

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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April 20, 2021  
Start: 10:08 a.m.  
Recess: 10:54 a.m.

HELD AT: Remote Hearing, Virtual Room 1

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

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

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

Frank St. Jacques

Rachel Scall

Ralph Zirinsky

1

2

SERGEANT AT ARMS: Recording please.

3

SERGEANT AT ARMS: PC recording good.

4

SERGEANT AT ARMS: Backup is rolling.

5

SERGEANT AT ARMS: Thank you. Good

6

morning, and welcome to today's remote New York City

7

Council hearing on the Subcommittee on Zoning and

8

Franchises. At this time would council staff please

9

turn on their video. Please place electronic devices

10

on vibrate or silent. If you wish to submit

11

testimony you may do so at

12

landusetestimony@council.nyc.gov. That is

13

landusetestimony@council.nyc.gov. Thank you. Chair,

14

we are ready to begin.

15

CHAIRPERSON MOYA: Thank you. [gavel]

16

Thank you. Ah, good morning. I'm Council Member

17

Francisco Moya, chair of the Subcommittee on Zoning

18

and Franchises. I'm joined remotely today by Council

19

Members Levin, ah, Barry G., ah, Rivera, and Borelli.

20

Today we will vote on items heard by the subcommittee

21

on our April 5 meeting, including preconsidered LU

22

for the Bedford Avenue rezoning and preconsidered LU

23

for the citywide zoning for coastal flood resiliency

24

proposal, and the preconsidered LUs for three

25

separate resilient, ah, neighborhood proposals, ah,

1 including, ah, Garrison Beach, ah, Sheepshead Bay,  
2 and Old Howard Beach. Ah, we will also public  
3 hearings on proposals for the 431 Concord Avenue  
4 rezoning, 86 Fleet Place text amendments, and the 68-  
5 19 Woodhaven Boulevard rezoning. Today we will vote  
6 to approve a preconsidered LU under ULURP number  
7 C210043ZMK for the 135-137 Bedford Avenue rezoning  
8 proposal, relating to property in Council Member  
9 Levin's district in Brooklyn. The proposal seeks a  
10 zoning map amendment to establish a C-14 overlay  
11 district in existing R6A and R6B district on the east  
12 side of Bedford Avenue between North 9th and North  
13 10th Streets. The proposed action would match an  
14 existing commercial overlay district across the  
15 street and facilitate a new mixed use development  
16 with ground floor commercial use and residential  
17 units on the upper floors. Council Member Levin is  
18 in support of the proposal. We will also vote to  
19 approve three separate but related proposals by the  
20 Department of City Planning under the Resilient  
21 Neighborhoods Initiative. These proposals are all  
22 intended to facilitate resilient development in areas  
23 vulnerable to flooding. We will vote to approve  
24 preconsidered LUs under C210130ZMK and N210131ZRK for  
25

1 the Garrison Beach, ah, resilient neighborhoods  
2 proposal relating to property in Council Member  
3 Maisel's district in Brooklyn. The proposal seeks a  
4 zoning, ah, a zoning map amendment to change existing  
5 R4, C3, and C2-2 districts to R1, C3A, and C2-3  
6 districts, and a related zoning text amendment to  
7 establish a new special coastal risk district.

8 Council Member Maisel is in support of the proposal.

9 We will also vote, ah, a preconsidered LU under

10 N210132ZRK for the Sheepshead Bay resilient

11 neighborhood proposal relating to property in Council

12 Member Deutsch's district in Brooklyn. The proposal

13 seeks a zoning text amendment to align existing

14 regulations of the special Sheepshead district with

15 flood resilient buildings and design standards.

