

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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February 9, 2021
Start: 10:09 a.m.
Recess: 10:51 a.m.

HELD AT: Remote Hearing, Virtual Room 1

B E F O R E: Francis P. Moya
Chairperson

COUNCIL MEMBERS: Francis P. Moya
Diana Ayala
Joseph C. Borelli
Barry S. Grodenchik
Stephen T. Levin
Antonio Reynoso
Carlina Rivera
Keith Powers

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

Richard Lobel

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2 SERGEANT AT ARMS SADOWSKY: Sergeants,
3 please start the recordings.

4 SERGEANT AT ARMS HOPE: Computer
5 recording started.

6 SERGEANT AT ARMS SADOWSKY: Thank you.

7 SERGEANT AT ARMS BIONDO: Recording to
8 the cloud started.

9 SERGEANT AT ARMS SADOWSKY: Thank you.

10 SERGEANT AT ARMS: Backup is rolling.

11 SERGEANT AT ARMS SADOWSKY: Thank you,
12 and Sergeant Leonardo, would you be able to start
13 with your opening statement.

14 SERGEANT AT ARMS LEONARDO: And welcome
15 to the New York City Council remote hearing the
16 Subcommittee on Zoning and Franchises. At this time
17 we ask that all council members and council staff
18 turn on their video for verification purposes. To
19 minimize disruptions, please place all cell phones
20 and electronic devices to silent. If you wish to
21 submit testimony for the record, you may do so via
22 email by sending it to
23 landusetestimony@council.nyc.gov. Once again, that
24 is landusetestimony@council.nyc.gov. We thank you
25 for your cooperation. Chair, we are ready to begin.

CHAIRPERSON MOYA: Great, thank you.

[gavel] Good morning. I'm Council Member Francisco Moya. Ah, I am the chair of the Subcommittee on Zoning and Franchises. I am joined remotely today by Council Members, ah, Levine, I'm sorry, Levin, Barry Grodenchik, Ayala, Rivera, and Borelli. Ah, to start I would like to note that, ah, LU items 1714 and 1715 for the 42-11 Ninth Street special permit as well as the preconsidered LUs 718 and 719 for the Cortilla Road rezoning are being laid over. Today we will vote on items heard last month by the subcommittee, including LUs, ah, 712 and 713 for the Cort Theatre Rehabilitation Project in Manhattan, and preconsidered LUs 720 and 721, for the 42-01 28th Avenue rezoning in Queens. We will also hold public hearings on the 9114 5th Avenue rezoning in Brooklyn and the 1214-32 Hillside Avenue rezoning in Queens. We will begin with a vote to approve with modifications LU numbers 712 and 713 for the Cort Theatre Rehabilitation Project relating in property in Council Member Powers' district in Manhattan. The application seeks a zoning text amendment and a special permit pursuant to the amended text for property in the special midtown district. The

1 request, the requested actions are intended to
2 facilitate the rehabilitation and expansion of the
3 existing Cort Theatre on West 48th Street, as well as
4 the development of a new hotel building on the
5 subject zoning lot, which would front on West 47th
6 Street. The proposed text amendment would modify the
7 theater rehabilitation provision for certain eligible
8 zoning lots to allow bonus floor area to be used
9 anywhere within such zoning lots and the special
10 permit would facilitate a comprehensive modernization
11 of the Cort Theatre site. The improvements include a
12 range of operational and accessibility upgrades
13 through the addition of a new structural annex, as
14 well as interior, um, preservation work throughout
15 the existing individual landmark, ah, theater
16 building itself. Our modification to the zoning text
17 will be to clarify and narrow the applicability
18 provision of the special permit. Council Member
19 Powers is in support of the proposal as modified.
20 And we will now, we will also vote to approve with
21 modifications preconsidered LUs number 720 and 721
22 for the 42-01 28th Avenue rezoning, ah, relating to
23 property in Council Member Constantinides' district
24 in Queens. The application as proposed seeks a
25

1 zoning map amendment and related zoning text
2 amendment to facilitate the development of a new
3 mixed use building with approximately 54 dwelling
4 units, ah, approximately 16 of which would be
5 affordable, as well as ground floor commercial use.
6 Our modification will strike MIH option 2 while
7 retaining option 1. Ah, Council Member
8 Constantinides, ah, is in support of the proposal as
9 modified. And I want to make sure that before we
10 move to a vote that we have Council Member Powers
11 here.
12

13 COUNCIL MEMBER POWERS: I'm here, thank
14 you. Thank you, Chair Moya. Um, thank you, ah, and
15 members of the subcommittee here as well. Um, as
16 discussed, I'm here today to speak on behalf the Cort
17 Theatre Rehabilitation Proposal, which includes a
18 proposed amendment of special, ah, district zoning
19 tax, as well as the requested special permit, which
20 together will allow the Shubert organization to
21 undertake much-needed renovation and expansion work
22 at its landmark Cort Theatre site in my district.
23 Ah, following the testimony received at this hearing,
24 this committee on January 7 and after careful
25 consideration and contemplation of the borough

