

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

SUBCOMMITTEE ON ZONING AND
FRANCHISES

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May 19, 2021
Start: 10:09 a.m.
Recess: 10:52 a.m.

HELD AT: Remote Hearing (Virtual Room 1)

B E F O R E: Francisco Moya
CHAIRPERSON

COUNCIL MEMBERS:
Diana Ayala
Joseph Borelli
Barry Grodenchik
Stephen Levin
Antonio Reynoso
Carlina Rivera

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

Richard Lobel, Land Use Counsel
Sheldon Lobel PC

Amber Ianotti
Sheldon Lobel PC

Veronica Blanco
Blanco Designs

Willie Jalboukh, Real Estate Broker
Marcus and Millichap

Frank St. Jacques, Land Use Counsel
Akerman LLP

2 SERGEANT-AT-ARMS: Okay. We are live.

3 Sergeants, will you begin your recording?

4 SERGEANT-AT-ARMS: PC recording is
5 underway.

6 SERGEANT-AT-ARMS: Cloud recording is up.

7 SERGEANT-AT-ARMS: Back up has started.

8 SERGEANT-AT-ARMS: Thank you. Sergeant
9 Leonardo, you may begin your opening.

10 SERGEANT-AT-ARMS: Good morning and welcome
11 to today's New York City remote Council hearing for
12 the Subcommittee on Zoning and Franchises. At this
13 time, we ask that all Council members and Council
14 staff please turn on their video for verification
15 purposes. To minimize disruptions, please place all
16 cell phones and electronic devices to silence or
17 vibrate. If you have testimony you wish to submit
18 for the record, you may do so via email by sending it
19 to Land Use Testimony@Council.NYC.go. Once again,
20 that is Land Use testimony@Council.NYC.gov. Mr.
21 Chair, we are ready to begin.

22 [gavel]

23 CHAIRPERSON MOYA: Thank you and good
24 morning. I am Council member Francisco Moya, Chair
25 of the Subcommittee on Zoning and Franchises. I am

2 joined remotely today by Council members Levin,
3 Ayala, Rivera, Feliz, and Lander. Today, we will
4 hold public hearings on to Brooklyn review zoning
5 proposals 4909 Council Hill Avenue and 361 City
6 Island Avenue. I will also note that LU 7924 that
7 West 16th Street item is being laid over. But,
8 first, we will vote on a number of items heard by the
9 Subcommittee at our May 4th meeting. We will vote to
10 approve prey considered LU 777 and 770 for the Arthur
11 Avenue rezoning relating to property in Council
12 member Feliz's district in the Bronx. The proposal
13 seeks a zoning map amendment and a zoning text
14 amendment including changing R6 and R6 C24 districts
15 to a C61 district and mapping a C14 overlay within an
16 existing R6 to facilitate the development of a new
17 mixed use and residential development site, including
18 approximately 146 hotel rooms, 56 dwelling units, 17
19 which would be permanently affordable, and 156 below
20 grade parking spaces. Council member Feliz is in
21 support of the proposal. We will also vote to
22 approve preconsidered LU 779 and 7804 of the Acme
23 Fish rezoning relating to property in Council member
24 Levin's district in Brooklyn. The proposal seeks a
25 zoning map amendment and a zoning special permit,

1 changing an M31 district to an M15 district to
2 facilitate the development of a mixed use industrial
3 commercial development, including a new industrial
4 facility for Acme Smoked Fish and a commercial office
5 building with ground floor retail. Council member
6 Levin is in support of the proposal. We will also
7 vote to approve LU 781 and 782 for the 261 Walton
8 Avenue rezoning relating to property in Council
9 member Ayala's district in the Bronx. The proposal
10 seeks a zoning map and zoning text amendment to
11 change the existing M14 R6A district to an R8A C24
12 district within the MX13 special mixed use district
13 and to eliminate a portion of the existing MX13
14 district and a related zoning text amendment to
15 establish a mandatory inclusionary housing utilizing
16 option one. Council member Ayala is in support of
17 the proposal. We will also vote to approve LU 783
18 for the 606 Neptune Avenue rezoning in Brooklyn. The
19 proposal seeks a zoning map amendment to change a C12
20 overlay to a C24 overlay within the existing R6
21 district to facilitate the legalization of an
22 existing drive through facility which is accessory to
23 use group six eating and drinking establishment. We
24 will also vote to approve LU 784 and for the 300
25

2 Huntington Street rezoning relating to property in
3 Council member Lander's district in Brooklyn. The
4 proposal seeks a zoning map amendment to change an
5 existing M21 district to an M 23 district to
6 facilitate the development of a new manufacturing and
7 commercial office building along with approximately
8 7500 ft.² waterfront public access area. Council
9 member Lander is in support of the proposal. We will
10 vote to approve with modifications LU 785 and 76 for
11 the 30-02 Newtown Avenue rezoning in Queens. The
12 proposal seeks a zoning map amendment- a zoning map
13 and text amendment to change an existing C44A
14 district to a C44D district and to establish a
15 mandatory inclusionary housing area utilizing option
16 one or option two. Our modification would be to
17 remove MIH option two while retaining option one. I
18 now want to take this opportunity to turn it over to
19 any of the Council member who would like to speak on
20 their rezonings. Council member Lander, I see your
21 hand up.

