CHAIRPERSON RILEY: Thank you, Tom. Jason
18 Paul.

19 TOM GRECH: Thank you.

20 JASON PAUL: Hello. First, I'd like to
21 thank the Council for your time. My name is Jason
22 Paul, and I'm representing Local Union Number 3.
23 That's the International Brotherhood of Electrical
24 Workers in the Borough of Queens.

2 We would like to express our support in
3 the project. We would ask that the construction be
4 done using Union labor as mentioned, especially all
5 aspect of the electrical of the project, which may
6 include power, lighting, fire alarms, security, low-
7 voltage communications, signage, charging stations,
8 and maintenance of those mentioned systems. That's
9 all I have. Thank you very much.

10 CHAIRPERSON RILEY: Thank you, Jason. Are
11 there any more questions for this applicant panel?

12 If not, you are excused. Thank you so
13 much for your testimony.

14 TOM GRECH: Thank you.

15 JASON PAUL: Thank you.

16 CHAIRPERSON RILEY: Counsel, can we please
17 call the panel online?

18 COMMITTEE COUNSEL MARTINEZ-RUBIO: Yes, we
19 have John Schaefer, James Bua, and Neil D'Auria. If
20 we could have John Schaefer go first when he's ready.

21 SERGEANT-AT-ARMS: Starting time.

22 JOHN SCHAEFER: Good afternoon, everyone.
23 Like the former Eagle workers, I'm a proud member of
24 Local 3 International Brotherhood of Electrical

Workers as Jason Paul, and I'm also a lifelong New Yorker. You could probably tell that by my accent.

This project is not only visibly appealing, but it'll certainly address a lot of the needs of the community as you have very well explained, but it'll also create much needed skilled construction jobs our City and our citizens need right now. Union trades use our local citizens who are already highly trained in their fields and who can do the job as safely and efficiently as possible. We have all seen disastrous and often fatal construction site failures over the past decade caused by cutting corners in engineer design, poor material quality, and cheap unskilled labor. Almost invariably, these dangerous construction and the buildings they become are developed by non-union companies, and the cheating strategies are intentionally employed by predatory and anti-union contractors, maximizing their personal profits at the expense of the lives and safety of our citizens. We need to be structures that last for generations, not just to the end of the warranty. I believe we should move ahead with this project and that it should be done using the highly skilled and motivated members

2 of the local construction unions readily available
3 who have a long history of operating in a safe,
4 professional manner, completing projects on time, and
5 under budget. Thank you. That's all I have.

6 COMMITTEE COUNSEL MARTINEZ-RUBIO: Thank
7 you, John. If we could unmute James Bua next.

8 SERGEANT-AT-ARMS: Starting time.

9 JAMES BUA: Thank you for letting me speak
10 today here. My name is James Bua, and I am Business
11 Rep for Local 3 IBEW, electricians union in the five
12 boroughs. I happen to be the rep for the Borough of
13 Queens. I'm in complete support of the rezoning for
14 this project. Penny and Jim, that was a great
15 presentation you gave. It answered a lot of
16 questions, I think, for most everybody involved with
17 this job. I'm glad that Dynamic Star is committed to
18 the community with this project. They're committed to
19 use union labor on this project, and I'm 100 percent
20 for this project and, once again, I represent the
21 Borough of Queens for Local 3, which we have over
22 5,000 families living in Queens and over 28,000
23 members of Local 3, and we are in support of this
24 project. Thank you very much.

2 CHAIRPERSON RILEY: Thank you, James. The
3 next person to testify is Neil D'Auria. Neil, if you
4 can hear me, you may begin.

5 NEIL D'AURIA: I'd like to thank you for a
6 great presentation. I, too, am a member of Local
7 Union 3, IBEW, currently working and residing in
8 Queens, and I have to tell you this looks like it'll
9 serve the communities substantially and meet a lot of
10 the needs and very happy to hear that you're going to
11 be using union labor on this. Can't stress enough the
12 importance of that, if only for safety factors and a
13 living wage, etc., so to reiterate what my brothers
14 from Local 3 said, we are in support of this project
15 100 percent and thank you for the presentation.

16 CHAIRPERSON RILEY: Thank you, Neil. Do
17 any Council Members have any questions for this
18 applicant panel?

19 Seeing none, you are excused. Thank you
20 so much.

21 I'm going to do a last call. Is there
22 anybody in the room who wants to testify on this
23 item?

24 There being no other members of the
25 public wish to testify on LUs 186, 187, and 188

2 relating to the 23-10 Queens Plaza South Rezoning
3 Proposal, the public hearing is now closed, and the
4 items are laid over.

5 I will now open the public hearing on
6 Preconsidered LUs 189, 190, and 191 relating to the
7 Paperific Rezoning Proposal in Council Member Hanif's
8 District in Brooklyn.

9 This application seeks a zoning map
10 amendment to rezone an existing M1-2 to M2-1 and R6
11 zoning districts to a C4-4A and R6B zoning district,
12 a related zoning text amendment to map an MIH program
13 area, and a Zoning Special Permit pursuant to Zoning
14 Resolution Section 74-681(a)(2) to allow development
15 over portions of a railroad or a transit right of
16 way.

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

22 Once again, for anyone with us in person,
23 please see one of the Sergeants to prepare and submit
24 a speaker's card.

2 Counsel, please call the first panel for
3 this item.

4 COMMITTEE COUNSEL MARTINEZ-RUBIO: The
5 panelist for this item is Eli Gerwitz, and I think
6 it's only you, right, today?

7 ELI GEWIRTZ: Right.

8 COMMITTEE COUNSEL MARTINEZ-RUBIO: Okay.

9 CHAIRPERSON RILEY: Counsel, please
10 administer the affirmation.

11 COMMITTEE COUNSEL MARTINEZ-RUBIO: Can you
12 please raise your right hand?

13 Do you affirm to tell the truth, the
14 whole truth, and nothing but the truth in your
15 testimony before the Subcommittee and in your answers
16 to all Council Member questions?

17 ELI GEWIRTZ: I do.

18 COMMITTEE COUNSEL MARTINEZ-RUBIO: Thank
19 you.

20 CHAIRPERSON RILEY: Thank you. For the
21 viewing public, if you need an accessible version of
22 this presentation, please send an email request to
23 landusetestimony@council.nyc.gov.

24 Now, the applicant team may begin.
25 Panelists, as you begin, I'll just ask that you

1 please restate your name and organization for the
2 record. You may begin.

3
4 ELI GEWIRTZ: Good afternoon. My name is
5 Eli Gewirtz. I'm from Davidoff Hutcher and Citron,
6 and I'm representing the applicants here, Stamford,
7 LLC and Capri Optics, Inc. in this rezoning
8 application for the Paperific Rezoning. It's at 1459-
9 1463 38th Street in the Borough Park section of
10 Brooklyn, Community District 12, and we're in Council
11 Member Shahana Hanif's District, and I just want to
12 thank the Council Woman for being here today. Next
13 slide, please.

14 This rezoning application, as mentioned,
15 at the Paperific Supermarket location, this is an
16 active supermarket at 38th Street between 14th and
17 15th Avenues in Borough Park Brooklyn. The site has
18 frontage on 38th Street as well as 37th Street to the
19 north. This application is seeking three separate
20 Land Use applications. The first one is a zoning map
21 amendment to rezone 25 blocks, Block 5348, Lots 15,
22 17, 49, and 54 are the applicant-owned development
23 site. We're also rezoning lots that front 15th Avenue
24 which are not applicant-owned, which comprise Lots
25 118, 119, 41, 42, 44, 45, 46, 47, and 48. We're

2 proposing to rezone those lots from M1-2, M2-1, and
3 R6 to C4-4A and then further west along 38th Street
4 Lots 55 through 66 from M2-1 to R6B.

5 The second Land Use action we're
6 proposing is a zoning text amendment to map the
7 entire project area as an MIH area pursuant to Option
8 1 and Option 2.