16 Council Member Deutsch is in support of the proposal.

17 We will vote to approve a preconsidered LU under

18 C210133ZMQ for the Old Howard Beach resilient

19 neighborhoods proposal relating to property in

20 Council Member Ulrich's district in Queens. The

21 proposal seeks a zoning map amendment to replace an

22 existing R3-1 and R3-2 district with R3X and R3-1

23 districts, ah, to more closely match the existing

24 build context. Ah, Council Member Ulrich is in  
25

1 support of the proposal. And we will vote to approve  
2 with modifications the preconsidered LU for the  
3 Department of City Planning's zoning for coastal  
4 flood resiliency proposal under ULURP number  
5 N210095ZRY. This is a citywide zoning text amendment  
6 to update temporary provisions adopted on an  
7 emergency basis after Hurricane Sandy and is intended  
8 to facilitate flood-resilient design measures to  
9 provide better protection from flood risks in  
10 vulnerable areas that support public access to  
11 waterfront sites through resilient open, ah, space  
12 design and help New Yorkers recover quickly from our  
13 future disasters. Ah, our modification will include  
14 clarifications around applicability of the proposed,  
15 ah, flood plain regulations, as well as  
16 clarifications to certain bulk regulations, including  
17 changes to, ah, address community feedback regarding,  
18 ah, floor area as well as to permit obstruction,  
19 obstruction rules for buildings and spaces  
20 accommodating new accessory, um, mechanical  
21 equipment. Um, I now would like to take this  
22 opportunity to, um, allow any of the council members,  
23 ah, who are present that would like to, ah, speak on  
24 any one of the rezonings, if there are any.  
25

2 COMMITTEE COUNSEL: Chair, I see no  
3 members with hands raised at the moment.

4 CHAIRPERSON MOYA: OK. Ah, and before I  
5 call a vote I'd like to also acknowledge that we have  
6 been joined by, ah, Council Member Ayala. Ah, now, I  
7 now call for a vote to approve the preconsidered LUs  
8 relating to the Bedford Avenue rezoning proposals and  
9 the resilient neighborhood proposals for, ah,  
10 Garrison Beach, ah, Sheepshead Bay, and Old Howard  
11 Beach, and to approve with modifications, ah, I have  
12 described the preconsidered LU for the zoning for  
13 coastal flood resiliency proposal. Ah, Counsel, can  
14 you please call the roll.

15 COMMITTEE COUNSEL: Chair Moya.

16 CHAIRPERSON MOYA: I vote aye.

17 COMMITTEE COUNSEL: Council Member Levin.

18 COUNCIL MEMBER LEVIN: I vote aye.

19 COMMITTEE COUNSEL: Council Member  
20 Grodenchik.

21 COUNCIL MEMBER GRODENCHIK: Aye.

22 COMMITTEE COUNSEL: Council Member Ayala.

23 COUNCIL MEMBER AYALA: I vote aye.

24 COMMITTEE COUNSEL: Council Member  
25 Rivera.

2 COUNCIL MEMBER RIVERA: I vote aye.

3 COMMITTEE COUNSEL: Council Member  
4 Borelli.

5 COUNCIL MEMBER BORELLI: I vote aye.  
6 Thank you.

7 COMMITTEE COUNSEL: Chair, the vote is  
8 currently 6 in the affirmative, ah, zero in the  
9 negative, and no abstentions. The vote will remain  
10 open, ah, as we wait for, ah, Council Member Reynoso.

11 CHAIRPERSON MOYA: OK. OK, so before we  
12 turn our hearings, I will first, ah, like to  
13 recognize our subcommittee counsel to review the  
14 remote meeting procedures.