22 COUNCIL MEMBER MOYA: Thank you very
23 much, Chair Moya. I appreciate the opportunity to
24 join you here. Oh, Council member Feliz got his zoom
25 hand raised faster than mine, so I don't know. I'm

2 happy to defer on zoom hand raise to our new
3 colleague. Council member Feliz, go ahead. I'll go
4 after you.

5 COUNCIL MEMBER FELIZ: I'll lower my hand
6 just for you.

7 COUNCIL MEMBER LANDER: No, please go
8 ahead.

9 CHAIRPERSON MOYA: Brad, just go ahead.

10 COUNCIL MEMBER LANDER: Thank you, Chair.

11 I appreciate the committee's voting today on the
12 project at 300 Huntington Street in the Gowanus IBZ
13 and appreciate your hearing it recently. I am in
14 full support of this project, especially with an
15 agreement of Monadnock construction has agreed to a
16 South development Corporation this morning.
17 Monadnock is a wonderful Brooklyn-based construction
18 company. They have been in the Gowanus area for 45
19 years do we need a range of mixed income and
20 affordable housing. A really great local company.
21 The site that their offices are currently located in
22 is in the Gowanus rezoning and would become possible
23 to be an MIH project, but they want to stay in
24 Gowanus. And so, they have identified and purchase
25 to property just a few blocks away within the IBZ at

1 300 Huntington Street. But in order for it to work
2 for them to build a new construction offices,
3 construction lot, manufacturing, and office building,
4 they need this change from M21 to M23 to eliminate
5 the parking requirement. That is going to allow them
6 to build a 100,000 square-foot building which will
7 house their offices, there construction company and
8 lot, as well as other light manufacturing and office
9 space is generate 715 permanent jobs, transit
10 accessible in the industrial business zone. They are
11 building a sure public walkway which would actually
12 be one of the first pieces of public access to the
13 Gowanus Canal and it is a great model of how that can
14 be done affordably in the industrial business zone
15 with no new residential development. Lots of other
16 good features: green roof and integrated vegetation.
17 The thing that they have now agreed to add that South
18 Brooklyn Industrial Development Corporation, I think,
19 are a real good model for development in our IBZs.
20 They are committing that, of the 100,000 square-foot
21 in total which would have the broader set of M zone
22 uses, at least 10,000 square feet will always stay
23 for genuinely light manufacturing and light
24 industrial uses and, of that 10,000 square feet in
25

1 the near-term, they are making available 5000 of it
2 that South Brooklyn Industrial Development
3 Corporation will be able to rent out at below market
4 rents so that genuine manufacturing and light
5 industrial uses are the kind that happening Gowanus
6 for many years but it been pushed out by rising
7 rents. Even within the IBZ we will still be able to
8 be there and that agreement lasts for 16 years and
9 then, in perpetuity, they are committing 10,000 ft.²
10 of the building will be a narrower makes of what we
11 are calling the Gowanus mix of genuinely light
12 industrial or manufacturing uses and not the broader
13 set of uses you can do in the IBZ that include office
14 and some retail and, in many cases, are displacing
15 manufacturing uses. So, it's not quite like, but
16 it's a little bit like-- I don't want to maybe call
17 it this, but it is also MIH for manufacturing. A
18 commitment they are making to preserve genuinely
19 manufacturing uses which is going to be critical in
20 our IBZs in the years to come. So, I'm grateful for
21 this project and for agreeing to the use additional
22 commitments and I think this could be a model for the
23 city for years to come and I support the project and
24 I hope you will vote yes on it. Thank you.
25