9 Lastly, we are also seeking a Special
10 Permit pursuant to Zoning Resolution Section 74-681
11 to permit development within a former transit right
12 of way. Our site, which as I noted, fronts 37th
13 Street. 37th Street is the former right of way for
14 the Culver L Shuttle which was a rapid transit
15 shuttle that was operating from 1954 through 1975. It
16 ran from 9th Avenue to the west to Ditmas Avenue to
17 the east over 37th Street. This was also the location
18 for the South Brooklyn Railroad which also terminated
19 its freight operations in the 1980s and has since
20 been paved over so because part of our development
21 site is part of this former transit right of way, we
22 also need the Special Permit here in order to include
23 these lots in our development site.

24 All of these Land Use actions are meant
25 to facilitate construction of a five-story fully

2 commercial building which includes an enhanced,
3 slightly enlarged Paperific supermarket on the ground
4 floor and office uses above. The proposed development
5 would contain approximately 103,500 square feet,
6 maximizing the 4.0 FAR permitted in the proposed C4-
7 4A district. Next slide, please.

8 Just a brief recap of the ULURP process
9 so far. Brooklyn Community Board 12 back in December
10 2022 voted to fully support this application with no
11 votes to disapprove, the Borough President in
12 February voted to approve the application with
13 conditions, and the City Planning Commission voted in
14 March unanimously to approve this application. Next
15 slide, please.

16 I understand there's a lot of lots in
17 this proposed project area so, as you see here, the
18 lots in the gray that front 15th Avenue, those are
19 all currently zoned R6. We are not proposing any
20 development over those lots. They are actually a
21 product of a rezoning back in 2007, the Kings
22 Material Rezoning, which was meant to facilitate a
23 six-story residential building. That building was
24 never built, and it's been almost 16 years now so
25 that we are proposing to rezone from R6 to C4-4A. As

1 you move 100 feet west, that's the beginning of our
2 development site. The Paperific Supermarket currently
3 exists there on Lot 49, and, as you see, our
4 development site is currently in an M1-2, M2-1
5 District, which comprises four tax lots, 49, 54 along
6 38th Street, and 15 and 17 along 37th Street and then
7 further west, those are all 1,800-square-foot lots
8 that contain one- and two-family homes. They're
9 currently legal non-conforming uses in an M2-1
10 District. Those homes were built in 1901 before the
11 Zoning Resolution came out in 1961, and we're looking
12 to clean up the zoning map by rezoning those homes to
13 R6B which would make them conforming uses. Next
14 slide, please.

15
16 Here you can see the current zoning map.
17 On the left, as you see, it's currently mapped 100
18 feet deep from 15th Avenue is R6, 100 feet west of
19 that is M1-2 and then M2-1 for the remaining northern
20 side there of 38th Street, and we are proposing, as
21 you see, to rezone 220 feet deep from 15th Avenue
22 along 37th Street and 270 feet deep along 38th Street
23 to C4-4A and then beyond that along 38th Street
24 21,600 square feet to R6B. Next slide, please.

2 Here's the aerial of our site. The
3 development site is highlighted here in red, in
4 yellow is the proposed area that we're proposing to
5 rezone to C4-4A, and then the blue is the proposed
6 row homes which we are proposing to rezone to R6B.
7 Next slide, please.

8 This just gives you some context of what
9 our building would look like in context with the
10 surrounding area. To the immediate north is a 90-foot
11 large office complex known as Brooklyn Square. This
12 is a fully leased out office building in Borough
13 Park. It's used by local residents, local
14 entrepreneurs who need office space to work locally
15 in the area. That's a 90-foot building. To our
16 immediate east on the other side of 15th Avenue, you
17 have a six-story, 70-foot building, and what we are
18 proposing is going to be five stories, 63 feet. I'd
19 also note that the F train line along McDonald Avenue
20 is 0.3 miles to the east with the closest station at
21 Ditmas Avenue and then 0.4 miles to the northeast you
22 also have F and G service at Church Avenue. Next
23 slide, please.

24 Here's our Land Use map, just giving you
25 a sense of the surrounding uses in the area. This is

2 a highly mixed-use area as you see from the different
3 colors. The red notes office and other types of
4 retail uses. The items in purple note more industrial
5 type uses. The yellow is the residential. You see how
6 Dome Playground is one block to the east there along
7 38th Street and again you see 1-1/2 blocks to the
8 east is the F train line McDonald Avenue providing
9 public transit access to this area. Next slide,
10 please.

11 Here, we'll just run through some photos
12 of the site so this is what the current supermarket
13 looks like today. As you see, it does not have a
14 typical supermarket look. The supermarket has been at
15 this site since 1982. It is extremely beloved in the
16 community. It's called Paperific. It primarily caters
17 to the area's large Orthodox Jewish population as all
18 the food in the supermarket is kosher, and that
19 building to the immediate west is Lot 54. They use
20 that now as just storage and some of their office
21 work, and that would also be part of the development
22 site. Next slide, please.

23 Here's another view of the warehouse-
24 looking supermarket, the Paperific Supermarket,
25 that's currently 36-feet tall. Next slide, please..

2 This is looking at the site from the
3 back. This is 37th Street. There are currently two
4 lots that are part of our development site, Lots 15
5 and 17. This is used for parking for the customers
6 and some of the employees. As is very apparent to
7 everyone, there is ponding in front of the site, and
8 this is something that we have been working
9 extensively with the Council Member's office to do as
10 much as we can to help improve the conditions along
11 37th Street. If anyone has been to 37th Street,
12 there's a lot to be desired on this street. There are
13 no sidewalks along the southern side of 37th Street,
14 and, when we get to the rendering, I'm going to
15 explain further of what the applicant commits to in
16 terms of the resiliency measures here and try to
17 control the ponding post-development. Next slide,
18 please.

19 This is looking also from 37th Street.
20 This is another parking lot that Paperific uses for
21 some of their employees. That's Lot 17, part of our
22 development site. Next slide, please.

23 This is looking at the project area
24 facing southeast from 37th Street. As you see, it's a
25 pretty rundown-looking area right now along 37th

2 Street, and we're hoping that our application can
3 really help revitalize this segment of 37th Street
4 right here. Next slide, please.

5 This is looking northwest down 37th
6 Street. As you see, that's the Brooklyn Square, a
7 440,000 square foot office complex, to our immediate
8 north along 37th Street, and our application, as I
9 mentioned before, will be including office space on
10 the upper floors. We're hoping this could be a
11 further complement to the Brooklyn Square office
12 space which is fully leased out. We're seeing a
13 really high demand for office in this area from local
14 entrepreneurs, people running their own businesses
15 who are looking to not commute to Manhattan for work
16 but to work locally and find office space, and we're
17 hoping to piggyback off the success that we've been
18 seeing here from Brooklyn Square. Next slide, please.

19 This is a view of the row homes that we
20 are planning to rezone from M2-1 to R6B. As you see,
21 these are typical one- and two-story row homes, all
22 of which are legal non-conforming uses. When the City
23 mapped M2-1 here, these buildings were already
24 existing so we would just be matching the zoning map
25 to the actual built context here along this portion

2 of 38th Street by rezoning it to R6B. Next slide,
3 please.

4 This rendering of the 38th Street
5 elevation so the building will be comprised mostly of
6 brick materials with large vertical windows and with
7 modern accents. You may note that the building may
8 not look typical, the ground floor of a supermarket.
9 We did that intentionally to help the supermarket
10 blend more harmoniously with the surrounding context.
11 You see there are two dedicated entrances to the
12 Paperific Supermarket in the center and on the right
13 and then to the left is the dedicated entrance for
14 the office space along 38th Street. Next slide,
15 please.

