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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September 19, 2023 Start: 12:08 p.m. Recess: 12:34 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:
Lincoln Restler

## APPEARANCES

Richard Lobel, Sheldon Lobel PC

Jake Levy

Justin Sherman, JFA Architects

SERGEANT-AT-ARMS: This is a microphone
check for the Subcommittee on Zoning and Franchises,
recorded on September 19, 2023, in the 14th Floor
Hearing Room by Jazel Rivera (phonetic).

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

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

Chair, we are ready to begin.

CHAIRPERSON RILEY: [GAVEL] Good morning, everyone, and welcome to a meeting of the Subcommittee of Zoning and Franchises. I'm Council Member Kevin Riley, Chair of the Subcommittee.

This morning, I'm joined by Council

Member Schulman, Council Member Abreu, Council Member

Hanks, Council Member Carr, and remotely by Council

Member Moya.

Today, we will hold four votes on projects in the Bronx, Brooklyn, Queens, and Staten Island. We also will hold a public hearing for a residential proposal in Brooklyn.

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

2 COMMITTEE COUNSEL VIDAL: Thank you,

3 Chair. I'm William Vidal, Counsel to the

4 | Subcommittee.

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This meeting is being held in hybrid format. Members of the public who wish to testify may testify in person or via Zoom. Members of the public wishing to testify remotely may register by visiting the New York City Council website at <a href="https://www.council.nyc.gov/landuse">www.council.nyc.gov/landuse</a> to sign up or for those of you here in Chambers please see one of the Sergeants—at—Arms to prepare and submit a speaker card.

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

When you are called to testify before the Subcommittee, if you are joining us remotely, you will remain muted until recognized by the Chair or myself to speak. When you are recognized, your microphone will be unmuted. Please take a moment to check your device and confirm that your mic is on before you begin speaking.

We will limit public testimony to two minutes per witness. If you have additional testimony

and middle-income affordable housing. This project

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will also be subject to Mandatory Inclusionary

3 Housing and would also be required to provide a

4 publicly accessible waterfront esplanade that will

5 effectively continue the Park south along the Harlem

6 River.

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The second vote is to approve LU 259 regarding the 2761 Plumb 2nd Avenue in Council Member Vernikov's District in Brooklyn. This application will render a popular restaurant on the waterfront in Sheepshead Bay a legal conforming use that does not require the renewal of a special permit every few years. The application will map an R3-2 zoning district with a C2-3 commercial overlay.

The third vote is to approve with modifications 42-18 31st Avenue Rezoning in Council Member Won's District in Queens. This is a proposal to build a mixed-use project with 59 residential units and retail space by upzoning a current R5 zoning district with a C1-2 commercial overlay to an R6A zoning district with a C1-3 commercial overlay. The development will be subject to Mandatory Inclusionary Housing, and the modification is to restrict the affordable units to an average of either 40 percent or 60 percent AMI.

Abreu.

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2	COUNCIL MEMBER ABREU: Aye.
3	COMMITTEE COUNSEL VIDAL: Council Member
4	Bottcher.
5	COUNCIL MEMBER BOTTCHER: Aye.
6	COMMITTEE COUNSEL VIDAL: Council Member
7	Hanks.
8	COUNCIL MEMBER HANKS: Aye.
9	COMMITTEE COUNSEL VIDAL: Council Member
10	Schulman.
11	COUNCIL MEMBER SCHULMAN: Aye.
12	COMMITTEE COUNSEL VIDAL: Council Member
13	Carr.
14	COUNCIL MEMBER CARR: Aye.
15	COMMITTEE COUNSEL VIDAL: By a vote of
16	eight, the motion is approved and referred to the
17	Land Use Committee.
18	CHAIRPERSON RILEY: Thank you, Counse.
19	We've been also joined by Council Member
20	Restler.
21	I will now open the public hearing on
22	Preconsidered LUs relating to the 703 Myrtle Avenue
23	Rezoning Proposal in Council Member Restler's
24	District in Brooklyn.

This is a proposal to develop a mixed-use development with approximately 54 apartments and ground floor retail in Bed-Stuy. This rezoning would change an existing manufacturing district, M1-1, to a residential district, R7D, with a commercial overlay, C2-4. This rezoning would involve mapping Mandatory Inclusionary Housing over the rezoned area.

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

If you would prefer to submit written testimony, you can always do so by emailing it to landusetestimony@council.nyc.gov.

I would now like to give the floor to Council Member Restler if he has any remarks.

COUNCIL MEMBER RESTLER: Firstly, I'd just like to say, Chair Riley, as a native Brooklynite, I struggle on the pronunciation of Sheepshead Bay every time so it's not just you. I think it's all of us.

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2 It's good to be with you, good to be with the 3 Committee.