1 president and community board's recommendations we
2 support the following modifications, ah, to the City
3 Planning Commission's approval, ah, including
4 adjusting the proposed text amendment to clarify the
5 applicability and usage of the bonus area, um, and
6 limiting to a smaller set of sites, but remaining
7 consistent with the intent of the proposal and
8 keeping with the input from the community. At the
9 end of the day I think we all know this project will
10 help the Cort Theatre do a much-needed rehab on their
11 theater. Right now as the lights are off on Broadway
12 it is, you know, ever important to make sure that we
13 are able to invest in the tourism industry, including
14 Broadway and the theaters that make up such a big
15 part of it. Um, I want to acknowledge and thank you,
16 Community Board 5 and Borough President Gale Brewer
17 for their thoughtful consideration and review of the
18 project, all of which reinforces the necessity of
19 bringing this important site closer to an up-to-date,
20 modern, and accessible theater to reach a broader
21 audience. Ah, and I don't have to tell anyone the
22 importance of Broadway to New York City, nor the
23 importance of supporting Broadway during this moment.
24 Um, but as we got through this project, I want to say
25

1
2 I had a great partner and I want say thank you to
3 Chair Moya for his partnership here on this project.
4 Um, as we have been in ongoing conversations with the
5 applicants and various stakeholders here, I want to
6 the entire land use division here in the City
7 Council, including Raju, Arthur, and Katie, for their
8 assistance on this project, and Keith Able from my
9 office. Um, I am asking members of the subcommittee
10 to vote aye on the proposed modifications before you
11 and I hope that someday in the near future we'll all
12 be able to go to Broadway again and see a show and
13 enjoy the theater, but for now, ah, this is one
14 meaningful step we can take to help a, ah, actor
15 here, no pun intended, in the city that has been
16 investing in, ah, ah, the arts and culture here. I
17 know this is of utmost importance to them. So I
18 thank the chair, I thank all the members of the
19 subcommittee for their consideration here today, and,
20 ah, I encourage you to vote aye. Thank you.

21 CHAIRPERSON MOYA: Thank you, ah, Council
22 Member Powers, ah, for your hard work on this. I
23 know how, how important this is to you, ah, so we
24 thank you for your leadership on this. Um, I now
25 call for a vote, ah, to approve with modifications I

2 have described, LUs 712, 713, 720, and 721. Counsel,
3 can you please call the role?

4 COMMITTEE COUNSEL: Chair Moya.

5 CHAIRPERSON MOYA: I vote aye.

6 COMMITTEE COUNSEL: Council Member Levin.
7 Council Member Levin. Council Member Grodenchik.

8 COUNCIL MEMBER GRODENCHIK: Aye.

9 COMMITTEE COUNSEL: Council Member Ayala.

10 COUNCIL MEMBER AYALA: Aye.

11 COMMITTEE COUNSEL: Council Member
12 Rivera.

13 COUNCIL MEMBER RIVERA: Aye.

14 COMMITTEE COUNSEL: Council Member
15 Borelli.

16 COUNCIL MEMBER BORELLI: I vote aye.

17 COMMITTEE COUNSEL: Council Member Levin.
18 Ah, Chair, the vote is currently...

19 CHAIRPERSON MOYA: I think, I think we've
20 been joined by Council Member Reynoso, if I'm not
21 mistaken. I just see him on the screen.

22 COMMITTEE COUNSEL: Council Member
23 Reynoso.

24 COUNCIL MEMBER REYNOSO: I vote aye.

25 Thank you, Chair.

2 CHAIRPERSON MOYA: You're welcome.

3 COMMITTEE COUNSEL: I do see Council
4 Member Levin. Council Member Levin? We can, ah,
5 come back to him.

6 CHAIRPERSON MOYA: OK.

7 COMMITTEE COUNSEL: He's experiencing
8 technical issues. Chair, the vote is currently 6 in
9 the affirmative, zero in the negative, ah, and no
10 abstentions. And we will keep the vote open.

11 CHAIRPERSON MOYA: Thank you. Great.
12 Thank you. Um, now we will turn to our hearings.
13 Ah, but before we begin, ah, I want to recognize the
14 subcommittee counsel to review the remote meeting
15 procedures.

16 COMMITTEE COUNSEL: Thank you, Chairman.
17 I am Arthur, ah, counsel to the subcommittee.
18 Members of the public wishing to testify were asked
19 to register for today's hearings. If you wish to
20 testify and have not already done so, we ask that you
21 please visit the New York City Council website at
22 www.council.nyc.gov to sign up.

23 UNIDENTIFIED: What can the people
24 [inaudible] do to help get the bill passed?
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COUNCIL MEMBER LEVIN: I'm sorry, Chair.

This is Council Member.

COMMITTEE COUNSEL: OK, Council Member

Levin?

UNIDENTIFIED: You can call the mayor.

COUNCIL MEMBER LEVIN: Vote on the land part of it. I just want to vote aye on all.

CHAIRPERSON MOYA: OK, thank you.

COUNCIL MEMBER LEVIN: Thank you. Sorry, I'm doing two things at once, two Zooms at once. Thank you.

COMMITTEE COUNSEL: Thank you. Ah, Chair, the vote on the land use items are 7 in the affirmative, zero in the negative, with no abstentions, and the items will be recommended for approval to the full land use call-ups.