2 CHAIRPERSON MOYA: Thank you, Council
3 member Lander. I want to turn it over to Council
4 member Feliz.

5 COUNCIL MEMBER FELIZ: Thank you, Chair
6 Moya. Today, I'm proud to announce that I'm
7 supporting the rezoning application in [inaudible
8 00:08:53]. These applications would facilitate the
9 development of a 13 story hotel as well as a
10 residential development in the Arthur Avenue or
11 Little Italy area in the 15th Council District that I
12 am so proud to represent. Little Italy is home to
13 the best restaurants in the city of New York. It is
14 also the neighbor of the greatest attractions in our
15 city including the Bronx zoo and also the Bronx
16 Botanical Gardens. Institutions that are heavily
17 visited by individuals from everywhere in the world.
18 However, little Italy is an area underserved by
19 hotels and by building a hotel, it will create the
20 opportunity of ensuring that individuals that visit,
21 local tourist not only visited our neighborhood, but
22 can also stay in our neighborhood and the more people
23 stay, the more business can be done and the more
24 economic activity in the area, the more people in
25 that area can be employed. This is a project that is

2 strongly supported by the community, including the
3 local community board and also local businesses and
4 also local residents, many who are employed by the
5 local businesses. I think this is a very good
6 project for Arthur Avenue and for the 15th Council
7 district and I thank the applicants for all the good
8 work they do in the Bronx and I'm in full support of
9 the project and I will be voting yes today.

10 CHAIRPERSON MOYA: Thank you, Council
11 member Feliz. Before I turn it over to Council
12 member Levin for some remarks, I just want to
13 acknowledge that we have been joined by Council
14 members Borelli and Council member Grodenchik. Thank
15 you for joining us today and I'm going to turn it
16 over to--

17 COUNCIL MEMBER LEVIN: Thank you, Chair.
18 I'm double zooming right now. I just wanted to
19 briefly speak about the rezoning in my district with
20 regard to Acme Fish. This is an application joint
21 between Acme Fish and a group of city partners to do
22 a, within the IBZ and Greenpoint Williamsburg, a new
23 home for Acme Fish in addition to a commercial
24 development. We have come to an agreement on
25 ensuring that the space that was determined to be

2 light manufacturing that will be the home for Acme
3 which is a local family owned producer, many of you
4 know. You see their products in grocery stores.
5 It's all the smoked fish that Newhill Bay and Acme
6 and all produced in North Brooklyn. That's square
7 footage that is dedicated to that new home will be
8 maintained through an agreement with Evergreen as a
9 light manufacturing space even if the property is
10 sold through a restrictive dec on the deed. Recorded
11 against the deed as well as an agreement with
12 Evergreen which is the North Brooklyn IBZ
13 administrator. So, I just want to thank all the
14 community members that spoke about this project and
15 the applicant and Rubenstein and their team and Acme
16 for making a commitment to stay in this neighborhood
17 for the long term. It's easy enough to pack up and
18 move to a different state with, you know, lower taxes
19 and easier access and close to an interstate and all
20 of the above, but they have, you know, with this,
21 establish that their future is here in Brooklyn and
22 the workforce but, you know, the dozens and dozens of
23 long time workers and skilled workers that they have
24 at Acme, it is refreshing to see a long term
25 manufacturer in our city, you know, makeup that will

2 in the future of the city as light manufacturing.

3 So, with that, I will turn it back to Chair Moya.

4 Thank you.

5 CHAIRPERSON MOYA: Thank you, Council
6 member Levin. Okay. Now, I'll move to call for a
7 vote to approve LUs 777 through 784 and to approve
8 with modifications I have described LUs 785 and 786.
9 Counsel, can you call the roll?

10 COMMITTEE COUNSEL: Chair Moya?

11 CHAIRPERSON MOYA: Aye on all.

12 COMMITTEE COUNSEL: [inaudible
13 00:14:15] Council member Levin?

14 COUNCIL MEMBER LEVIN: I vote aye.

15 COMMITTEE COUNSEL: Council member
16 Grodenchik?

17 COUNCIL MEMBER GRODENCHIK: Aye.

18 COMMITTEE COUNSEL: Council member
19 Ayala?

20 COUNCIL MEMBER AYALA: I vote aye.

21 COMMITTEE COUNSEL: Council member
22 Rivera?

23 COUNCIL MEMBER RIVERA: I vote aye.

24 COMMITTEE COUNSEL: Council member
25 Borelli?

2 COUNCIL MEMBER BORELLI: I vote aye.
3 Thank you.

4 COMMITTEE COUNSEL: Okay, Chair. We
5 currently have the land use items at a vote of six in
6 the affirmative, zero in the negative, and no
7 abstentions. We will keep the vote open for--
8 through the meeting.

9 CHAIRPERSON MOYA: Okay. Great. Thank
10 you, Arthur, but before we turn to our hearings, I
11 first want to recognize the subcommittee counsel to
12 review the remote meeting procedures.