16 This is our proposed rendering for 37th
17 Street. As you see, it already looks much better than
18 the existing conditions. There is one existing tree
19 along 37th Street. We'd be able to plant one more
20 street tree here. Both street trees will have
21 enhanced tree pits, which we're hoping could do a lot
22 to help soak up some of the stormwater runoff here.
23 There's also an existing tree as you see to the
24 immediate east, and that was shown in some of the
25 photographs so that officially is not in front of our

lot frontage. We only have 100 feet of lot frontage here along 37th Street, but with those three street trees we're hoping could help soak up a lot of the stormwater. One of the other primary things we're planning on doing is actually building out the sidewalk in accordance with DOT specifications and DOT requirements. We're hoping with the sidewalk and two proper curb cuts, one which will access the cellar which will contain 63 parking spaces for office and supermarket customers. There's also going to be to the east, that's our loading berth entrance so we have intentionally put our loading and more industrial-type uses along 37th Street which is the more industrial street, keeping trucks and loading off the street and away from 38th Street, which is more residential in nature. In addition to the enhanced tree pits and the street trees and the curb cuts and the proposed sidewalk, if DEP determines that the site conditions are appropriate, we are also open to having rain gardens here in between the street trees as a further measure to help with the ponding issues along 37th Street. Additionally, the roof will be employing a roof detention system which will help control flow roof drainage and help control

2 water flowing from the roof. As you saw in the
3 pictures, the current roof is sloped, and water just
4 seeps off very easily from the current roof. This
5 will be a more flat roof with a roof detention
6 system, which, again, we're also hoping and
7 anticipate will significantly help with the drainage
8 and ponding issues that we currently see along 37th
9 Street. Next slide, please.

10 This is just some more information about
11 our proposed development. As I mentioned, we're
12 proposing it to be five stories, 63 feet tall, which
13 is not out of context for the surrounding area. There
14 will be a total of 103,500 square feet of all
15 commercial floor area. The ground floor would
16 increase the current supermarket from 15,000 to
17 approximately 19,985 square feet. In the current
18 zoning in the M1-2, the supermarket would not be
19 allowed to increase its size. They are limited to
20 10,000 square feet, and we're already at 15,000 so we
21 need the rezoning in order to enable the increase to
22 the supermarket. As we came with the Council Member
23 on a site visit, we all noted that the supermarket is
24 very small right now. They need to enhance what
25 they're offering. They're planning with this

2 enlargement to provide more take-out counters, baked
3 goods, chicken, meat, things that the local community
4 really needs, and it is something that the Community
5 Board is really excited about to see a bit of an
6 enlargement to the supermarket here. On the floors
7 two through five, we're proposing fully office space.
8 The second floor will be dedicated to Paperific's e-
9 commerce business. They've been seeing a real
10 explosion in their e-commerce business since the
11 pandemic, and the second floor will be dedicated
12 office space for that operation, whoever they need to
13 run that arm of their business, and then floors three
14 through five would be following more of like a Regis
15 (INAUDIBLE) kind of co-working space model, again
16 piggybacking off of the success that we've seen right
17 across the street at Brooklyn Square and providing
18 more local office space for local entrepreneurs,
19 people who live in the area who don't want to have to
20 commute to Manhattan anymore for office space. We'd
21 be proposing 63 parking spaces in the cellar and 34
22 bicycle parking spaces on the ground floor. Next
23 slide, please.

24 Here's just a little bit more of an in-
25 depth view of the operations of the site. As you see,

2 the supermarket entrance would be along 38th Street.
3 There's a dedicated office entrance for the office
4 employees on the western side of the development site
5 along 38th Street and in the back, as noted, keeping
6 the industrial and the trucks and cars away from 38th
7 Street, we'll have two separate curb cuts, one
8 leading to the cellar for the cars parking at the
9 site and then a dedicated loading berth for the
10 trucks for the supermarket deliveries. Next slide,
11 please.

12 I just provided an appendix with further
13 photographs and the proposed plan, but that concludes
14 the initial presentation. Thank you.

15 CHAIRPERSON RILEY: Thank you, Eli. I just
16 have a few questions then I'm going to pass it over
17 to Council Member Hanif.

18 Three of this building's five stories are
19 expected to be used for co-working space. Can you
20 explain why you believe there's a demand for that use
21 in this location?

22 ELI GEWIRTZ: Yes. As I mentioned before,
23 we saw that Brooklyn Square is fully leased out, and,
24 because of that, there's no more office rental space
25 like that in this area serving the Borough Park

2 community so, because of that, we've determined that
3 there is strong demand for office for this kind of
4 space in this area in Brooklyn.

5 CHAIRPERSON RILEY: How far is Brooklyn
6 Square from this location?

7 ELI GEWIRTZ: It's immediately across the
8 street.

9 CHAIRPERSON RILEY: Across the street?

10 ELI GEWIRTZ: Yes.

11 CHAIRPERSON RILEY: Okay. Lastly, how does
12 the applicant plan to maximize energy efficiency,
13 reduce greenhouse gas emissions, and meet stormwater
14 requirements on this site, especially on how 37th
15 Street looked?

16 ELI GEWIRTZ: Yes, as mentioned, we plan
17 on, with the roof detention system on the roof, we're
18 also hoping to add a water detention tank located in
19 the cellar to also help collect water to lower the
20 water capacity that's put into the sewer system just
21 with our proposed builder's pavement plan which we're
22 going to be submitting at DOB providing sidewalks,
23 the curb cuts, all of the measures that I mentioned
24 before we think will significantly improve the
25 sustainability and drainage conditions here. We're

2 also planning to be fully compliant with Local Law 92
3 and 94 for solar panel roofing and other measures
4 along that to be fully compliant with that Local Law.

5 CHAIRPERSON RILEY: Thank you, Eli.
6 Council Member Hanif.

7 COUNCIL MEMBER HANIF: Thank you so much
8 for being here. This has been an exciting project
9 given I grew up right around the corner and am very
10 familiar with the large and growing Orthodox
11 community, and what's so beautiful about that
12 corridor is just how close the Muslim community is
13 too and the need for our food options and the
14 supermarkets that are iconic to the lifeline of our
15 community so exciting to see the expansion of this
16 supermarket.

17 I was curious will there be a name
18 change. I know Paperific began not as a traditional
19 supermarket. It had a prior history in paper.

20 ELI GEWIRTZ: That's a good question. I
21 believe now because they've been a staple in the
22 community for 40 years now they have strong name
23 recognition, and I do believe that they plan on
24 keeping the Paperific name for the supermarket.
25 There's also a sister supermarket in Flatbush on

2 Coney Island Avenue so I do think they want to keep
3 that branding.

4 COUNCIL MEMBER HANIF: Okay, got it. I
5 know that the supermarket has seen an increase in
6 online orders contributing to the need to expand not
7 only their retail area but their office space in
8 order to manage fulfillment. Could you talk a little
9 bit more about how the online order fulfillment will
10 work on the site and how you will ensure that
11 deliveries do not pose health and safety hazards for
12 the community?

13 ELI GEWIRTZ: One of the reasons that I
14 failed to mention before why we also need the
15 enlarged supermarket space, part of the space in the
16 actual retail supermarket will be dedicated for
17 employees who will be boxing and filling the
18 shipments of those online orders so there's going to
19 be a dedicated space in the supermarket not meant for
20 the retail customers but set aside for employees of
21 the supermarket to be filling those orders, boxing
22 those orders coming in online. They employ delivery
23 workers who deliver the groceries to the door so it's
24 not expected to be bringing in a lot of extra trucks
25 or anything like that because of the delivery option.

2 This is either motorized scooter or e-bikes, and
3 that's typically how the delivery workers will be
4 delivering the groceries to the online customers.

5 COUNCIL MEMBER HANIF: Could you talk a
6 little bit more about the trucking or how many trucks
7 are expected on a daily or weekly basis?

8 ELI GEWIRTZ: Yes. I have that right here.
9 The truck traffic generation is expected to generate
10 two truck trips during the a.m. peak hour while other
11 truck deliveries associated with the proposed uses
12 are going to all be off-peak so the goal is to try to
13 have as many truck deliveries as off-peak as
14 possible, weekends as well, but typically speaking
15 there could be no more than two truck trips during
16 the a.m. peak hour per week.

17 COUNCIL MEMBER HANIF: Per week and not
18 daily?

19 ELI GEWIRTZ: Yes.

20 COUNCIL MEMBER HANIF: Okay, great. Does
21 the applicant commit to work with DEP to maximize
22 green infrastructure on the site including installing
23 enhanced tree pits and rain gardens where possible?