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



1 presentation shown today please send an email request  
2 to [landusetestimony@council.nyc.gov](mailto:landusetestimony@council.nyc.gov). When called to  
3 testify, individuals appearing before the  
4 subcommittee will remain muted until recognized by  
5 the chair to speak. Applicant teams will be  
6 recognized first. Ah, members of the public will be  
7 called and recognized in panels in groups of up to  
8 four names at a time. When the chair recognizes you,  
9 your microphone will be unmuted. Please take a  
10 moment to check your device and confirm that your  
11 microphone is on before you begin speaking, as there  
12 is a slight delay in the process of unmuting. Public  
13 testimony will be limited to two minutes per witness.  
14 If you have additional testimony you would like the  
15 subcommittee to consider, or if you have written  
16 testimony you wish to submit instead of appearing  
17 before the subcommittee you may email it to  
18 [landusetestimony@council.nyc.gov](mailto:landusetestimony@council.nyc.gov). Please indicate  
19 the LU number and/or project name in the subject line  
20 of your email. During the hearing council members  
21 with questions should use the Zoom raise hand  
22 function. The raise hand button should appear either  
23 at the bottom of your participate panel or at the  
24 bottom of your primary viewing window. Council  
25

1  
2 members with questions will be announced in order as  
3 they raise their hands, and Chair Moya will recognize  
4 the members to speak. Witnesses are requested to  
5 remain in the meeting until excused by the chair as  
6 council members may have questions. Finally, there  
7 will be pauses over the course of this meeting for  
8 various technical reasons and we ask that you please  
9 be patient as we work through any issues. Chair Moya  
10 will now continue with today's agenda items.

11 CHAIRPERSON MOYA: Thank you, Arthur. I  
12 now open the public hearing on preconsidered LU items  
13 under ULURP numbers C200274ZMX and N00275CRX for the  
14 431, ah, Concord Avenue rezoning proposal, ah,  
15 requesting a zoning map amendment and a zoning text  
16 amendment relating to property in Council Member  
17 Ayala's district in the Bronx. Ah, I will remind the  
18 viewing public or anyone wishing to testify on this  
19 item, if you have not already done so, you may  
20 register online in advance and you may do that now by  
21 visiting the council's website, and now I would like  
22 to take this opportunity to, ah, recognize Council  
23 Member, ah, Ayala for some remarks. Do we have  
24 Council Member Ayala?  
25

2 COMMITTEE COUNSEL: Council Member Ayala  
3 is here. We may just be having a technical issue. I  
4 know she is in a remote location.

5 CHAIRPERSON MOYA: OK, let's give her a  
6 minute.

7 COMMITTEE COUNSEL: Council Member Ayala,  
8 if you can hear us, ah, there is a request for you to  
9 unmute, I believe on your device. OK.

10 COUNCIL MEMBER AYALA: Sorry, unmuted. I  
11 was on an emergency call.

12 CHAIRPERSON MOYA: No worries.

13 COUNCIL MEMBER AYALA: I didn't hear what  
14 you were calling me about.

15 CHAIRPERSON MOYA: No worries,  
16 Councilwoman. Ah, we are about to go into the, ah,  
17 rezoning proposal in your district and, ah, I was  
18 seeing if you wanted to give any opening remarks. If  
19 not, we can [inaudible].

20 COUNCIL MEMBER AYALA: I didn't prepare  
21 any remarks, other than, you know, what I will share  
22 is that I am in support of this project. Ah, the  
23 property is now dilapidated, um, under-utilized  
24 space, um, that's really just, you know, hasn't  
25 brought any real benefit to the community. So the

1  
2 redevelopment, um, you know, of the lot in and of  
3 itself is a huge one for the community. The fact  
4 that this is gonna, um, bring in, you know, ah, truly  
5 affordable housing is also a big win. So I want to  
6 thank the developers, um, for working with us on this  
7 project, um, as we've been working on it for about a  
8 year and a half now, um, and COVID kind of threw a  
9 little wrench in, in the plans to, to do it sooner.  
10 Um, but I'm excited to, you know, that we're finally  
11 at this stage and, and excited for you all to hear,  
12 um, what the project looks like as well. My  
13 apologies for that.

14 CHAIRPERSON MOYA: Great, great. Thank  
15 you, Council Member Ayala. Ah, and now, Counsel, if  
16 you can please call the first panel for this time.