13 COMMITTEE COUNSEL: Thank you, Chair
14 Moya. I am Arthur Huh, counsel to the subcommittee.
15 Members of the public who wish to testify were asked
16 to register to today's hearings. If you wish to
17 testify and have not already registered, we ask that
18 you please do so now by visiting the New York City
19 Council website at [www.NYC--](http://www.NYC.gov) www.Council.NYC.gov to
20 sign up. Members of the public may also view a
21 livestream broadcast to this meeting at the Council's
22 website. As a technical note, as a benefit of the
23 viewing public, if you need an accessible version of
24 any of the presentations shown today, please send an
25 email request to landusetestimony@Council.NYC.gov.

When called to testify, individuals appearing before the subcommittee will remain muted until recognized by the Chair to speak. The applicant teams will be recognized as a group and called first followed by members of the public. When the Chair recognizes you, your microphone will be unmuted. Please take a moment to check your device and confirm that your microphone is on before you begin speaking. Public testimony will be limited to two minutes per witness. If you have additional testimony you would like the committee to consider or if you have written testimony to submit instead of appearing before the subcommittee, you may email it to landusetestimony@Council.NYC.gov. please indicate the LU number and/or project name in the subject line of your email. During the hearing, Council members with questions can use the zoom raise hand function. The raise hand button should appear at the bottom of your participant panel or at the bottom of your primary viewing window. Council members with questions will be announced in order as they raise their hands and Chair Moya will recognize members to speak. Witnesses are requested to remain in the meeting until excused by the Chair as Council members

2 may have questions. Finally, there will be pauses
3 over the course of this meeting for various technical
4 reasons and we ask that you please be patient as we
5 work through any issues. Chair Moya will now
6 continue with today's agenda items.

7 CHAIRPERSON MOYA: Thank you, Arthur. I
8 now open the public hearing on LUs 790 and 791 for
9 the 909 Castle Hill Avenue rezoning proposal
10 requesting a zoning map amendment and a zoning text
11 amendment relating to property in Council member
12 Dias, Sr's-- in the Bronx. I will remind the
13 viewing public for anyone wishing to testify on this
14 item, if you have not already done so, you must
15 register online in advance and you may do that now by
16 visiting the Council's website. Council, if you
17 could please call the first panel on this item.

18 COMMITTEE COUNSEL: The applicant panel
19 includes Richard Lobel and Amanda Ianotti, land use
20 counsel for the applicants and Veronica Blanco and
21 Willie Jalboukh. Panelists, if you have not already
22 done so, please accept the unmute request in order to
23 begin to speak.

24 CHAIRPERSON MOYA: Okay.

2 COMMITTEE COUNSEL: Now, panelists, if
3 you would please raise your right hands. Do you
4 affirm to tell the truth, the whole truth, and
5 nothing but the truth in your testimony before the
6 subcommittee and in answer to all Council member
7 questions?

8 RICHARD LOBEL: I do.

9 UNIDENTIFIED: I do.

10 CHAIRPERSON MOYA: Great. Thank you. We
11 are in receipt of your slide show presentation for
12 this proposal. When you are ready to present it,
13 please say so and it will be displayed on screen by
14 our staff. Slides will be advanced when you say
15 next. Please note that there may be a slight delay
16 in both the initial loading and the advancing of
17 slides. As a technical note for the benefit of the
18 viewing public, if you need an accessible version of
19 this presentation, please send an email request to
20 landusetestimony@Council.NYC.gov and now, if the
21 panelists would please restate your name and
22 organization for the record, you may begin.

23 RICHARD LOBEL: Richard Lobel of Sheldon
24 Lobel PC for the applicant.

2 AMANDA IANOTTI: Amanda Ianotti of
3 Sheldon Lobel PC.

4 VERONICA BLANCO: Blanco Designing, part
5 of the applicant.

6 WILLIE JALBOUKH: Willie Jalboukh. Real
7 estate broker with Marcus and Millichap on behalf of
8 the applicant.

9 CHAIRPERSON MOYA: Okay. Thank you. You
10 may begin.

11 RICHARD LOBEL: Chair, Council member,
12 good morning. If you could please put up the
13 presentation and we'll quickly roll through the
14 slides. So we're here this morning for the 909
15 Castle Hill Avenue rezoning. This is a rezoning
16 which has found support at Bronx Community Board
17 Nine, the Bronx Borough President's Office, and City
18 Planning. We're hoping we gain the Council's support
19 today. The project summary consists of two main
20 points. You can go to the second slide. The first
21 is a zoning map amendment to rezone the property at
22 909 921 Castle Hill Avenue along with five other lots
23 on this frontage from an R32 district to an R6B C13
24 and R6B zoning district. This would facilitate the
25 development of a mixed use five story plus cellar