CHAIRPERSON MOYA: All right, thank you.

COMMITTEE COUNSEL: For members of the public wishing to testify, if you have not already done so we ask that you please visit the New York City Council website at www.council.nyc.gov to sign up. Members of the public may also view our live stream broadcast of this hearing at the council's website. As a technical note for benefit of the

1 viewing public, if you need an accessible version of
2 this presentation please send an email request to
3 landusetestimony@council.nyc.gov. When called to
4 testify, individuals appearing before the
5 subcommittee will remain muted until recognized by
6 the chair to speak. Applicant teams will be
7 recognized as a group and called first. Members of
8 the public will be called and recognized in groups of
9 up to four names at a time. When the chair
10 recognizes you, your microphone will be unmuted.

11 Please take a moment to check your device and confirm
12 that your microphone is on before you begin speaking.

13 There is a slight delay in the unmuting process.

14 Public testimony will be limited to two minutes per
15 witness. If you have additional testimony you would

16 like the subcommittee to consider or if you wish to
17 submit written testimony instead of appearing before
18 the subcommittee, you may email it to

19 landusetestimony@council.nyc.gov. Please indicate
20 the LU number and/or project name in the subject line
21 of your email. During the hearing council members
22 with questions should use the Zoom raise hand
23 function. The raise hand button should appear at the
24 bottom of your participant's panel. Council members
25

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2 with questions will be announced in the order that
3 they raise their hands and Chair Moya will then
4 recognize members to speak. Witnesses are requested
5 to remain in the meeting until excused by the chair
6 as council members may have questions. Finally,
7 there will be pauses over the course of this meeting
8 for various technical reasons and we ask that you
9 please be patient as we work through any issues.
10 Chair Moya will now continue with today's agenda
11 items.

12 CHAIRPERSON MOYA: Thank you, Arthur.

13 Ah, I now open the public hearing on preconsidered LU
14 items for the 9114 5th Avenue rezoning proposal under
15 ULURP numbers C190447ZMK and NY190448ZRK relating to
16 property in Council Member Brannan's district in
17 Brooklyn. Ah, the proposal seeks a zoning map
18 amendment to change an existing C82 district to an
19 R7A/C2-4 district and a related zoning text amendment
20 to establish a mandatory inclusion area housing area
21 utilizing options 1 and 2. The proposed action would
22 facilitate the development of a new nine-story mixed
23 use building with 50 dwelling units, up to 15 of
24 which would be affordable, as well as ground floor
25

2 commercial use. Counsel, if you, ah, please call up
3 the first panel for this item.

4 COMMITTEE COUNSEL: The applicant panel
5 for this item includes Richard Lobel and Fan Viton,
6 and whose counsel for the applicant, Dr. Ankit Meta
7 on behalf of the applicant. Panelists, if you have
8 not already done so, please accept the unmute request
9 [inaudible] in order to begin.

10 CHAIRPERSON MOYA: Counsel, if, if you
11 could, um, please administer the affirmation.

12 COMMITTEE COUNSEL: Panelists, please
13 raise your right hands. Do you affirm to tell the
14 truth, the whole truth, and nothing but the truth in
15 your testimony before this subcommittee and in answer
16 to all council member questions?

17 RICHARD LOBEL: I do.

18 UNIDENTIFIED: I do.

19 UNIDENTIFIED: I do.

20 COMMITTEE COUNSEL: Thank you.

21 CHAIRPERSON MOYA: Thank you. Um, now we
22 have received your slide show presentation for this
23 proposal. Ah, when you are ready to present it
24 please say so and it will be displayed on screen by
25 our staff. Slides will be advanced when you say

1 next. Please note that there may be a slight delay
2 in both the initial loading and the advancing of
3 slides. As a technical note for the benefit of the
4 viewing public, if you need an accessible version of
5 this presentation, ah, please send an email to
6 landusetestimony@council.nyc.gov. And now if the
7 panelists would please, ah, restate your names, ah,
8 and affirmation for the record you may begin.

10 RICHARD LOBEL: Richard Lobel of Sheldon
11 Lobel PC for the applicant. Good morning.

12 CHAIRPERSON MOYA: Good morning.

13 RICHARD LOBEL: So if the presentation
14 can now be posted I would be happy to run through it
15 and, ah, happy to answer any questions.

16 CHAIRPERSON MOYA: Great.

17 RICHARD LOBEL: Good morning, ah, Chair
18 Moya and council members. I'm pleased to join Dr.
19 Meta as well Fan Viton from my office to present the
20 9114 5th Avenue rezoning. Ah, as was stated by Chair
21 Moya, this rezoning would take an existing C82 zoning
22 district and allow for an R7A/C2-4 district to
23 produce the roughly nine-story building that you see
24 in front of you. Next slide. So as you can see, the
25 current zoning of the property is C8-2 within the Bay