17 COMMITTEE COUNSEL: The applicant panel,  
18 ah, for this items includes Frank St. Jacques, land  
19 use counsel for the applicant. Mr. St. Jacques, if  
20 you have not already done so, please accept the  
21 unmute request in order to begin to speak.

22 FRANK ST. JACQUES: Great, thank you.  
23 Um, I'll go ahead and begin my presentation.

24 COMMITTEE COUNSEL: We will swear you...

25 CHAIRPERSON MOYA: [inaudible] Frank.

2 COMMITTEE COUNSEL: ...in first.

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

5 COMMITTEE COUNSEL: Ah, Mr. St. Jacques,  
6 please raise your right hand. Do you affirm to tell  
7 the truth, the whole truth, and nothing but the truth  
8 before this subcommittee and in answer to all council  
9 member questions?

10 FRANK ST. JACQUES: I do.

11 CHAIRPERSON MOYA: Thank you. Ah, we are  
12 in receipt of your, ah, slideshow presentation for  
13 this proposal. When you are ready to present the  
14 slideshow please say so and it will be, ah, displayed  
15 on the screen by our staff. The slides will be  
16 advanced when you say next. Please note that there  
17 may be a slight delay in both the initial loading and  
18 the advancing of slides. As a technical note for the  
19 benefit of the viewing public, if you need an  
20 accessible version of this presentation please send  
21 an email request to [landusetestimony@council.nyc.gov](mailto:landusetestimony@council.nyc.gov).  
22 Ah, and now if the panelist would please, ah, restate  
23 your name, organization for the record, you may  
24 begin.

1                   FRANK ST. JACQUES: Thank you. Um, good  
2 morning, Chair Moya and members of the subcommittee.  
3 My name is Frank St. Jacques. I am with Akerman LLP.  
4 We're a land use counsel, ah, representing the  
5 applicant. Um, if you could go ahead and, and load  
6 the slideshow I'm, I'm happy to begin the  
7 presentation. Great, thank you. Next slide, please.  
8 Ah, we are here to present an application for a  
9 zoning map amendment to change an existing M1-2  
10 zoning district to an R7B zoning district and a  
11 zoning text amendment to establish the mandatory  
12 inclusionary housing program, or MIH, within the  
13 rezoning area. Ah, these actions would facilitate  
14 the redevelopment of an under-utilized site with an  
15 11-story residential building with 88 units that  
16 would be developed with HPD's extremely low and low  
17 income affordability, or ELLA program subject to HPD  
18 approval. Next slide please. The rezoning area is  
19 located at the edge of an M1-2 zoning district that  
20 was mapped in 1964 and the rezoning area is within  
21 the transit zone. Next slide please. The rezoning  
22 area is shaded red in this slide, which shows the  
23 surrounding built context. It is located at the  
24 corner of Concord Avenue and East 145th Street. St.

1 Mary's Park is shown on the left-hand side of the  
2 slide, and the 6 Train is a few blocks away at the  
3 East 143rd Street Station at Southern Boulevard on  
4 the right-hand side of the slide. BX 17, 19, and 33  
5 bus lines also serve the area. Next slide please.  
6 Land uses in the surrounding area is shown in this  
7 map. Ah, industrial use shown in purple is  
8 concentrated south of the rezoning area in M1-2 and  
9 M1-3 districts, and in the IBZ, located south of East  
10 144th Street. Ah, north of East 144th Street near  
11 the rezoning area there's some nonconforming  
12 residential use, shown in yellow and orange, in that  
13 1-2 zoning district, as well as a few nonconforming  
14 industrial uses further north in the R71 residential  
15 districts. Next slide please. The rezoning area  
16 consists of the northeastern portion of the block,  
17 including three contiguous tax lots. The development  
18 site is approximately 13,750 square feet and has  
19 about 125 feet of frontage on Concord Avenue. Next  
20 slide please. The proposed rezoning would change the  
21 red-shaded portion of the zoning map from M1-2 to R7D  
22 and the proposed rezoning would allow for the  
23 production of new housing within Bronx Community  
24 District 1, which is not currently permitted in the  
25