2 residential, commercial, and community facility
3 building. The total floor area of the building would
4 amount to roughly 41,000 square feet with a total of
5 35 dwelling units of which nine would be mandatory
6 inclusionary housing. The second, of course, is to
7 map the inclusionary housing-- mandatory
8 inclusionary housing district on site permitting both
9 option one and option two. So that was the project
10 summary which is slide number two. If you want to
11 advance to slide three-- I'm not sure who is
12 controlling. There we go. That is fine. Thank you.
13 So, this is just a summary of the proposed zoning
14 calculation in rent calculations at the site. This
15 would be a five-story building with a base height of
16 30 feet and a total height of 50 feet. It would have
17 setbacks on Castle Hill and Story Avenues. The floor
18 area, as stated, would be roughly 41,000 square feet.
19 There would be an accessible parking of 22 parking
20 spaces in the cellar along with 44 bike parking
21 spaces the unit breakdown, as stated, is to studios,
22 18 one bedrooms, 11 two-bedrooms, and for three
23 bedrooms. Mandatory inclusionary units would be
24 included in a rough schedule of rents is listed at
25 the bottom. Next slide. So, this property is

1 located currently within an R32 along Castle Hill
2 Avenue and has remained R32 since 1961. Next slide.
3 As you can see from the zoning map presented, the
4 proposed change would involve an 80 foot commercial
5 overlay along Castle Hill Avenue along with an
6 underlying R6B that would be mapped to 80 feet along
7 the entirety of Castle Hill Avenue with the exception
8 of 180 feet to encompass the entirety of the property
9 along Story Avenue. Next slide. This really
10 demonstrates why the rezoning is particularly
11 appropriate here. So, importantly, you can see that
12 there are six lots included in the rezoning within
13 the dotted area. Five to the north of the property.
14 All five of those properties are currently at floor
15 area ratios of greater than 2.2 as would be permitted
16 under the R6B. They are all at 2.84 to 2.86 and all
17 have ground floor commercial uses. So, all of them
18 are currently nonconforming with regards to use and
19 on complying with regards to both. After the
20 proposed rezoning, they will all be conforming. They
21 will have conforming commercial use with residential
22 above and, although they will not be entirely
23 complying, they will be closer to be complying for
24 the FAR currently is at a .5 for residential uses
25

1 while the 2.2 is more appropriate for these overbuilt
2 buildings. If you want to page through the next
3 three slides, you will see photos of the surrounding
4 area. These demonstrate both the fact that we have a
5 vacant lot here, as well as the current commercial
6 use both on our property and the properties to the
7 north as you go towards the Brockton Boulevard. This
8 is, of course, a wide street along Castle Hill
9 Avenue, particularly appropriate for the rezoning,
10 and two blocks south of the Bruckner, which allows
11 for a range of transportation options. So, with
12 that, I would just and this portion of the
13 presentation on the first plan sheet which is, you
14 will see, the next slide which has the calculations
15 with regards to the proposal. This is, of course,
16 five-story building with roughly 35,000 square feet
17 of residential floor area, 3000 square feet plus or
18 minus of commercial floor area, and 2700 square feet
19 of community facility floor area located on the
20 ground floor. I have the entire applicant team here
21 for questions. I would merely note at this point
22 that, as I said, we have achieved tremendous success
23 with this application so far in terms of public
24 support. Community Board nine had a list of
25

2 recommendations which the applicant has accepted
3 which, for purposes of the Council, we will just say
4 includes the inclusion of United Hispanic
5 Construction Workers and Building Skills New York to
6 facilitate construction and ensure that 25 percent of
7 the workforce is for these developments are residents
8 of the community board ZIP Codes. Community space
9 will be set aside for programming. That will be at
10 no cost for the first year and \$15 per square foot
11 moving forward and there will be other community
12 benefits accruing here, including contribution yearly
13 to a neighborhood school, sponsorship of a local
14 park, and other initiatives which the applicant year
15 has agreed to. We are really thrilled with the
16 community support to date and were happy to answer
17 any questions of the Council.

18 CHAIRPERSON MOYA: Great. Thank you,
19 Richard. Just sticking with the community side of
20 things here, have you identified tenants or do you
21 have any preferred categories of tenants to occupy
22 the ground floor retail or community facility space?

23 RICHARD LOBEL: Yeah. My understanding
24 from the last conversations was that this was going
25 to be local retail. I would defer to Willie who is

2 on the phone as the representative to see whether or
3 not there has been anything more specific regarding
4 the tenants.

5 WILLIE JALBOUKH: No. There is nothing
6 specific at this point, but we are very much looking
7 forward to having a local retail they are. We have,
8 pretty much, been in talks with a daycare facility in
9 the area who are very happy to occupy such a space
10 for the community facility.