1 Ridge special district. So what does this allow? C2
2 districts are intensive commercial districts,
3 allowing manufacturing, auto-related uses, very
4 environmentally insensitive uses, and so with regards
5 to the local area, you have an area where you have a
6 lot of residential and community facility uses in the
7 immediate area of this property, including a four-
8 story school across the street. Ah, and so,
9 generally speaking, the land use on this block and
10 with these properties does not really reflect the
11 context of the area, which is why the applicant here,
12 ah, sought the rezoning. Next slide. So the
13 rezoning here would take roughly 11 or 12 properties,
14 ah, including parts of certain lots, and rezoning
15 them to an R7A with C2-4. Ah, the rezoning would be
16 in a roughly L-shaped pattern. The properties
17 included within the zoning district area to be
18 rezoned basically fall into one of two types of uses.
19 The one is open parking and, and, ah, you know, truck
20 storage, which is primarily what is used by the, the
21 applicant, auto sales, those commercial uses that
22 were indicated by a C8-2, and the second is, um,
23 mixed use residential and commercial properties,
24 which right now are nonconforming and will become
25

1 conforming under the proposed rezoning. Next slide.
2 So the land use in the area, as can be seen from the
3 map, you can see the, ah, mixed use and residential
4 properties located, ah, in pale orange and yellow
5 within the rezoning area. The rezoning area is
6 bounded by the dotted area on the map and the, the
7 development site is located within the red lines.
8 The development site has two arms to it, one along
9 5th Avenue, the other along 92nd Street, ah, with a
10 rough, ah, lot area of short of 10,000 square feet,
11 roughly 9800 square feet. So you can see the
12 applicant and the site, ah, maintain very good street
13 frontage. There's frontage along 5th Avenue, a wide
14 street here. It's basically, ah, as per other
15 rezonings we've done in Brooklyn, a good site, a good
16 candidate for a rezoning to mixed use residential.
17 Next slide. So we've included some photographs, um,
18 of the project area as well as the surrounding area.
19 I think that there's three pages of photographs. You
20 can feel free to page through those quickly, ah, just
21 merely to show the two types of property here, again
22 the open use on the site itself and the mixed use
23 residential with ground floor commercial, ah, which
24 are existing in the area and would, would become
25

1 conforming pursuant to the rezoning. Here's a copy
2 of the zoning change map, which indicates the former
3 C8-2 zoning district within the Bay Ridge special
4 district and then after that the R7A/C2-4 zoning
5 district allowing for ground floor commercial and
6 residential use above. Ah, the next page and
7 remaining slides run through the zoning calculations
8 as well as the proposed development. Ah, the
9 proposed development on this lot would produce a
10 roughly 4.59 FAR building of nine stories with, ah,
11 ground floor commercial and residential above. Ah,
12 the units would total roughly 41 units with
13 approximately 12 units for affordable MIH and, um,
14 the remainder being market rate. These are a mixture
15 of studios, ones, and twos. Um, I would note prior
16 to taking any questions, and again we're happy to
17 answer any questions posed by the council, that this
18 was a rezoning which was, ah, greatly supported in
19 the surrounding area, ah, as was, um, has been
20 previously discussed on the record through the City
21 Planning meetings, this was a property which was
22 eligible as a C8-2 to, um, have legal hotel
23 development. Ah, there were actually, as a matter of
24 public record on file with the Department of
25

1 Buildings, plans for a hotel on this site. Through,
2 ah, an iterative process and, and, ah, a lot of good
3 work on behalf of the community board and especially
4 Council Member Justin Brannan, the community
5 basically said no. They said that this context of
6 this area does not really fit with a commercial use
7 such as a hotel and had far more, ah, you know, were
8 far more favorably inclined to allow for mixed use
9 residential development with inclusionary housing,
10 which is something which is not, um, you know, in,
11 in, not really in, ah, frequently, um, provided in
12 Community Board 10 Brooklyn. So we're really happy
13 to have arrived at this point. Um, again, Council
14 Member Brannan is largely, ah, through his efforts
15 has really, um, labored, has really labored to make
16 this a, a rezoning which would work for the area and
17 for the applicant, and we're happy to answer any
18 questions.
19

20 CHAIRPERSON MOYA: Great. Ah, thank you,
21 Richard. Ah, just a couple of questions, um, dealing
22 the affordable housing. Ah, the application maps,
23 ah, both options 1 and 2. Ah, what MIH option is the
24 developer, ah, planning to use?
25

1
2 RICHARD LOBEL: So this is actually a
3 subject of some discussion. Unlike many rezonings
4 where, um, the applicant of their own accord
5 approaches the city for a rezoning and so, ah, you
6 know, accepts the, ah, the options, ah, available
7 under MIH, this applicant is essentially, had very
8 extensive conversations both with the community board
9 and specifically with Council Member Brannan
10 regarding affordability, has provided, um,
11 spreadsheets with regards to specific options and,
12 and unit counts. So, um, Chair Moya, in all, in all,
13 ah, frankness, um, the council member, as recently as
14 this morning through these discussions has said that,
15 um, he, he has almost finalized his view on what the
16 option should be and so, ah, he actually requested to
17 me that we further discuss this and provide the
18 council subsequent to the hearing with a final count,
19 which is going to, you know, specifically relay units
20 and options. But right now it is mapped option 1 and
21 2, um, and, and that's, you know, we, we haven't
22 really come off of that. But I do know that, that
23 Council Member Brannan is reviewing this intently and
24 will be able to provide an answer to the council
25 shortly.