I want to thank the team from 703 Myrtle for joining us today, and I really want to just express gratitude for your engagement with community leaders throughout this process. We met early on when you were thinking about the rezoning. I expressed some concerns, and you not only engaged with our office but you engaged with leaders in our community in fruitful and production conversations and modified your plans as a result, and I'm pleased with the willingness to engage, to listen, to make changes so that we can get to a great development for everyone so I just want to express gratitude on that.

I have some followup questions but look forward to the hearing today.

CHAIRPERSON RILEY: Thank you, Council Member Restler.

Counsel, please call the first panel for this item.

COMMITTEE COUNSEL VIDAL: The first panel consists of Richard Lobel, Justin Sherman, and Jake Levy.

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record. You may begin.

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2 RICHARD LOBEL: Thank you. Richard Lobel
3 of Sheldon Lobel PC. Chair Riley, Council Member
4 Restler, Council Members, good morning.

I am pleased today to be with Jake Levy and Justin Sherman to present the 703 Myrtle Avenue Rezoning. Next slide.

application which would propose a zoning map amendment to roughly eight lots within CB3 from an M1-1 district to an R7D/C2-4 district. This would allow for the development of 703 Myrtle, which is Jake's property, with a new eight-story, roughly 48,000 square foot mixed-use building with approximately 54 dwelling unit including 18 permanently affordable units. As with all such rezonings, we are also proposing a text amendment to Appendix F which would allow for the project area to be considered a Mandatory Inclusionary area within CB3. We are currently proposing to map Option 2 within the project area.

With regards to the proposed development, next slide, this development and the numbers would be for eight stories with, again, 48,224 square feet for a 5.6 FAR, the maximum permitted in the R7D, and

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would have a base height of 95 feet. With
mechanicals, would go up to a total height of 115
feet. There would be 11 vehicular parking spaces, 28
bike parking spaces. There would be a total of 54
units with 18 affordable units as currently proposed.

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The next three slides demonstrate why we feel that there's a strong Land Use rationale for this rezoning. You can see from the zoning map in front of you that there currently is R7D/C2-4 two blocks to the east of the current property so that was pursuant to the 723 to 733 Myrtle Avenue Rezoning that was approved by the Council in 2017. The applicant there, and you can see the area map in front of you, basically looked two blocks east of Nostrand here, and in the 2012 Bed-Stuy North Rezoning demonstrated that R7D/C2-4 was an accepted zoning district as was mapped in that area-wide rezoning so Myrtle Avenue, being a wide street here at 75 feet wide, being transit accessible, and basically allowing for access to these sites was seen as being appropriate for putting more housing and so, again, 2012, the zoning to the east of Nostrand was changed, 2017, the Council approved the rezoning which added two blocks to our east, and so now Jake

1 SUBCOMMITTEE ON ZONING AND FRANCHISES 14 comes before you for this current R7D/C2-4. We note 2 3 that one of the attractive things about the R7D/C2-4 4 is that when paired with a C2-4 the R7D requires ground floor non-residential uses so if you've got commercial thoroughfare like Myrtle it allows for a 6 7 continuation of that activity to allow for a lively 8 streetscape which is something the Community Board wanted, and so that in addition to transit accessibility and general along Myrtle led to 10 11 approval of this rezoning by Brooklyn Community Board 3 which voted 33 to 9 in favor as well as the 12 13 Brooklyn Borough President's Office and City 14 Planning. 15 The next slide demonstrates the zoning map, which again takes that existing R7D/C2-416 17 district immediately to our east and extends it one 18 block west to cover this street frontage. 19 The remaining slides show illustrative 20 plans and materials, and so I would defer to Justin

JUSTIN SHERMAN: Great. Thank you. Justin Sherman with J Frankl Architects. Here we have the slide just showing the axonometric 3D for the

Sherman who can run through some of the materials and

show what's currently proposed for the site.

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2 setbacks along Spencer and Myrtle, and the blue
3 represents the commercial ground floor. Next slide.

This is just an overall site plan showing sort of the lot coverage. It's allowed to be 100 percent lot coverage, and the eight stories go all the way up, and we have a seventh floor and eighth floor terrace. That's fine. Down in the cellar, we have the 11 parking spaces and a parking ramp up to Spencer. Next slide.

Here you see the residential entry and lobby on Spencer as well as the commercial wrapping around the corner and the parking ramp going down.

Next slide.

Here we have a residential amenity mezzanine which has a terrace access at the back over the ramp utilizing all of the space and the sort of double-height space for the commercial which is very nice. Next slide.

Typical floor plan showing demonstration of one-, two-, three-, and four-bedroom units which is rare for us and a nice addition to have the four-bedroom units. Next slide.

Here we can start to see the setbacks and how that impacts the layout with, again, the corner

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2 extending all the way out the street lines. Next

3 slide.