24 ELI GEWIRTZ: Yes, 100 percent. That's
25 something that the applicant is fully committed to.

1 They want to be working closely with DEP here, with
2 DOT. This is something that's been plaguing, as I
3 mentioned the applicant has been here 40 years, and
4 they are not happy with the situation along 37th.
5 They want to see that changed for the better, and
6 this is something that they're fully committed to
7 working closely with DEP to do whatever they can to
8 improve the condition there.
9

10 COUNCIL MEMBER HANIF: That's great. Just
11 building on that. How will the applicant address the
12 chronic drainage and flooding issues on 37th Street?

13 ELI GEWIRTZ: Again, what we are planning,
14 we think there will be a significant improvement just
15 by having a sidewalk with proper curb cuts helps with
16 drainage. Right now, everything just stays put
17 because the way the street looks, there's no place
18 for the water to go, so even with just having
19 sidewalks there on permeable surfaces, water can
20 spread out more and seep better into the environment,
21 especially with the enhanced tree pits that we're
22 proposing in addition to the roof detention system
23 and, if DEP determines that it's appropriate, rain
24 gardens as well so we're hoping with all of those
25

2 measures that should significantly improve the
3 flooding issues there.

4 COUNCIL MEMBER HANIF: Great. I really
5 appreciated your cooperation with the conditions on
6 37th Street and the photo you have here feels like a
7 replica of the day that I toured the site and the
8 same kind of flooding was visible even though it had
9 rained maybe a couple of days before so this corridor
10 is really in need of urgent care and has been like
11 this, it's been dangerous, it's been a safety issue
12 for at least two administrations, and I know from
13 just the history of speaking with the owners that
14 there have been several promises made to fixing the
15 entire corridor so I appreciate that the applicant is
16 going to do their part in taking care of the
17 conditions adjacent to the supermarket, but we are
18 fighting to get more on this stretch so that there is
19 a sidewalk given the density of Brooklyn Square and
20 all who utilize that space in addition to the
21 expansion of the supermarket so this makes for a real
22 prime project to see more done in that Borough Park
23 section of my District so I am, of course, concerned
24 and will continue to raise the alarm on just the
25 necessity of addressing the entire corridor and so

2 would love to know from you if you commit to working
3 with us and the DOT in any of the future
4 conversations we have to facilitate the construction
5 of a real sidewalk on the remaining part of the
6 block?

7 ELI GEWIRTZ: Yes. I want to just pause
8 and thank the Council Member for all of the efforts
9 that you've put in to help improving the conditions
10 along 37th Street so, yes, we're definitely open to
11 being part of continued conversations with your
12 office, with 37th Street. We can only commit to the
13 things that are applicant-owned in terms of a
14 financial commitment but definitely open to working
15 together, working with you guys, attending meetings
16 to make sure that 37th Street is going down the right
17 direction.

18 COUNCIL MEMBER HANIF: Thank you. That's
19 greatly appreciated. That's all I have, Chair.

20 CHAIRPERSON RILEY: Thank you, Council
21 Member Hanif.

22 There being no further questions, this
23 applicant panel is excused.

2 Counsel, are there any members of the
3 public who wish to testify on the Paperific Rezoning
4 Proposal remotely or in person?

5 COMMITTEE COUNSEL MARTINEZ-RUBIO: Chair,
6 there is no one online, but if there's anyone in
7 person here right now that would like to testify on
8 this item, please identify yourselves to one of the
9 Sergeants.

10 Chair, we can close the hearing.

11 CHAIRPERSON RILEY: With there being no
12 members of the public wish to testify on LUs 189,
13 190, and 191 relating to the Paperific Rezoning
14 Proposal, the public hearing is now closed and the
15 items are laid over.

16 I will now open the public hearing on
17 LUs, hold on a minute.

18 COMMITTEE COUNSEL MARTINEZ-RUBIO: If we
19 could have the applicant team, it's 185 and 186. If
20 we could have the applicant team for Boston Road come
21 up to the table. I can't see you guys because there's
22 a column, but I think Jackie is back there. Jackie, I
23 need a slip from you so if the Sergeants could get
24 her one.

2 CHAIRPERSON RILEY: Thank you, Counsel. I
3 will now open the public hearing on LUs 185 and 186
4 relating to the 2560 Boston Road Rezoning in Council
5 Member Velazquez's District in the Bronx.

6 This application seeks a zoning map
7 amendment to rezone an existing R6/C8-1 zoning
8 district to a R7-2/C2-4 zoning district and a
9 relating zoning text amendment to map an MIH program
10 area.

11 For anyone wishing to testify on this
12 item remotely, if you have not already done so you
13 must register online, and you may do that by visiting
14 the Council's website at council.nyc.gov/landuse.

15 Once again, for anyone with us in person,
16 please see one of the Sergeants to prepare and submit
17 a speaker's card.

18 I would now like to give the floor to
19 Council Member Velazquez to give her remarks. Council
20 Member Velazquez.

21 COUNCIL MEMBER VELAZQUEZ: Good afternoon,
22 Chair and Council Colleagues and members of the
23 public.

24 It's exciting to be back here for another
25 rezoning proposal in my community. As we know from

2 the last time, they are absolutely not contentious,
3 especially in my District.

4 All jokes aside, my aim with any project
5 before my community is to consider housing and
6 commercial projects that engage with the community,
7 provide good union jobs, and ideally provide services
8 and/or resources for the broader community.

9 Essentially projects that serve City Council District
10 13.

11 I appreciate the development team's
12 approach at outreach within the community, which has
13 included several meetings with relevant community
14 groups and stakeholders as well as their intention to
15 partner with organizations that already serve my
16 community, organizations that want to spread their
17 resources within the District and local unions to
18 provide quality jobs. I look forward to hearing more
19 from them about the project and the opportunity to
20 ask questions as well as hearing from members of the
21 public on their support or opposition. Thank you.

22 CHAIRPERSON RILEY: Thank you, Council
23 Member Velazquez.

24 Counsel, please call the first panel for
25 this item.

2 COMMITTEE COUNSEL MARTINEZ-RUBIO: The
3 panel for this item is Jacqueline Skernsey
4 (phonetic), Chris Walker, and John Valladares.

5 CHAIRPERSON RILEY: Counsel, please
6 administer the affirmation.

7 COMMITTEE COUNSEL MARTINEZ-RUBIO: Can the
8 panelists raise your right hand?

9 Do you affirm to tell the truth, the
10 whole truth, and nothing but the truth in your
11 testimony before the Subcommittee and in your answers
12 to all Council Member questions?

13 JACQUELINE SKERNSY: Yes.

14 JOHN VALLADARES: Yes.

15 CHRIS WALKER: I do.

16 COMMITTEE COUNSEL MARTINEZ-RUBIO: Thank
17 you.

18 CHAIRPERSON RILEY: Thank you. For the
19 viewing public, if you need an accessible version of
20 this presentation, please send an email request to
21 landusetestimony@council.nyc.gov.

22 Now, the applicant team may begin.
23 Panelists, as you begin, I'll just ask that you
24 restate your name and organization for the record.
25 You may begin.

2 JOHN VALLADARES: My name is John
3 Valladares, and I'm responsible for Slate Property
4 Group's work on affordable housing. Slate is a New
5 York City-based developer. We focus on ground-up new
6 construction in the outer boroughs and have extensive
7 experience on renovations and repositionings in
8 Manhattan. The images in this slide come from one of
9 our most recently completed supportive housing
10 projects in the Tremont section of the Bronx. Next
11 slide, please.

12 We're here to talk today about 2560
13 Boston Road which is located on Boston between
14 Matthews and Barnes Avenue. It consists of three
15 parcels. The largest is the existing Fine Fare
16 Supermarket site which is where most people recognize
17 the site. Next slide, please.

18 Here are some images of the existing site
19 conditions today. Really, the site and the immediate
20 area is a sea of asphalt, a lot of surface parking,
21 and really unfriendly pedestrian experience for the
22 residents and neighbors in the community. Next slide.