2 CHAIRPERSON MOYA: OK. So you don't
3 have, ah, the ability to tell me the unit size mix of
4 affordable units? [inaudible].

5 RICHARD LOBEL: The, the units, no, the
6 unit size mix I'm able to tell you.

7 CHAIRPERSON MOYA: OK.

8 RICHARD LOBEL: There are [inaudible]
9 studios, currently 11 one-bedrooms, and 20 two-
10 bedrooms. The affordable units roughly now are 12 of
11 those units, um, which...

12 CHAIRPERSON MOYA: Say that again,
13 Richard, I, I missed the different parts.

14 RICHARD LOBEL: Oh, I apologize. Ah, 10
15 studios, 11 one-bedrooms, and, um, sorry, 10 studios,
16 11 one room bedrooms, and 20 two-bedrooms, for a
17 total of 41.

18 CHAIRPERSON MOYA: OK.

19 RICHARD LOBEL: Um, with roughly, I
20 understand, 12 to 13 of those units, um, as
21 affordable units. With regards to the specific
22 affordability and options, that's what has not yet
23 been finally settled, but which we anticipate
24 settling with the council member shortly.

1
2 CHAIRPERSON MOYA: OK. Great. Um, and
3 are you proposing to partner with a local non-for-
4 profit organization to be the administering agent,
5 ah, for the affordable housing?

6 RICHARD LOBEL: We are. We've had those
7 conversations, ah, you know, throughout the process.
8 Um, the Brooklyn borough president is obviously very
9 interested and has historically been in, in the use
10 of a local nonprofit. Um, we understand that, ah, as
11 part of the, um, administering agent, ah, you know,
12 there's a short list from HPD, ah, and so we're happy
13 to partner with a, with a local administering agent.
14 So we, we would anticipate doing so here.

15 CHAIRPERSON MOYA: OK. Um, dealing with
16 the ground floor commercial, ah, space, what plans do
17 you have for the commercial use of the proposed
18 development?

19 RICHARD LOBEL: So, um, you know, I don't
20 think this is something which has been greatly
21 researched by the, by the developer here. Um, you
22 know, other than, and the community board did not
23 express, express a huge preference either way. Um,
24 you know, there was a great push here that they
25 didn't want a hotel. Ah, barring that, um, the

1 commercial use has remained fairly open. Ah, we
2 would anticipate something that would be, ah,
3 amenable to local retail. Ah, this space is not that
4 huge. It is less than 9000 square feet, or roughly
5 that, of commercial space. Ah, and it, and it, you
6 know, the frontages are kind of skewed. So, ah, we
7 would anticipate kind of a small-scale local utility.

9 CHAIRPERSON MOYA: OK. And will there be
10 any outreach to determine, ah, community-oriented
11 retail needs, ah, preferences at all?

12 RICHARD LOBEL: The applicant here has,
13 has had, has had an incredible amount of discourse
14 with the local community beginning prior to even when
15 the rezoning began, when, you know, when these were
16 these alternate plans for the site. So, ah, so, you
17 know, I, I would say that yes, there would be
18 discourse with Brooklyn Community Board 10. Ah,
19 we're happy to consult with them as far as what they
20 would view to be, ah, as advantageous for the site.
21 Um, again, this is, um, you know, this is really a,
22 you know, a rezoning which is, has been fully
23 supported and even advocated for by the community.
24 So we have no issue with going to them and, and
25 having that discussion. I, you know, I, without

1 speaking for the applicant I would say it's his
2 preference to have a use which would be favored by
3 the local community.
4

5 CHAIRPERSON MOYA: Great. Um, also, can
6 you describe your, your plans, ah, for, ah, local
7 hiring in construction?

8 RICHARD LOBEL: Yes, so, um, you know,
9 again, um, I think the applicant here has, you know,
10 has received the, ah, received information from the
11 Brooklyn borough president about, ah, preferences for
12 local hiring and, and M/WBE. I, and I think that
13 there would be a preference for that. I wouldn't, I
14 don't have any numbers to give you, um, primarily
15 because, again, this was, um, you know, this was
16 basically a process where the applicant didn't even
17 know that they were going to get a mixed use
18 residential commercial building until, you know,
19 relatively late in the game. Um, so I would say
20 that, um, this is something that the applicant would
21 discuss. It's not, you know, this is not anything
22 definitive right now, but, ah, you know, we
23 understand the preference and particularly from the
24 Brooklyn borough president and I'd say it's something
25 that we're happy to discuss on a going forward basis.

1 CHAIRPERSON MOYA: OK. So this is
2
3 important, ah, just to make sure, um, we follow up on
4 this because, my follow-up question is how many,
5 ah...

6 RICHARD LOBEL: Right.

7 CHAIRPERSON MOYA: ...hires would you
8 actually typically be involved in a project like
9 this? So, you know, we'd like to have those numbers.