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The final floor at eight, further setbacks for the zoning requirement of the dormer allowances. Here, we do not have the four-bedroom, but we've utilized all of the space we can. Next slide.

That's all. Thanks.

RICHARD LOBEL: Just provide the unit breakdown with 54 total dwelling unit including 18 affordable.

With that, we would just again express our appreciation to Council Member Restler for facilitating our community conversations here. We got some great support by community stakeholders, and we really feel that the process within Community Board 3 was just excellent and was beneficial for the project and for the application as a whole. With that, the entire applicant team is happy to answer any questions.

CHAIRPERSON RILEY: Thank you so much. I just have a few questions and then I'm going to pass it to Council Member Restler.

I understand that the proposed unit mix

has changed since the application was first filed.

Can you please just restate the unit mix that you are

5 now proposing and why?

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RICHARD LOBEL: Sure. The last slide that was shown was the unit distribution which includes 25 one-bedrooms, 18 two-bedrooms, 6 three-bedrooms, and 5 four-bedrooms. What does this really translate into? It translates into a majority of the building being two-bedrooms and above. This is somewhat unique in applications we've brought before the Council. This really allows for larger units and particularly more family-sized units. We note that some of the key support we got in the area was from UJO, which basically cited the scarcity of family-sized units in the area and so expressed their wholehearted support for application. Again, pursuant to conversations with community stakeholders as well as Council Member Restler, it became apparent that we really needed to cater to larger unit sizes and Jake was happy to do so.

CHAIRPERSON RILEY: Thank you for that.

I'm always trying to advocate for larger sizes

because of families.

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Out of the 54, do you know how many of these units for the 18, do you have that breakdown?

RICHARD LOBEL: One of the great things about MIH as a program is the requirement that the units that are devoted to affordable housing are proportionate to the total units of the building so if we take the 18 you nits that are proposed, roughly 8 of those units would be one-bedrooms with the remainder being distributed between two-, three-, and four-bedrooms so, again, the opportunity to really allow for meaningful affordable units at larger family sizes is again what we think is one of the best things about the program and the unit counts here will reflect that, and that's written into the zoning resolution so it's binding on every applicant.

CHAIRPERSON RILEY: Thank you. I know this is probably too early to identify the commercial tenant, but do you guys have an idea of who you guys will have there if you haven't identified a tenant yet?

JAKE LEVY: We don't have anyone yet, but we have been there for 40 years and we know everyone in the area so we will be looking to someone from the

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local area. We have talked to people across the street so preferably it'll be that one.

CHAIRPERSON RILEY: What is in the area primarily right there?

JAKE LEVY: Right now, there's a supermarket across the street. There is a barber street. There's Duane Reade two blocks down, but, otherwise, we don't have a large commercial business around, but we're definitely going to talk to the locals and give them first chance.

CHAIRPERSON RILEY: Okay. You didn't talk about any of the amenities in the building. I'm always interested in like gyms, rooftops, (INAUDIBLE) spaces. Can you go into those details?

JAKE LEVY: We focused a lot on outdoor spaces. For example, we have a rooftop, we have a back mezzanine so we kind of like di a lot of outdoor versus inside because feedback we got back was we need apartments, apartments, apartments so that was definitely where our head was focused at, but we do have two stories in the lobby with a lounge that leads to the outside. There is no gym, but there is a Blink not far away and there's others. I mean I find that (INAUDIBLE) at the gym next to my apartment.

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question, what energy efficiency features will you incorporate? What, if any, stormwater management features will be integrated on-site?

JAKE LEVY: We do have a green roof as right now most new developments require a green roof so that's one. Everything will be LED so that's first of all. We're also talking about putting Nests in every apartment which does regulate temperatures and also electric chargers in the garage is also a conversation. We would like to make it happen. I don't see why we can't do it.

CHAIRPERSON RILEY: I do have one more question. The parking, how did you determine to have more bicycle parking than regular car parking? Was that something that the Community Board suggested?

JAKE LEVY: I think it's a zoning thing, but also we thought something that would be favorable, right? That was something that we kind of like (INAUDIBLE)

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JUSTIN SHERMAN: Sure. I can speak to

that. I believe we're proposing (INAUDIBLE) the

bicycle parking, and the vehicular parking is 11

spaces required and that's also what we're providing

so some times those numbers (INAUDIBLE)

 $\label{eq:jake_levy: (INAUDIBLE)} \mbox{ more requirement}$  than not.

JUSTIN SHERMAN: The bicycle parking is a large number, yeah.

CHAIRPERSON RILEY: Thank you. Council Member Restler.

COUNCIL MEMBER RESTLER: Thanks so much, Chair Riley, and it's good to see you, Mr. Levy.