23 What the site does benefit from is great
24 access to public transportation. It's a short walk to
25

the 25 train and has numerous bus lines that cross directly on Boston Road. Next slide.

What the neighborhood has not been well-served by is affordable housing. Since 2014, there have only been 58 units of affordable housing in this Council District. This ranks 47th out of the 51 Council Districts. We're hoping to turn that around here with this project. Next slide, please.

This is our proposal. We're proposing 333 units of 100 percent affordable housing. We're proposing to return the existing Fine Fare Supermarket to the site. We're working with the local operator to temporarily relocate the supermarket off-site during construction and come back when the building is built. That will mean no downtime for the supermarket and the local community that'll preserve jobs and preserve access to healthy food for the community. In addition to the supermarket, we have about 6,000 to 7,000 square feet of community facility space identified. This could be local non-profits, medical use, childcare, those types of uses. We don't have a tenant in mind but look forward to working with the local community and the Council Member on identifying tenants for the space. In

2 addition to the supermarket space, we have also some
3 ground floor what we call neighborhood local retail.
4 Again, we don't have a specific tenant identified at
5 this point in time. We've had conversations with the
6 Allerton Merchants Association to work with them to
7 help identify a tenant. If there's an existing
8 operator that's looking to grow or expand their
9 business, we'd love to have them but also help us
10 identify new entrepreneurs in the neighborhood that
11 would add to the community, we're happy to have them.
12 Finally, we have parking. We're returning the
13 existing 50 parking spaces to the supermarket site
14 which is really important to their operations and
15 then, under the current programming, the site would
16 require 67 residential parking spaces, which we're
17 proposing below grade. Next slide, please.

18 Sustainability is a big part of all
19 developments that we do nowadays at Slate. This site
20 is no different. It'll be qualified under Enterprise
21 Green Communities which is a national green building
22 program that sets standards for affordable housing,
23 sustainable solar power, renewable energy will be on-
24 site. Stormwater resiliency is also very important
25 for any of these sites (INAUDIBLE) stormwater

2 detention on-site to minimize impact to the sewer
3 systems and then high energy efficiency, LED light
4 bulbs, energy star appliances, and an enhanced
5 building envelope is really kind of standard practice
6 nowadays to make sure we're being as mindful of our
7 resources as possible. Typically, the buildings we
8 build now are 100 percent electric. Next slide.

9 This was really just a slide to show the
10 ground floor and how it lays out currently with the
11 proposed supermarket site, the parking, and the
12 additional neighborhood retail on the corner there.
13 Next slide.

14 This is the current proposed unit
15 distribution, and we also show average unit size per
16 HPD guidelines so, of the 333 units, you see the
17 breakdown between studio, one-bedroom, two-bedroom,
18 and three-bedroom apartments. This isn't final. We're
19 still designing the building, but this is kind of the
20 framework when we sit down with the architect as a
21 starting point and, as we begin to lay out units, it
22 might change a little bit. Next slide.

23 I'm going to hand it over to Jackie to
24 walk through the proposed Land Use actions.

2 JACQUELINE SKERNSEY: The applicant here
3 is requesting two Land Use actions. The first is a
4 zoning map amendment. The site is currently split
5 between R6 and C8-1 with the C8-1 mapped along Boston
6 Road, which does not permit residential use today,
7 and then we're requesting a zoning change to an R7-
8 2/C2-4 which will allow the mixed-use development
9 that John described. It'll allow for ground floor
10 commercial uses with community facility and
11 residential uses above, and then also a zoning text
12 amendment to designate the area a Mandatory
13 Inclusionary Housing area. Next slide.

14 This just shows the zoning conditions
15 today. The C8-1 along Boston Road is really not
16 characteristic of the development that's going on now
17 along Boston Road. It's an outdated automotive use
18 district, and the proposal will allow for the mixed-
19 use development in an area that has a strong
20 rationale. As John mentioned, it's in a transit zone.
21 It has really good transit access. It's located along
22 Boston Road, a wide street, to support the rationale
23 for the rezoning here. Next slide, please.

24 The project will be 100 percent
25 affordable proposed through the HPD Mix and Match

2 Program which John will get into more of the details
3 on the AMI levels proposed for the project, but, in
4 addition to that, the zoning text amendment will
5 require permanent affordability, either under Option
6 1 or Option 2. Option 1 would be 25 percent at a
7 weighted average of 60 percent AMI, and Option 2
8 would be 30 percent of the residential floor area at
9 a weighted average of 80 percent AMI. Next slide.

10 JOHN VALLADARES: We use this slide really
11 to kind of help with a lot of the conversations about
12 AMI bands. We find that oftentimes a lot of
13 individuals struggle with the verbiage of AMI, really
14 don't know what that means in like actual jobs of
15 people they encounter in their daily lives, and when
16 we say something is going to be for an individual
17 that makes 50 percent of AMI or 90 or 80, they really
18 just don't know what that means, who does that mean,
19 who's it for, who is affordable housing for, so we
20 put this slide together as a way of kind of starting
21 those conversations. All the jobs that we provide
22 here are starting salaries for New York City
23 employees that we see everyday when we ride our bus,
24 walk our streets, or enter our classrooms. Again, a
25 starting MTA bus driver earns 53,000 dollars a year.

2 That would qualify as a 50 percent AMI slot. I'm not
3 going to go through all of these for you. I'll do the
4 bus driver and then I'll end with the teachers. Two
5 New York City teachers' starting salary is 61,000,
6 and, if they have two children, that puts them at a
7 combined salary of 122,000 a year which is about 90,
8 92 percent AMI. We really believe that all of these
9 occupations and all of these income bands really
10 represent the individuals that need affordable
11 housing in New York City. Next slide, please.

12 This next slide is a lot, and I don't
13 intend to go through all of it. Really, it's meant to
14 show that when you're developing HPD supported
15 affordable housing in New York City, you really have
16 two kind of options to go down. You have the Mix-and-
17 Match program and the ELLA, which is Extremely Low
18 and Low-income Affordability. Besides, if you had
19 senior housing or very specialized housing or
20 supportive housing which is a different path. This is
21 kind of bread and butter affordable. Really, you have
22 Mix-and-Match which gives the developer the most
23 amount of flexibility. It sets bands for a chunk of
24 low housing where you're targeting bands between 40
25 and 60 percent of AMI and then you have a slug of

1 higher incomes where you're going up to 120. More
2 flexibility, wider bands.

3
4 On the ELLA program, less flexibility and
5 really targeted towards serving lower-income
6 communities. It doesn't completely eliminate some of
7 the higher-income bands. You can go up to 100 percent
8 of AMI, 90 to 100 percent of AMI, so if you think
9 back to the teachers that I mentioned, you could
10 still serve maybe starting teachers but maybe not one
11 that's been around as longer so the two programs,
12 Mix-and-Match, more flexibility, bigger bands. ELLA,
13 less flexibility, serving more of the lower-income
14 bands. Next slide, please.

15 To help illustrate what that would mean
16 for a sample project, we just put this slide together
17 which shows if you were doing a Mix-and-Match and
18 really tried to do a Mix-and-Match that served the
19 lower end of the bands, these are the AMI bands that
20 you would target, and, if you did an ELLA kind of
21 down the middle, almost more towards the higher end
22 of what an ELLA would allow, this is where you would
23 end up. On a Mix-and-Match, you could serve incomes
24 with a weighted average of about 59 percent AMI,
25 which is close to the AMI for this neighborhood. The

2 ELLA, you can get as low as somewhere between 53 and
3 54 percent of area median income. Next slide, please.

4 That's really all we had today. We had
5 some appendix, addendum slides if there were any
6 questions but thank you.

7 CHAIRPERSON RILEY: Thank you so much.
8 I'll ask a few questions then I'll pass it over to
9 Council Member Velazquez. I actually neighbor Council
10 Member Velazquez's District. I'm the District right
11 next to it so I'm very familiar with the area and the
12 Fine Fare. There have been many concerns raised
13 during the public review process about parking, both
14 from voices that say there are too many parking spots
15 being proposed and those who say there are too few.
16 Can you expand on how and why you came to a number of
17 residential and commercial parking spaces that you
18 landed on?