10 RICHARD LOBEL: Sure. I think, ah, Chair
11 Moya, because I don't want to waste the council's
12 time and the committee's time, the subcommittee's
13 time. I think that, um, what we do here would be
14 when the conversation with Justin Brannan, I mean,
15 Council Member Brannan, is finalized with regards to
16 the affordability, ah, we would also include within
17 those materials a discussion of the construction jobs
18 that would likely be generated by this, as well as,
19 um, the rough percentages for local hiring.

20 CHAIRPERSON MOYA: OK. And, and would
21 you commit in that process to, ah, to ensure that
22 there's follow-up and progress reports on the
23 commitments that are made?

24 RICHARD LOBEL: Yeah. I don't whether or
25 not, I know Dr. Meta is on the phone, ah, again, or

1 on the Zoom call. Um, I think we would, we would
2 definitely commit to following up with, with the, ah,
3 council or necessary parties regarding, um, the
4 ongoing commitments.
5

6 CHAIRPERSON MOYA: OK, thank you. Thank
7 you, ah, Richard. Ah, that's it for me as far as
8 questions. Ah, I now want to invite my, ah,
9 colleagues to ask questions. If you have any
10 questions for the applicant panel, ah, please use the
11 raise hand button on the participant panel. Ah,
12 Counsel, are there any council members that have any
13 questions?

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

16 COMMITTEE COUNSEL: OK. There being no
17 further questions, ah, the applicant panel is
18 excused. Counsel, are there any members of the
19 public, ah, who wish to testify on the, ah, 9114 5th
20 Avenue rezoning application?

21 COMMITTEE COUNSEL: If there are any
22 members of the public who wishes to testify on the
23 9114 5th Avenue rezoning proposal please press the
24 raise hand button now. The meeting will briefly
25 stand at ease while we check for members of the

1 public. Chair Moya, I see no members of the public
2 who wish to testify on this item.
3

4 CHAIRPERSON MOYA: Ah, there being no
5 members of the public who wish to testify on the 94,
6 ah, on the 9114 5th Avenue rezoning proposal, um, I'm
7 sorry, hold on, I just lost my place here. OK, there
8 being, there being no members of the public, ah, who
9 wish to testify on 9114 5th Avenue rezoning proposal
10 under ULURPs number, ah, C190447ZMK and N90448ZRK,
11 ah, the public hearing is now closed and the item is
12 laid over. Ah, I now open the public hearing on the
13 preconsidered, ah, LU item for the 214-32 Hillside
14 Avenue rezoning proposal under ULURP number
15 C00190ZMKQ relating to property in Council Member
16 Grodenchik's district in Queens. The proposal seeks
17 a zoning map amendment to change an R2 district to an
18 R2/C2-3 district. The proposed action would
19 facilitate the development of a two-story commercial
20 building, which would include five accessory, ah,
21 accessory parking spaces and one, ah, loading berth.
22 Ah, before we hear from the applicant, um, I'd like
23 to give my colleague, Council Member Grodenchik, the
24 opportunity to make some remarks. Do we have Barry
25 G?

1
2 COUNCIL MEMBER GRODENCHIK: Thank you,
3 ah, Mr. Chair, and, um, in my over five years in the
4 council I will note for the record that this is the
5 first, ah, land use application to get this far. Um,
6 we're kind of tough in eastern Queens. Ah, but it
7 has, ah, been a pleasure to work with the applicant.
8 I met with them along with, ah, land use staff of the
9 council. I will note that, um, they are taking what
10 is a run-down, shabby-looking garage currently and,
11 ah, turning it into, um, office space. Ah, that's
12 the hope, anyway, and a pharmacy. And, ah, it did.
13 Ah, we met with the community board and it passed the
14 community board, ah, I believe 41 to 1, if I remember
15 correctly. So, um, I'm gonna listen one more time
16 this morning, but, ah, this application does have my
17 support, and I thank you for bringing it here this
18 morning, Mr. Chairman.

19 CHAIRPERSON MOYA: Thank you, um, Council
20 Member Grodenchik. Ah, Counsel, if you can, ah,
21 please call the first panel for this item.

22 COMMITTEE COUNSEL: The applicant panel
23 includes Richard Lobel and Frank Noriega, land use
24 counsel for the applicant. Panelists, if you have
25

1 not already done so please accept the unmute request
2 in order to begin to speak.

3
4 CHAIRPERSON MOYA: And, ah, Counsel, if
5 you can, ah, please administer the affirmation.

6 COMMITTEE COUNSEL: Panelists, please
7 raise your right hands. We have Richard Lobel. Ah,
8 Do you affirm to tell the truth, the whole truth, and
9 nothing but the truth before this subcommittee and in
10 answer to all council member questions?

11 RICHARD LOBEL: I do.

12 CHAIRPERSON MOYA: Thank you. Ah, we are
13 in receipt of your slide show presentation for this
14 proposal. Ah, when you are ready to present the
15 slide show please say so and it will be displayed on
16 the screen by our staff. Ah, the slide will be
17 advanced when we say next. Please note that there
18 may be a slight delay in both the initial loading and
19 the advancing of slides. Once again, anyone who
20 requires, ah, an accessible version of these
21 presentation, um, may send an email request to
22 landusetestimony@council.nyc.gov. And now if the
23 panelists would, ah, please restate your name and
24 affirmation for the record you may begin.