1 existing M1-2 zoning district. This zoning change is  
2 appropriate because the rezoning area is located at  
3 the edge of the M1-2, excuse me, the edge of the M1-2  
4 zoning district adjacent to an R71 residential  
5 district, which has comparable bulk provisions to the  
6 proposed R7D. It's also in close proximity to public  
7 transportation and within walking distant to St.  
8 Mary's Park. Next slide please. The proposed  
9 rezoning would facilitate the development of an 11-  
10 story quality housing residential building with  
11 approximately 88 units. Ah, it would rise to 11  
12 stories after, and after 15-foot setbacks on, ah,  
13 above the nine-story base. Next slide please. Here  
14 are some illustrative maskings showing the design,  
15 which incorporates different façade materials, ah,  
16 and outdoor space would be provided, um, by balconies  
17 and as well as a 2500 square feet recreation area on  
18 the roof. Next slide please. Here are street views  
19 showing the improved streetscape for the proposed  
20 development. Next slide please. And this is the  
21 final slide. Um, the applicant is seeking to develop  
22 the building with HPD's ELLA term sheet, subject to  
23 HPD approval. Half of the 88 units, or 44, would be  
24 affordable at less than 50% of the area median  
25



1  
2 income. The remaining half, or the remaining 44,  
3 would be affordable at less than 80% AMI. Ah, we  
4 note that there is a 15% set-aside for formerly  
5 homeless households, and the ELLA term sheet requires  
6 that, ah, when developed under MIH the number of  
7 permanently affordable units would be increased by  
8 15%, or 13 units, ah, reaching a total of 35  
9 permanently affordable units. Um, that concludes my  
10 presentation, but I'm happy to answer any questions.

11 CHAIRPERSON MOYA: Thank you. Ah, just a  
12 couple of questions before, ah, I turn it over to  
13 Council Member Ayala. Um, I know that the Bronx  
14 Community Board 1 didn't approve this application.  
15 Ah, can you speak to the work that your team has  
16 done, ah, since then to engage the community support  
17 on this project and address, ah, some of the  
18 concerns, ah, that were raised by CB1?

19 FRANK ST. JACQUES: Sure. Ah, I think  
20 really one of the main concerns was the, um, the  
21 condition of, of the site when we initially met with  
22 the community board, ah, in the fall of last year.  
23 Um, before that time and, and then in particular  
24 since that time, um, the, ah, applicant owner of the  
25 site has, um, arranged for, ah, several times a week,

1  
2 um, someone coming out to, to maintain the site, to  
3 make sure, um, that there's no debris, ah, to, to  
4 clean the site. Um, the, ah, owner has also sought,  
5 um, ah, permits to demolish the site in anticipation  
6 of, of the development. Um, there's a dilapidated  
7 structure there that's, that's got some problems.  
8 Um, there's been a fire, um, so we're seeking to have  
9 that, that demolished and, um, in preparation for,  
10 ah, the proposed development.

11 CHAIRPERSON MOYA: OK. Ah, and over the  
12 course of planing for this project the number of  
13 anticipated units, ah, had decreased from 92 units to  
14 88. Can you speak to why that is, and is that due to  
15 the increase in two-bedroom, three-bedroom units in  
16 this project?

17 FRANK ST. JACQUES: That, that's correct.  
18 Um, when we had met with the, ah, borough president's  
19 office, um, ah, there was a request that the number  
20 of two- and three-bedroom units be increased. Um,  
21 that, ah, in order to increase the number of two- and  
22 three-bedroom units there was a decrease in studios  
23 and ones. Um, so the overall unit count, ah, went  
24 from, with 92 units, ah, to the current 88 units.