19 JOHN VALLADARES: Sure. That's a great
20 question. Right now, we're proposing 117 parking
21 spaces, and it's broken out into two components, the
22 parking for the residential and the parking for the
23 commercial. Under zoning, we're satisfying the zoning
24 requirement for the residential which is the 67 units
25 at the eight AMI bands proposed. The commercial,

2 we're providing parking in excess of zoning. Under
3 zoning, we would not be required to provide those
4 commercial parking spaces, but we have an agreement
5 with the local supermarket operator. We understand
6 it's very important to his business. We want him to
7 stay. We don't want him to leave, and that was a
8 concession we granted while we were negotiating his
9 long-term stay at the site.

10 CHAIRPERSON RILEY: Thank you. Can you
11 elaborate on the transition plan for the Fine Fare
12 Supermarket that will be placed during the
13 construction of this development to ensure that
14 continuation of the grocery services many nearby
15 residents have to rely on?

16 JOHN VALLADARES: Sure. The existing
17 supermarket operator has been on the record publicly
18 and has attended numerous community meetings with us
19 has identified a site diagonal along Boston Road. He
20 owns the site. He's purchased it. He's filing
21 building permits to renovate the site. It's a former,
22 I believe, auto body repair shop. He's going to
23 renovate the space and operate in it temporarily,
24 allow us to complete our construction, and then move

2 back once that's complete, and then he will own and
3 lease out the retail on that site privately.

4 CHAIRPERSON RILEY: Okay. Two more, one
5 statement and one question. The proposed unit
6 distribution, I know you said that that's still open
7 for discussion. I personally, and this is just
8 personal, I have an issue with the amount of units
9 for one-bedroom and not the amount of units for two-
10 bedroom and three-bedrooms. I think in this specific
11 community, Council Member Velazquez and I get a lot
12 of families that are looking for affordable housing
13 in this community so I think the one-bedroom and the
14 studios aren't really sufficient. I do know the HPD
15 guidelines, but I just want you guys to take a closer
16 look into that.

17 Lastly, being that the density in this
18 location is going to increase, this has been a long
19 talk for long about the safety on Boston Road when it
20 comes to vehicles. Being that there's going to be
21 more people there, children there, crossing the
22 street, Boston Road is a very large street. There
23 have been talks of redesigning the street on Boston
24 Road so I just wanted to hear your input, if you have
25

2 any recommendations on how we could possibly do that
3 or if you'll be a part of any of those conversations?

4 JOHN VALLADARES: Sure. As you know,
5 traffic is part of the environmental review process.
6 I think one of the recommendations was we go back to
7 DOT to notify them when we're building and they're
8 going to do some work on timing of the lights and
9 maybe painting or striping, and I also know that DOT
10 does have plans in the works for some improvements to
11 the Boston Road area so we'd be happy to work with
12 them. On our feedback, we have a traffic engineer
13 that we use that we would love to share their
14 comments and expertise with DOT if that's available
15 to us.

16 CHAIRPERSON RILEY: Thank you so much.
17 Council Member Velazquez.

18 COUNCIL MEMBER VELAZQUEZ: Hi and thank
19 you for this presentation, especially for the slides
20 that indicate what AMI are, especially for folks to
21 visualize who would fall into what category so thank
22 you for that work.

23 CHAIRPERSON RILEY: That was the first
24 time I've ever seen anyone do that so thank you
25 because I think when we talk about AMI we expect

2 people to understand that so the way that you guys
3 broke it down, I thank you for that.

4 JOHN VALLADARES: Thank you.

5 COUNCIL MEMBER VELAZQUEZ: Following up on
6 the Chair's question on parking, what is going to
7 happen to the commercial spaces when the supermarket
8 is not operating, during those off-peak hours or off
9 hours when they're closed.

10 JOHN VALLADARES: Sure. We've worked with
11 the operator. We've had some conversations with him
12 already to see if he would have any opposition to us
13 utilizing those parking for overnight parking while
14 his supermarket is not in operation, which is not his
15 hours. He has no problem with that, and he's willing
16 to work with us to help alleviate parking by allowing
17 overnight use of those spaces.

18 COUNCIL MEMBER VELAZQUEZ: Awesome. Does
19 your team have a tenant in mind for the community
20 facility space?

21 JOHN VALLADARES: Not at this point. We're
22 open to working with both the Council Member and the
23 local Community Board on identifying an appropriate
24 tenant.

2 COUNCIL MEMBER VELAZQUEZ: Besides sitting
3 down with the Community Board, how can the community
4 weigh in on the selection of a community partner for
5 this community space?

6 JOHN VALLADARES: They can reach out to us
7 directly. They can reach out to your office, and I'm
8 sure you'd be able to connect us. We would talk to
9 any community group that's interested. We want our
10 building to be beneficial and give back to the
11 community. We didn't have to put in this community
12 facility space. We started with from day one in our
13 plans as something that we thought would be important
14 and an ability to kind of give back a portion of the
15 space and have space that would serve the local
16 community so we'd love to talk with tenants, and I
17 even think we have the ability to grow that space
18 under the current zoning plan if there is demand for
19 more of that space.

20 COUNCIL MEMBER VELAZQUEZ: Your team has
21 said that they are committed to facilitating 100
22 percent affordable housing at this site. Do you think
23 the Mix-and-Match meets the Community Board's and
24 other community members' desire for affordability
25 while not pricing out current residents?

2 JOHN VALLADARES: I do think that Mix-and-
3 Match provides us with the most amount of flexibility
4 to serve those communities, and I do think that in
5 New York City we have an affordable housing crisis at
6 every single level of income and there are plenty of
7 individuals at those 90 and 100 percent like we
8 showed, teachers, firefighters, police officers,
9 which I don't think anybody would argue are the 1
10 percent in our communities that are having a hard
11 time finding affordable housing. In a lot of
12 communities that we do work in, we hear from
13 individuals who have been in their community for a
14 long period of time and they have kids that go away
15 to college and they come back and their kids can't
16 find housing locally in the neighborhoods that they
17 grew up in and they have their first job, they're
18 starting out, they're starting a family, and they
19 have good paying jobs too, but they can't find
20 housing in their communities that they grew up in,
21 they've been priced out, and they have to go
22 elsewhere and leave the community so we think
23 projects like this are the ability to keep
24 neighborhoods from gentrifying by providing permanent
25 affordable housing at a wide range of bands that'll

2 be able to serve people of many different income
3 levels.

4 COUNCIL MEMBER VELAZQUEZ: How can your
5 team ensure that these units are affordable to our
6 constituents, to my constituents?

7 JOHN VALLADARES: Under HPD guidelines,
8 again, the income bands for an ELLA or a Mix-and-
9 Match start as low as 30. I think the average AMI in
10 this District if I remember correctly is
11 approximately 50,000. As shown, there are income
12 bands proposed below that and above that, and, on
13 average, it's approximately somewhere between 50 and
14 59 percent so I think at these bands they do serve a
15 large cross-section of that.

16 COUNCIL MEMBER VELAZQUEZ: Are you willing
17 to commit specifically to capping the highest price
18 units at 90 percent AMI?

19 JOHN VALLADARES: We're committed to
20 working with HPD on it. At the end of the day, we
21 have a financing partner who actually facilitates and
22 pays for and helps facilitate it, and the numbers
23 have to balance for those subsidy needs, but,
24 absolutely, the last thing we want is a project that
25 has income bands that are too high and really don't

2 serve anybody at that high level, and so we're
3 committed to working to keep the AMI bands as low as
4 possible, and I think below 90 is a very fair target
5 for us to hit.

6 COUNCIL MEMBER VELAZQUEZ: Can your team
7 detail the conversations you've had with HPD to
8 ensure that there is funding available to facilitate
9 this affordability?