11 CHAIRPERSON MOYA: Okay. Great. Also, has
12 a general contractor been selected for this project?

13 RICHARD LOBEL: I don't think so. I
14 know that the community board recommendations have us
15 including local residents within the workforce. I
16 don't know whether or not for purposes of Willie or
17 Veronica whether or not a GC has been selected to
18 date.

19 WILLIE JALBOUKH: It has not been selected
20 yet.

21 CHAIRPERSON MOYA: Okay. Could you discuss
22 efforts to hire locally on construction on this
23 project and, similarly, what are the efforts that
24 will be made to hire MWBE firms?

2 RICHARD LOBEL: So, the applicant here--
3 and this application actually has been before the
4 community board now for well over a year and a half.
5 There was a prior iteration. There was a
6 modification to the bulk of the application, so we
7 vetted these issues with the community board and
8 accepted the following two conditions. The first
9 being that, with specificity to collaborate with the
10 independent nonprofit, United Hispanic Construction
11 Workers and/or Building Skills New York City, to
12 facilitate and ensure that up to 25 percent of the
13 construction work forces w for these developments are
14 residents in our community board ZIP Codes and or the
15 Bronx. ZIP Codes 10473, 472, 462, and 460. So, that
16 commitment is to allow for, at a minimum, 25 percent
17 or up to 25 percent would be of these local workers.
18 The second would be that the developer-- and I know
19 Willie and the developer talked about this many
20 times-- will work with the minority and women
21 contractors and developers Association to facilitate
22 opportunities for certified MWBE contractors for this
23 development. I know Veronica, who was on the phone
24 with us, and the project architect herself, is an
25 MWBE and so we are confident here that we will be

2 able to meet that criteria set forth by the community
3 board.

4 VERONICA BLANCO: Yeah. The architect and
5 team Blanco Design is the women and minority business
6 enterprise, so we have been involved from day one.

7 CHAIRPERSON MOYA: Okay, great. Thank you.
8 That was it for me and I want to invite anyone of my
9 colleagues who may have any questions for this panel
10 to raise your hand. I see Council member Ayala.

11 COUNCIL MEMBER AYALA: Hi. Good morning,
12 everyone. I just wanted to get some clarity. I
13 don't know that I heard this correctly. Is this MIH
14 option one or two?

15 RICHARD LOBEL: It is MIH option one.

16 COUNCIL MEMBER AYALA: Option one. Thank
17 you.

18 RICHARD LOBEL: Sure.

19 CHAIRPERSON MOYA: Okay. Arthur, do we
20 have any other members who wish to ask any other
21 questions to the panel?

22 COMMITTEE COUNSEL: No, Chair. I see
23 no members with questions for the panel.

24 COUNCIL MEMBER AYALA: Hey. Actually,
25 have a follow-up. Sorry. [Inaudible 00:29:03]. So,

2 why did you choose option one as opposed to option
3 two?

4 RICHARD LOBEL: Well, the discussions
5 around affordability have been-- we have engaged
6 with the community board for, you know, well over a
7 year and a half on this and the rents that are being
8 charged for the affordable units here are actually
9 quite similar to the rents. In the schedule provided
10 to the community board and with the materials,
11 affordable units that are studios here would be \$909
12 and the market rate would be 950 and up the chain
13 through \$1143 for a one bedroom and 1254 market rate.
14 So, for our purposes, option one was close enough to
15 what we are actually charging for the market rate
16 that it just made sense to use option one. Option
17 two, in certain instances, would have exceeded that.
18 So, the applicant was comfortable here in the
19 community board asked for it and we are happy to
20 acquiesce.

21 COUNCIL MEMBER AYALA: Okay. I mean, my
22 preference is usually, you know, especially
23 considering development in the Bronx where we have
24 such high density of, you know, communities where
25 people are living below the poverty line, that we

2 utilize option two wherever possible. But if the
3 community board and the community is supportive of
4 the project, I mean, you can't argue against that.
5 However, you know, my preference is always that we
6 tried to, you know, steer towards-- I really don't
7 like MIH. I don't think it offers enough to
8 communities like mine, but, you know, it is a tool
9 that exists and I think that, when possible, you
10 know, if we can get to the 40 percent where it makes
11 sense for that community, that we should do that.
12 So, I just, you know, wanted to go on record saying
13 that.

14 RICHARD LOBEL: Sure. Council member,
15 just for the record, this option one that we are
16 using does allow for 10 percent of the units at 40
17 percent average AMI. So, this is the one that goes
18 deeper and, Council member Diaz was supportive of
19 that and the community board was encouraging, so
20 that's the one we went with.