25

1  
2 CHAIRPERSON MOYA: OK. Ah, so, can you  
3 say that again? How many two- to three-bedroom units  
4 are planned for the project?

5 FRANK ST. JACQUES: Um, there are  
6 currently, one moment, so, um, the, there are 28 two-  
7 bedrooms proposed and 10 three-bedrooms proposed.  
8 Um, with the, the, um, the change from, from the, as  
9 initially filed with 92 units to, to get to 88, ah,  
10 we removed four studios and removed four one-  
11 bedrooms, um, and added, ah, five two-bedrooms, ah,  
12 to arrive at the, the current, um, unit distribution.

13 CHAIRPERSON MOYA: Got it. OK, thank  
14 you. And you had indicated plans to develop, in the  
15 beginning of your presentation you had, ah, indicated  
16 plans to develop the site under HPD, the ELLA  
17 program. Ah, can you provide a sense of where this  
18 project stands in the predevelopment process?

19 FRANK ST. JACQUES: Sure. Um, so the  
20 initial intake form has been, ah, ah, submitted to  
21 HPD, um, and HPD has, has, ah, provided comments on  
22 the initial intake form, um, and we're currently in  
23 the process of responding to those comments, ah, in  
24 order to, to move forward with the project.

1  
2 CHAIRPERSON MOYA: And when do you  
3 expect, ah, to close on the HPD financing?

4 FRANK ST. JACQUES: Ah, that I actually  
5 don't know offhand, um, but I can discuss that with,  
6 ah, with the project team and our affordable housing  
7 consultant, um, and potentially with HPD, ah, and  
8 provide that information after the hearing, if  
9 possible.

10 CHAIRPERSON MOYA: And, and maybe you can  
11 find out as well of when you expect to secure all  
12 agency approvals needed to begin construction on this  
13 development.

14 FRANK ST. JACQUES: I'd, I'd be happy to  
15 find out information and provide it, ah, to your  
16 office.

17 CHAIRPERSON MOYA: OK, great. Um, and,  
18 ah, last question before I turn it over to Council  
19 Member Ayala. Has a general contractor been selected  
20 for this project?

21 FRANK ST. JACQUES: Ah, not as of yet.

22 CHAIRPERSON MOYA: OK. Ah, and when you  
23 do, can you speak to whatever efforts will be made  
24 to, ah, hire locally on the construction projects,  
25

1 and what efforts will be made to hire M/WBE firms on  
2 the construction of this project?

3 FRANK ST. JACQUES: I, I'd be happy to.

4 Um, I'll, I'll note that the, the developer, um, is a  
5 local Bronx developer. Um, they've, um, and they've  
6 also developed some, some, ah, buildings within  
7 Brooklyn, ah, but that's, you know, typically their,  
8 their process is, is to work locally. Um, but I can  
9 provide more detail in, in writing.

10 CHAIRPERSON MOYA: Thank you. I  
11 appreciate that. Ah, that's it for me. Um, Council  
12 Member Ayala, do you have any questions? I'll turn  
13 it over to you.

14 COUNCIL MEMBER AYALA: Sorry, I'm having  
15 difficulty unmuting this morning. Um, I don't have  
16 any questions. I think that, you know, in regards to  
17 the, um, the objections raised by the community  
18 board, um, you know, they're, they're heard and, and,  
19 and understood, but I think that, you know, the  
20 property had been sitting there, ah, vacant for quite  
21 some time before this developer purchased it, um,  
22 prior to COVID and, you know, unfortunately because  
23 it was sitting there, you know, ah, empty for, for  
24 quite some time is a, is a house, a one-story, I  
25

1 think one-story, two-story, ah, house, um, ah,  
2 property. Then we did see some squatting in, you  
3 know, in the building that, ah, contributed to, um,  
4 two fires, um, and I think that all of that will be  
5 remediated through this development and, um, you  
6 know, really pleased with, you know, the outcome on  
7 the, ensuring that all of the units are under 80% of  
8 the AMI and that 50% are reserved, um, for under 50  
9 is really a huge win for this part of the, the  
10 district, um, where, you know, we're still known as,  
11 as being a part of the poorest Congressional district  
12 and we want to make sure that we're developing in a  
13 smart, efficient way that doesn't further, you know,  
14 contribute to the displacement of South Bronx  
15 residents. So I am, you know, really, ah, pleased  
16 with the outcome thus far and, ah, I appreciate your  
17 time, um, this morning.