10 JOHN VALLADARES: We've had very
11 preliminary conversations at this point. Typically,
12 the conversations accelerate once the project has
13 received a zoning approval. The program that we're
14 proposing here is "per term sheet" so it's as HPD
15 requires them to be so there's no reason why this
16 project shouldn't be, and I will also say that in the
17 conversations we have had with HPD they have noted
18 that there isn't a lot of affordable housing that
19 gets done in this District so they were excited by
20 the opportunity to bring affordable housing to a
21 District, that's their job, to bring affordable
22 housing to neighborhoods that need it, and this is
23 one that needs it and hasn't been served by it.

24 COUNCIL MEMBER VELAZQUEZ: I have a couple
25 of questions for, Jackie, if that's okay. Can you

2 explain the parking structure, what spots will be for
3 the grocery store patrons, what spots are for
4 residents, will there be any community parking?

5 JACQUELINE SKERNSEY: Sure. Currently, the
6 breakdown is to relocate the 50 commercial parking
7 spaces for the supermarket and those are at grade,
8 and then the remaining 67 spaces are required by
9 zoning, and those are the units that currently under
10 the Mix-and-Match program are at 80 percent AMI and
11 above. That's the 50 percent of that requirement so
12 it's 67 parking spaces. The commercial parking spaces
13 are reserved for commercial use, but they could be
14 used by residential use in hours that the supermarket
15 is not operational.

16 COUNCIL MEMBER VELAZQUEZ: Is there any
17 pricing already available that you're thinking about
18 when it comes to residential parking permits or pay-
19 for-parking?

20 JOHN VALLADARES: We haven't gotten that
21 far yet, and that's also part of the conversations
22 with HPD...

23 JACQUELINE SKERNSEY: With the financier.

24 JOHN VALLADARES: With the financing,
25 there's all types of rules on what you could charge

2 for and the implications it has on subsidy and low-
3 income housing tax credits that you qualify for.

4 COUNCIL MEMBER VELAZQUEZ: Got it.

5 Community members have raised concerns about the
6 closure of Stop and Shop on Eastchester Road. Do you
7 have any concerns about the temporary location not
8 being able to accommodate the influx of residents,
9 will this change at all any of the design plans to
10 expand the size of the grocery store in the new
11 project? That was a mouthful. Sorry. I can repeat if
12 you need me to.

13 JOHN VALLADARES: No. We're committed to
14 bringing the Fine Fare back. We've currently
15 earmarked about 15,000 square feet which is slightly
16 larger than their existing supermarket. As I
17 mentioned before, we have that additional 4,000
18 square feet of what we call neighborhood retail. If
19 our operator wanted bigger space, he could expand
20 into that. At the moment, again, we held it, I don't
21 want to say held it away from him, but reserved it to
22 see if there was an opportunity to find different
23 needs for the community, and we started this project
24 three or four years ago so if the needs have changed
25 because the dynamic has changed, we could definitely

2 revisit with the operator to see if he would be
3 interested in taking more if that's the direction we
4 need to head.

5 COUNCIL MEMBER VELAZQUEZ: Yeah, I'd like
6 to have further discussion on that, especially given
7 a community in need so I appreciate that.

8 JOHN VALLADARES: He's been here a long
9 time, this operator. He (INAUDIBLE) and wants to
10 grow.

11 COUNCIL MEMBER VELAZQUEZ: Perfect. I
12 appreciate that. Also, from my understanding, you've
13 been open to suggestions for the green space on the
14 corner. Has the community introduced any projects
15 that you're considering right now, anything decided?

16 JOHN VALLADARES: Nothing at this point in
17 time.

18 COUNCIL MEMBER VELAZQUEZ: Okay, and if
19 the community does have an idea or a recommendation,
20 can they reach out to you or me?

21 JOHN VALLADARES: Yeah, we're open to
22 ideas. We imagine it's going to be very pedestrian
23 friendly, seating, green. We'd also want to
24 coordinate with the supermarket operator because it's
25 kind of the entrance to his facility too so we don't

2 want anything that's hurting his business, but we
3 think it could be a good amenity and also serve his
4 needs as well.

5 COUNCIL MEMBER VELAZQUEZ: Perfect. Thank
6 you. That's it for me.

7 CHAIRPERSON RILEY: Thank you, Council
8 Member Velazquez.

9 There being no further questions, this
10 applicant panel is excused.

11 Counsel, are there any members of the
12 public who wish to testify on 2560 Boston Road
13 Rezoning Proposal remotely or in person?

14 COMMITTEE COUNSEL MARTINEZ-RUBIO: Chair,
15 it is my understanding we have a couple online and at
16 least three in person so if you want to call them to
17 come up.

18 CHAIRPERSON RILEY: Thank you.

19 COMMITTEE COUNSEL MARTINEZ-RUBIO: If
20 there's anyone else that hasn't filled out a slip
21 that wants to testify, let me just make a quick
22 announcement that you will be called as a panel and
23 please just wait to hear the Chair call your name
24 before you begin.

2 For those of you who are online, once you
3 have completed your testimony, you will be removed
4 from the meeting, but you can continue watching the
5 meeting online at the Council's website.

6 CHAIRPERSON RILEY: Thank you. I would
7 like to call up Roxanne Delgado, Justice Favor, and
8 Jessica Ortiz.

9 Members of the public will be given two
10 minutes to speak. Please do not begin until the
11 Sergeant-at-Arms has started the clock.

12 The first person to go is Justice Favor.

13 JUSTICE FAVOR: Good afternoon. My name is
14 Justice Favor. I'm the Director of Strategic
15 Partnership at the Laborers. I represent over 10,000
16 members, over 85 percent of them live in New York
17 City, over 87 percent of them are women and people of
18 color. We stand in support of the applicant with this
19 project. They have an agreement with Local 79.
20 Oftentimes when the discourse around affordable and
21 union, you can't build. We believe that's a misnomer.
22 This project will show that. In addition, this
23 project provides over 300 units of much needed
24 affordable housing for members desperately need in
25 this housing crisis. This project also provides a

brand new supermarket that will ensure food access in the community for years to come. This project will provide these resources in a sustainable way. Boston Road is a model project by developing underutilized land in a way that still maintains the use while providing new housing that is accessible to transit, sustainable and affordable. We are proud to support this project. This project, obviously we love to build, but our community matters. Oftentimes developers or contractors come to us and would like our support even though the AMI numbers are not correct. If it's going to displace folks, oftentimes we stay out of those fights as well, but when we figure things out and we believe our mission is aligned with development and responsible development, we support projects, and it's a good thing when you can build affordable housing and you can build with union labor on a construction site. The Laborers is a union that is proud of its diversity and its inclusivity and its density in New York City, and we stand in solidarity and support of this project.

Thank you for your time.

2 CHAIRPERSON RILEY: Thank you, Justice.

3 The next applicant will be Jessica Ortiz. Jessica,
4 you may begin.

5 JESSICA ORTIZ: Good afternoon, Chair
6 Riley and Members of the Subcommittee. My name is
7 Jessica Ortiz, and I'm here today representing SEIU
8 Local 32BJ. 32BJ is the largest union of the property
9 service workers in the country, representing over
10 85,000 members in New York City alone. Our union is
11 in strong support of the project proposed at 2560
12 Boston Road, which will create permanent family-
13 sustaining jobs and act to a critically needed stock
14 of affordable housing in the Bronx. 32BJ is happy to
15 show support for developers who invest in their
16 communities where they build, and the developer of
17 2560 Boston Road, Slate Property Group, has
18 demonstrated that they intend to do so with this
19 project. To start, Slate reached out to our Union
20 early in the process to commit to creating prevailing
21 wage jobs for the workers who will permanently staff
22 the site. We estimate that the rezoning will allow
23 for the creation of five to six new property service
24 jobs. Good jobs like this mean prevailing wages,
25 meaningful benefits, and a pathway to the middle

2 class for local community members who tend to fill
3 such positions. Moreover, we need more housing to be
4 built in the Bronx to ensure that working families
5 are not displaced by dwindling supply and
6 skyrocketing rents. The proposed development will
7 include 333 new residential units, 40 to 60 percent
8 of which will be permanently affordable for low-to-
9 middle-income families, New Yorkers, and people that
10 live in the neighborhood. This represents a
11 significant step towards addressing the housing needs
12 of the Bronx and the City, and the cost of living
13 rising and working New Yorkers struggle to stay in
14 their homes. It is most important now more than ever
15 to create affordable housing and good jobs which
16 uphold the industry standard in the city. For all of
17 these reasons, 32BJ is in strong support of this
18 rezoning. Thank you for your time.