21 COUNCIL MEMBER AYALA: Okay. Thank you.

22 RICHARD LOBEL: You bet.

23 CHAIRPERSON MOYA: Okay. Counsel, are
24 there any other Council members that have any
25 questions for this panel?

2 COMMITTEE COUNSEL: No, Chair. I see
3 no other members with questions for this panel.

4 CHAIRPERSON MOYA: Okay. There being no
5 further questions, the applicant panel is excused.
6 Counsel, are there any members of the public who wish
7 to testify on the 909 Castle Hill Avenue rezoning
8 application?

9 COMMITTEE COUNSEL: If there are any
10 members of the public who wish to testify for that
11 909 Castle Hill Avenue rezoning proposal under LU 790
12 and 791, please press the raise hand button now.
13 Chair, the meeting will briefly stand at ease while
14 we check for any members of the public who may have
15 newly registered. Chair Moya, I see no members of
16 the public who wish to testify on this item.

17 CHAIRPERSON MOYA: Thank you. There being
18 no members of the public who wish to testify on LU
19 number 790 and 791 for the 909 Council Help Avenue
20 rezoning proposal, the public hearing is now closed
21 and the items are laid over. At this point, before
22 we move on to the next hearing, I just want to
23 acknowledge that we have been joined by Council
24 member Reynoso and I would like to turn it over to
25 our counsel for the vote.

2 COMMITTEE COUNSEL: On a continuing
3 vote of the land use items, Council member Reynoso?

4 COUNCIL MEMBER REYNOSO: Thank you,
5 Chair. I vote aye.

6 COMMITTEE COUNSEL: Thank you. Chair,
7 by a vote of seven in the affirmative, zero in the
8 negative, and no abstentions, the items are approved
9 and recommended to the full land use committee.

10 CHAIRPERSON MOYA: Great. Thank you.
11 Okay. I now opened the public hearing on the pre-
12 considered LU under ULURP number C 210149 ZMX for the
13 361 City Island Avenue rezoning proposal seeking a
14 zoning map amendment relating to property in Council
15 member Gjonaj's district in the Bronx. Once again,
16 if you wish to testify in this meeting, please visit
17 the Council's website now to complete the online
18 registration process or you may submit written
19 testimony to Landusetestimony@Council.NYC.gov.
20 Counsel, if you could please call the first panel for
21 this item.

22 COMMITTEE COUNSEL: The applicant panel
23 includes Frank St. Jacques, land use Counsel for the
24 applicant. Mr. St. Jacques, if you've not already
25 done so, please accept the unmute request in order to

2 begin to speak. Mr. St. Jacques, please raise your
3 right hand. Do you affirm to tell the truth, the
4 whole truth, and nothing but the truth in your
5 testimony before this subcommittee and in answer to
6 all Council member questions?

7 FRANK ST. JACQUES: I do.

8 COMMITTEE COUNSEL: Thank you.

9 CHAIRPERSON MOYA: Okay. Thank you,
10 counsel. We have received your presentation for this
11 proposal. When you're ready for it to be shown,
12 please say so and it will be displayed on screen by
13 our staff. Slides will be advanced when you say
14 next. Please note that there may be a slight delay
15 in both the initial loading and the advancing of
16 slides. As a reminder for anyone who requires an
17 accessible version of this presentation, please send
18 an email request to landusetestimony@Council.NYC.gov.

19 And now, if the panelists would please restate your
20 name and organization for the record, you may begin.

21 FRANK ST. JACQUES: Thank you, Chair
22 Moya and subcommittee members. My name is Frank St.
23 Jacques. I am with Akerman LLP. We are land-use
24 counsel for the project. I am ready to start my
25 presentation. Thank you. Great. Thank you. I will

1 just note at the outset the applicant for the 361
2 City Island Avenue rezoning is the Crab Shanty
3 Restaurant. It's a small business on City Island
4 located in Bronx community district 10. Next slide,
5 please. So, I am here to present an application for
6 a zoning map amendment to establish a C12 commercial
7 overlay within an existing R3A zoning district on the
8 northwest corner of the intersection of City Island
9 Avenue and Tier Street within Bronx community
10 district 10. The proposed zoning map amendment will
11 bring historically nonconforming commercial uses,
12 including the Crab Shanty Restaurant and the adjacent
13 commercial parking lot into conformance with the use
14 provisions of the zoning resolution. Next slide,
15 please. The site, as shown here, on an aerial view
16 of City Island and on the zoning map. It is included
17 in the 2003 amendments to the special City Island
18 District as shown on the zoning map. Next slide,
19 please. And sorry. If we could-- Oh. There.
20 Thank you. As you can see on this land use map,
21 mixed use and commercial buildings are located along
22 City Island Avenue which is both the main quarter
23 through City Island and where commercial uses are
24 located, both in areas where there are commercial
25