1
2 RICHARD LOBEL: Richard Lobel of Sheldon
3 Lobel PC for the applicant. Good morning.

4 CHAIRPERSON MOYA: Good morning. You may
5 begin whenever you're ready.

6 RICHARD LOBEL: Thank you. Ah, if you
7 can post the presentation that would be great. For
8 what Council Member Grodenchik now has told us is a
9 historic rezoning, having gotten this far [laughs],
10 very excited. Um, so you can see before you the
11 property. This is the Hillside Avenue rezoning, um,
12 the property being between, ah, 215th Street and
13 Vanderveer Street along Hillside Avenue. Ah, as you
14 can see from the initial picture, this property
15 currently is home to a, ah, auto repair and used car
16 sale lot. It is an unattractive lot. Ah, this the
17 previous use of the site, not the applicant's use of
18 the site. The applicant has since, um, purchased the
19 site and demolished it. However, this was the
20 subject of BSA variance granted in 1992, ah, that
21 would permit these legal uses of the site. These are
22 historic uses of the site, having been there for, um,
23 greater than 30 years. So, ah, as Council Member
24 Grodenchik has said, this is something which the
25 community has been in favor of. It was a 41 to 1

1
2 vote at Community Board 13, and so we're happy to, to
3 bring this rezoning to the council. Next slide.

4 SERGEANT AT ARMS SADOWSKY: Just one
5 second, Richard, I think you're on mute.

6 RICHARD LOBEL: Got me now?

7 UNIDENTIFIED: Yes.

8 UNIDENTIFIED: Yep.

9 RICHARD LOBEL: Great, thank you. So you
10 will see the, um, the, right, the zoning map here is,
11 demonstrates the current use of the area. This is
12 R2. Um, and you can see also that Hillside Avenue,
13 which is a commercial thoroughfare in the avenue, has
14 a commercial presence here with regards to commercial
15 districts. Roughly 14 of the surrounding 25, ah,
16 blocks have a commercial overlay along the southern
17 portion of Hillside Avenue. So this rezoning is
18 definitely within the context of the surrounding
19 area. Next slide. The next slide is the tax map,
20 which demonstrates, ah, the zoning district boundary.
21 You can see that the zoning district here would be a
22 100-foot deep commercial C2-3 overlay, ah, along
23 Hillside on the southern portion of the, of the
24 street. Ah, and this would cover the applicant's
25 site, a roughly 11,00 square foot site, ah, absent a

1 small piece, and the five lots immediately to the
2 east and northeast of the subject site. Um, to note,
3 this is a use rezoning, not a bulk rezoning. The
4 underlying R2 remains unchanged. Ah, this would
5 merely allow commercial use, ah, within the property,
6 ah, at the site, as well as, ah, in neighboring
7 sites. Next slide. Importantly here, there are
8 roughly six lots included with, within the rezoning
9 and you will see that in addition to the applicant
10 site, which, as discussed, has an existing commercial
11 use or one that has recently been terminated, the
12 surrounding five lots along Hillside here, 2215
13 Street, all have ground floor commercial and
14 residential above. So, um, these properties are all
15 existing R2 with commercial. The, um, while the
16 rezoning here would not allow for any new development
17 on the site given that there's no additional bulk
18 allowed, it would legalize or actually make
19 conforming these nonconforming uses, thus greatly
20 benefitting the existing, ah, property owners along
21 this plot frontage. Next slide. So, again, as with
22 every slide, we include, ah, photos of the site.
23 Please feel free to page through the next four pages.
24 You can see the commercial use on the ground floor of
25

1 the site as well as the, ah, surrounding buildings.
2 All of those buildings, again, reflect two-story
3 buildings with ground floor commercial with
4 residential above. This is the zoning change map,
5 which, again, as you can see, merely takes, um, the
6 existing R2 and puts down a 100-foot C2-3 commercial
7 overlay. Ah, next slide. Ah, the remaining slides
8 demonstrate the proposal for the site. Ah, as was
9 stated by Council Member Grodenchik, this would be
10 commercial use of the applicant, ah, Far Best
11 Pharmaceuticals, ah, Mr. Munir Islam and Indagat
12 Ahmed are, um, two of the, um, executive officers of
13 the, ah, pharmaceutical company. They have
14 additional locations in the city. This would allow
15 for a ground floor local retail pharmacy use of
16 roughly 6000 to 7000 square feet with administrative
17 offices above of roughly 2500 square feet. This
18 would produce a relatively attractive building in an
19 area right now where you've got used car auto sales
20 and repair. Next slide. So, again, this just merely
21 shows the massing of the site, um, and, ah, you feel
22 free to page through the remaining photos, or the
23 remaining plans, we would merely say that this was a
24 fantastic process we health department with Community
25

1 Board 13 Queens. You will see that, for example, the
2 loading on the site is now along Hillside Avenue.
3 This was requested by Community Board 13 Queens in
4 order to minimize disruption for the residential
5 neighbors on Vanderveer Street. The applicant was
6 happy to comply with this, as well as with plantings,
7 lightings, and really what was, whatever was
8 requested by the community board. So it's been a
9 wonderful process. Um, the applicant is quite
10 excited to open here. The local area expressed
11 interest in having a, you know, a local retail
12 pharmacy here that would be utilized by members of
13 the surrounding community. And we're happy to answer
14 any questions.
15

16 CHAIRPERSON MOYA: Great, thank you, ah,
17 Richard. Just two quick questions here. Um, how do
18 you respond to the borough president's recommendation
19 to reach a goal of, ah, 30% of the local hiring and
20 using, and the use of M/WBE businesses during the
21 construction and the development, ah, of the project?