19 CHAIRPERSON RILEY: Thank you, Miss Ortiz.
20 The next applicant to testify is Roxanne Delgado.

21 ROXANNE DELGADO: Thank you so much.
22 Roxanne Delgado. I live in CD13. Miss Velazquez is my
23 Council Member (INAUDIBLE) Parkway. I'm not here to
24 cry wolf. I'm here to cry fire. As you can see in the
25 City Planning Displacement Map, where this site will

1 be developed, we're at the highest risk of
2 displacement. The highest, not medium, not low, the
3 highest, so when we put a development that might
4 displace people, it's a serious issue. I'm very
5 disappointed with City Planning because I thought
6 City Planning would be data driven, fact driven.
7 Obviously, they're political driven. Why I say this
8 is because affordability. Affordability does not mean
9 that I or other residents in that community can
10 afford to live there. Affordable means that you pay
11 no more than 30 percent of your income. Regarding
12 AMI, we understand what AMI is. The condescending
13 behavior from other people saying that we don't
14 understand what AMI means. HUD determines AMI based
15 on the rising rents in the community, not based on
16 your income, which is why usually AMI is over 20,000
17 dollars over the median income of that area. Now,
18 regarding 200 feet (INAUDIBLE) quarter mile radius,
19 half mile radius, the median income for that area is
20 45,000 or less. Over 30 percent live in poverty level
21 income. When they did the Racial Equity Report, they
22 included the whole CB11 which raised the income to
23 over 60,000. That's income from homeowners from
24 Morris Park, Palm Gardens, Indian Village, but if you
25

1 look at the income, even within 0.5 mile radius which
2 includes (INAUDIBLE) where I reside, it's less than
3 35,000, 45,000. The fact is he's saying 90 AMI, 90
4 AMI. Well, 90 AMI means that you have to have an
5 income of 84,000. That's almost twice more than what
6 is exact income for the area. He's saying 60 percent
7 AMI, which is much better, 50,000, which means that
8 for a studio it's 1,400, for a one-bedroom it's
9 1,600, but at 90 percent, that means it's actually
10 over 2,100 for a studio and 2,200 for a one-bedroom.
11 Basically, I'm saying that this is not affordable,
12 and City Planning had a legal responsibility to take
13 a hard look at the numbers, which they did not, and
14 there's many court documents saying that they have to
15 look at significant impact, 80 percent, 100 percent
16 influx of new population within a quarter-mile radius
17 is over 5 percent to a community that makes less than
18 45,000 and a community that has (INAUDIBLE) rent-
19 regulated, meaning that if you live in a luxury
20 building it doesn't matter if they build next to you
21 because you're protected, you will have Section 8,
22 you're capped, but in a building that has no rent
23 regulation, half the community is not protected
24 meaning they will be displaced, and, as you can see
25

2 on the map, they're at risk of displacement. This is
3 something people don't want to discuss,
4 affordability. Like I said, AMI is determined not by
5 my income, not by the community's income, it's by the
6 rising rents. The more we continue pumping up the
7 rising rents, the more AMI will keep going higher and
8 the more of these projects will be unaffordable to
9 the community like myself. Thank you so much.

10 CHAIRPERSON RILEY: Thank you, Miss
11 Delgado, and can you please submit that documentation
12 for the record?

13 ROXANNE DELGADO: Yes, I have everything
14 here. I will.

15 CHAIRPERSON RILEY: All right.

16 ROXANNE DELGADO: I just found out about
17 this meeting yesterday so I just had to print
18 everything out. There's an article that says how HUD
19 determines AMI based on actual rising rents, not
20 income, which is why it's above 20,000 throughout the
21 whole city, not just the Bronx.

22 CHAIRPERSON RILEY: Okay. Thank you, Miss
23 Delgado.

24 ROXANNE DELGADO: Thank you so much for
25 your time.

2 CHAIRPERSON RILEY: Council Member

3 Velazquez, you have a question for this applicant
4 panel?

5 COUNCIL MEMBER VELAZQUEZ: No. Thank you
6 all for coming out.

7 CHAIRPERSON RILEY: All right. Thank you
8 so much for testifying.

9 I will be calling up Kesha Parchment and
10 Michael Kaess online.

11 If you can hear me, Kesha, you may begin.

12 KESHA PARCHMENT: Hello.

13 CHAIRPERSON RILEY: Yes, we can hear you.

14 KESHA PARCHMENT: Yes, I'm Kesha

15 Parchment. I'm currently a resident of the Allerton
16 section Community Board 13, and I just want to piggy
17 off of much of what Roxanne has said which is that
18 yes, these AMI calculations are not affordable. I
19 don't see the point of increasing density in this
20 area if we're not going to actually address the true
21 issue of affordability, not to mention the square
22 footage sizes of these apartments. They're decreasing
23 across the city as a whole. We're sacrificing the
24 dignity of these residents in order to claim that
25 we're building affordable houses, and so I do have

2 concerns that not only are we failing to address the
3 true issues, but we are decreasing the quality of
4 life of our residents here in the Allerton community
5 and so I do have true concerns about that as well as
6 if these apartments are so unaffordable to the people
7 who actually live here and who want to live here,
8 we're going to see higher vacancy rates which will
9 potentially lead to this project turning to a
10 shelter, which is the last thing that this community
11 needs right now so, for me, I do have true concerns
12 as a resident here that this will not address the
13 issue at cause. Thank you.

14 CHAIRPERSON RILEY: Thank you, Kesha.

15 Next, I would like to call Michael Kaess. Michael, if
16 you can hear me, you may begin.

17 MICHAEL KAESS: Hi, yes. My name is
18 Michael Kaess. I'm a resident in Bronx Community
19 Board 11, and I wanted to express my support for 2560
20 Boston Road. It's exciting to see new 100 percent
21 affordable housing come to this part of Council
22 District 13. The proposed density is more than
23 appropriate and will greatly enhance this major
24 corridor. I was happy to see both the City Planning
25 Commission and the Bronx Borough President express

1 support for this project. Now, I understand that the
2 Community Board expressed some concerns in their
3 letter to City Planning. They were concerned that
4 this 100 percent affordable development might both
5 gentrify the community and lower surrounding home
6 values, arguments which appear to be at odds with
7 each other. I would argue that a failure to permit
8 proposals like 2560 Boston Road is far more likely to
9 exacerbate issues of displacement and would be
10 counterproductive. All parts of our District need new
11 housing options, and I believe this project will be a
12 net positive. However, I am concerned about the
13 amount of parking that has been proposed. It appears
14 excessive. Although the proposal sits within the
15 transit zone, my understanding is parking was still
16 required for a certain number of units. If we wish to
17 further improve housing affordability, the City
18 Council is in a position to fully eliminate costly
19 parking mandates. We should also consider parking
20 maximums to prevent developers from making these
21 types of concessions where they include far more
22 parking than necessary. I hope that is something that
23 will be considered by the Council in the near future
24 as we reform our Land Use regulations. Otherwise, I
25

2 look forward to seeing the City Council pass this
3 application. Thank you.

4 CHAIRPERSON RILEY: Thank you, Michael.

5 Last call, is there anybody in the room
6 who wants to testify on this item?

7 There being no other members of the
8 public who wish to testify on LUs 184 and 185
9 relating to the 2560 Boston Road Rezoning Proposal,
10 the public hearing is now closed and the items are
11 laid over.

12 That concludes today's business. I would
13 like to the members of the public, my Colleagues,
14 Subcommittee Counsel, Land Use and other Council
15 Staff, and Sergeant-at-Arms for participating in
16 today's meeting.

17 This meeting is hereby adjourned. Thank
18 you. [GAVEL]

19

20

21

22

23

24

25

C E R T I F I C A T E

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



Date April 25, 2023