I just want to firstly state on the record appreciation for the modifications in the bedroom sizes. I think when the project was originally proposed to us there were negligible numbers of three- and four-bedroom units, and to see it go to five four-bedrooms, six three-bedrooms, 18 two-bedrooms, that's a much better mix to meet the needs of our community, and, just as Chair Riley noted, we're always trying to make sure that families have places to live in our neighborhood, especially the Jewish community in Williamsburg and moving into

Bed-Stuy, it's very large family sizes, average about six kids a family, and so too many of those families are squeezed into one-bedrooms right now which is just maddening and profoundly problematic and so whenever we're generating new housing in our community, my top priority is making sure that the unit mixes actually meet the needs of our community effectively, and we want to see developments just like this one move forward and move forward swiftly. We just want to make sure that they're smart longterm developments that address our needs so I want to thank you once again on that front.

Just a few questions. One is that, and I know you've had a business on the block for some time, your family has, and so thank you for all the contributions you've made to our community. There have been over the last few years a number of Con-Ed outages on Spencer Street. Is this something that you're concerned about with the residential development moving forward and the greater density on the block? Is there anything that we can do together to try and mitigate some of the Con-Ed issues in that area with the pending development?

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2	JAKE LEVY: There's definitely going to be
3	concern about it. There have been fires, as you
4	recall, I remember you were there as well. It's kind
5	of scary what that, as a child, there was nothing on
6	that block. It was an empty block. It was us and then
7	there was an empty field across the street so I just
8	remember growing up and seeing nothing so I don't
9	know if the infrastructure was ready for what was to
10	come. I would say our shop is not, we don't use a lo
11	of, we're a hand shop, we do everything by hand, it's
12	a <u>(INAUDIBLE)</u> job, I wouldn't say we're part of the
13	problem, but the way we build today is not the way
14	they used to build. On the left side, I doubt it's
15	LED, all those buildings, I doubt they're LED. That
16	would be a good step in the right direction, and I
17	know the City does have a program which we actually
18	did change all our lighting to LED, and that's
19	something that we will do in the new building, I
20	think it's more efficient, but there is definitely
21	concern, and I'd be open to hear any suggestions.

COUNCIL MEMBER RESTLER: If it's helpful for us to do a meeting together with Con-Ed to try to make sure that we have the appropriate infrastructure

2 in place, happy to participate or help convene if 3 that would be helpful.

Question, so for the 11 parking spots
that are included in this development, there have
been requests from community-based organizations that
provide emergency services and support to the
community, organizations like Shomrim, organizations
like Chaverim, do you think that they might be able
to utilize a parking spot in this building? Is that
something that could be considered as a part of the
development?

JAKE LEVY: We love that idea. Actually, when speaking a little bit more to locals about that around the corner, they do have a center, and there are talks that they may be displaced. I don't know if you heard of that. I think (INAUDIBLE) would be more (INAUDIBLE) they definitely do a lot for the community, but definitely we're open to that.

COUNCIL MEMBER RESTLER: Great. We will definitely follow up with you on that as this process unfolds.

Just two other brief questions. One is are you amenable to MIH Option 1?

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JAKE LEVY: Yeah. We actually wanted to discuss about putting both on the table because the 421(a) I understand, we don't have one now, and just in case there is a program that is available, we would like to be considered for both, yeah, because we just don't know how that's going to shake out.

COUNCIL MEMBER RESTLER: My consistent preference in rezonings is to pursue Option 1 but open to continuing the conversation with you all.

Lastly, we would anticipate memorializing the commitments that are made in this rezoning in a letter. Just want to affirm that that's something that we could work on together in the remaining weeks.

JAKE LEVY: I prefer it. That way, there's no after, it didn't happen.

COUNCIL MEMBER RESTLER: Great. I think those cover all of the questions that I had for today and just want to thank you again, Mr. Levy, for your engagement with my office, with UJO, and with other community members. As a long-time business owner in the community, it makes a lot of sense that you've engaged as thoughtfully and respectfully as you have

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with our neighborhood and community so I just want to
express my gratitude for that one more time.

JAKE LEVY: Thank you so much.

CHAIRPERSON RILEY: Thank you, Council Member Restler.

I don't see any questions from my Colleagues. There being no questions for this applicant panel, they are now excused.

Counsel, are there any members of the public who wish to testify on Myrtle Avenue proposal remotely or in person?

COMMITTEE COUNSEL VIDAL: Chair Riley, there is no one signed remotely or in person wishing to testify at this time.

CHAIRPERSON RILEY: There being no members of the public who wish to testify on this Preconsidered LU relating to the 703 Myrtle Avenue proposal, the public hearing is now closed and the item is laid over.

That concludes today's business. I would like to thank the members of the public, my

Colleagues, Subcommittee Counsel, Land Use and other

Council Staff, and the Sergeant-at-Arms for participating in today's meeting.

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2	This meeting is hereby adjourned.	Thank
3	you. [GAVEL]	
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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 September 22, 2023