2 overlays and parts of the Avenue like where the site
3 is that do not have overlays. There is a
4 concentration of commercial uses along City Island
5 Avenue. In the Village Core area of City Island,
6 that is, essentially, starting a block north of the
7 site from Bay Street stretching southward to Carol
8 Street and you can see that, towards the bottom of
9 the screen, starting at Bay Street, there are several
10 existing C12 commercial overlays mapped. You'll note
11 on this map and several of the others there is sort
12 of a gray tint which reflects the City Island special
13 district-- excuse me. The special City Island
14 district is mapped over the entirety of the island
15 which comes with special use and bulk provisions for
16 all buildings on City Island. Next slide, please.
17 This tax map shows the tax lots affected by the
18 proposed rezoning. It has 100 feet of frontage on
19 City Island Avenue and 120 feet of frontage on Tier
20 Street and measures approximately 12,000 square feet.
21 It's the area that is outlined in red and shaded.
22 Next slide, please. And in this aerial view, you can
23 see the Crab Shanty Restaurant located at the corner
24 of Tier and City Island Avenue, as well as the
25 adjacent surface parking lot. Next slide, please.

2 So, 361 City Island Avenue was initially occupied by
3 a silent movie theater and then by post office as you
4 can see on the left hand side of the screen from the
5 1940s tax photo. The Crab Shanty restaurant was
6 established back in 1977 and is occupied the building
7 since that time. The adjacent surface parking lot
8 has been in operation since at least the 1970s and
9 possibly even longer. Next slide, please. So, you
10 can see the site, the Crab Shanty in these
11 photographs. You are looking Northwest and West from
12 City Island Avenue. It is all well-known local
13 business that has operated successfully for about 40
14 years on City Island. Next slide, please. This is
15 my final slide. The proposed commercial overlay will
16 allow the Crab Shanty in the adjacent parking lot to
17 continue to operate as they have for the past several
18 decades. The Crab Shanty Restaurant, as I mentioned,
19 has served the community for over 40 years and
20 contributes to the unique character of City Island.
21 The parking lot allows the restaurant to facilitate
22 customer parking demand on site and to minimize
23 impact on local Street parking resources. That
24 concludes my presentation. I'm happy to answer any
25 questions. Thank you.

2 CHAIRPERSON MOYA: Thank you. I just have
3 one quick question here. Could you clarify the
4 implications of this proposal on the area that is
5 currently the Crab Shanty that is being used for
6 parking?

7 FRANK ST. JACQUES: Yes. So,
8 essentially, what that would do is legalize the
9 parking use which is not a permitted use without the
10 commercial overlay.

11 CHAIRPERSON MOYA: Okay. And so the
12 current parking operation or arrangements, will there
13 be a change? I'm sorry.

14 FRANK ST. JACQUES: Oh. Sorry. No
15 change. Essentially, what this application strives
16 to do is maintain the status quo of both the
17 restaurant and the parking lot which serves the
18 restaurant. And, essentially, while them to operate
19 in a legal manner moving forward.

20 CHAIRPERSON MOYA: Okay. Let's all the
21 questions I have on the Crab Shanty. So, if there
22 are any other members of the committee that may have
23 any questions regarding the Crab Shanty, counsel, if
24 you could please let us know.

2 COMMITTEE COUNSEL: No, Chair. I see
3 no members with questions for this panel.

4 CHAIRPERSON MOYA: Okay. There being no
5 further questions, the panel is excused. Counsel,
6 are there any members of the public who wish to
7 testify on the 361 City Island Avenue proposal?

8 COMMITTEE COUNSEL: If there are any
9 members of the public who wish to testify on the 361
10 City Island Avenue Crab Shanty proposal, please press
11 the raise hand button now. Chair, the meeting will
12 briefly stand at ease when we check for any members
13 of the public who may registered. Chair Moya, I see
14 no members of the public who wish to testify on this
15 item.

16 CHAIRPERSON MOYA: Thank you. There being
17 no members of the public who wish to testify on the
18 pre-considered LU under ULURP number C210149 ZMX for
19 the 361 City Island Avenue proposal, the public
20 hearing is now closed and the item is laid over.
21 That concludes today's business. I will remind the
22 viewing public for anyone wishing to submit written
23 testimony for items that were heard today, please
24 send it by email to landusetestimony@Council.NYC.gov.
25 I would like to thank the members of the public, my

2 colleagues, subcommittee counsel, land-use and other
3 Council staff and the sergeant-at-arms for
4 participating in today's meeting. This meeting is
5 hereby adjourned.

6 [gavel]

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C E R T I F I C A T E

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



Date June 26, 2021