22 RICHARD LOBEL: So, um, Chair Moya, the,
23 the square footage of this project is small, really
24 tiny. I mean, it's a 9500 square foot, ah, building
25 that is proposed. Ah, understanding that, I would

1 say that the applicant here, particularly, has been
2 so, um, engaged with the community and really has
3 been, has really bent over backwards to, to try to
4 accommodate every request that was made of them that,
5 ah, in my conversations with them they said that they
6 would be happy to, um, to, ah, attempt to achieve the
7 Queensboro president recommendations. Ah, again, you
8 know, it is a small project. We don't think that
9 there would be a lot of jobs generated, but we would
10 be happy to at least make that attempt and again to,
11 ah, as has been requested previously by the council,
12 to, ah, inform and update the council with regards to
13 our efforts in that regard.

14
15 CHAIRPERSON MOYA: Um, OK, great. And,
16 ah, just my last question before I turn it over to
17 Council Member Grodenchik, um, how do you respond to
18 the community board's, ah, recommendation that all
19 the exterior, ah, lighting for, for the security
20 purposes, ah, should be inward-facing with respect to
21 the residential neighborhoods, ah, the residential
22 neighbors, and a, a gateway across the rear parking
23 area when the pharmacy is closed?

24 RICHARD LOBEL: The applicant is happy to
25 comply with both these requests, not only for the

1
2 comfort of the surrounding community, but also for
3 the security of the site itself. So this is, ah,
4 happy to do it. It's a win-win for everybody.

5 CHAIRPERSON MOYA: Great. Um, thank you,
6 Richard. Um, now I'm going to turn it over, ah, to
7 my colleague, ah, Council Member Grodenchik, ah, for
8 some questions.

9 COUNCIL MEMBER GRODENCHIK: Ah, just a, I
10 just want to say, Mr. Chairman, thank you for your
11 questions, and I want to thank the applicant. Um,
12 they were very straightforward with us. They, they,
13 ah, were very accommodating. I also want to note
14 that, um, you know, my area is not very well served
15 by mass transit and this portion of Hillside Avenue
16 is at least relatively close to, ah, mass transit.
17 There are many bus lines that pass right in front of
18 the applicant's, ah, site and, um, they are, I
19 wouldn't say they're really within walking distance
20 of the subway, but they're a, much closer to the
21 subway, um, than some of the other parts of my
22 district. So, um, I want to, you know, they have
23 worked with everybody and they've been very, ah,
24 responsive to the need. We do have a residential
25 community, ah, just south of this site and it extends

1 all the way south to, um, Jamaica Avenue and I, I
2 appreciate what they've tried to do and, again, we
3 have met, um, with the gentlemen he mentioned and,
4 um, they have been very accommodating. So I have no
5 other issues with this. So, thank you, Chair. Thank
6 you, Mr. Lobel, as well.

8 CHAIRPERSON MOYA: Great.

9 RICHARD LOBEL: Thank you.

10 CHAIRPERSON MOYA: Thank you, Council
11 Member Grodenchik. Um, Counsel, do we have any other
12 council members that, ah, have any questions for the
13 panel?

14 COMMITTEE COUNSEL: Ah, Chair, I see no
15 members with questions for the panel.

16 CHAIRPERSON MOYA: OK. Ah, there being
17 no further questions, ah, the applicant panel is
18 excused. Ah, Counsel, are there any members of the
19 public who wish to testify on the 214-32 Hillside
20 Avenue rezoning application?

21 COMMITTEE COUNSEL: If there are any
22 members of the public who wish to testify on the 214-
23 32 Hillside Avenue rezoning proposal please press the
24 raise hand button now. The meeting will briefly
25 stand at ease while we check for members of the

1 public. Chair Moya, I see no members of the public
2 who wish to testify on this item.
3

4 CHAIRPERSON MOYA: Great, thank you. Ah,
5 there being no members of the public who wish to
6 testify on the 214-32 Hillside Avenue rezoning
7 proposal under ULURP number C200190ZMQ the public
8 hearing is now closed and the item is laid over. Um,
9 I just want to check with our council all the votes
10 have been [inaudible].

11 COMMITTEE COUNSEL: Chair, we have the,
12 the votes have been recommended to the full Land Use
13 Committee for, ah, adoption.

14 CHAIRPERSON MOYA: Great, thank you. And
15 that concludes today's business. I would like to
16 thank the members of the public, my colleagues,
17 subcommittee counsel, ah, land use and other, ah,
18 council staff, and the Sergeant at Arms, ah, for
19 participating in today's meeting. This meeting is
20 hereby adjourned. Thank you, everybody. [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 February 28, 2021