19 FRANK ST. JACQUES: Thank you, Council  
20 Member.

21 CHAIRPERSON MOYA: Thank you, thank you,  
22 ah, Councilwoman Ayala. Ah, thank you. I now invite  
23 any of my colleagues who have questions, ah, for this  
24 panel. Counsel, do we have any council members that  
25 have questions.

2 COMMITTEE COUNSEL: Chair, I see no  
3 members with questions at this time.

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

9 COMMITTEE COUNSEL: If there are any  
10 members of the public who wish to testify on the  
11 Concord Avenue rezoning proposal please press the  
12 raise hand button now and, ah, Chair Moya, the  
13 meeting will stand at ease briefly while we check for  
14 any newly registered members of the public. Ah, OK,  
15 Chair Moya, I see no other members, ah, no members of  
16 the public who wish to testify on this item.

17 CHAIRPERSON MOYA: Ah, there being no  
18 members of the public who wish to testify on the  
19 preconsidered LU items under ULURP number C200274ZMX  
20 and N00275ZRX for the Concord Avenue rezoning  
21 proposal, the public hearing is now closed and the  
22 items are laid over. Ah, I now open the public  
23 health crisis on the preconsidered LU item under  
24 ULURP number N210061ZRK for the 86 Fleet Place  
25 proposal, seeking a zoning text amendment relating to

1  
2 property in Majority Leader Cumbo's district in  
3 Brooklyn. As a general reminder to the public, if  
4 you wish to testify in this meeting please visit the  
5 council's website now to complete the online  
6 registration process, or you may also submit written  
7 testimony to landusetestimony@council.nyc.gov. Um,  
8 now, Counsel, if you can please call up the first  
9 panel for this item.

10 COMMITTEE COUNSEL: The applicant panel  
11 for this item will include Rachel Scall, land use  
12 counsel for the applicant, and Ralph Zirinsky, ah, on  
13 behalf of the applicant. Panelists, if you have not  
14 already done so please accept the unmute request in  
15 order to begin to speak.

16 RACHEL SCALL: Thank you.

17 CHAIRPERSON MOYA: And Counsel, if you  
18 could, please, um, administer the affirmation.

19 COMMITTEE COUNSEL: Panelists, please  
20 raise your right hands. Do you affirm to tell the  
21 truth, the whole truth, and nothing but the truth  
22 before this subcommittee and in answer to all council  
23 member questions?

24 RACHEL SCALL: I do.

25 RALPH ZIRINSKY: Yes.



1                   COMMITTEE COUNSEL: Thank you.

2                   CHAIRPERSON MOYA: Thank you. Ah, we are  
3 in receipt of your slideshow presentation for this  
4 proposal. When you are ready to present the  
5 slideshow please say so and it will be displayed on  
6 screen by our staff. Slides will be advanced when  
7 you say next. Please note that there may be a slight  
8 delay in both the initial loading and the advancing,  
9 um, once, ah, advancing of slides. Once again,  
10 anyone who requires an accessible version of this  
11 presentation, ah, may send an email request to  
12 landusetestimony@council.nyc.gov. And now if the  
13 panelists would please, ah, restate your names and  
14 organizations for the record, you may begin.

15                   RACHEL SCALL: Good morning. My name is  
16 Rachel Scall. I'm an associate at Greenberg Traurig.  
17 Um, Ralph, do you want to go ahead and state your  
18 name?  
19

20                   RALPH ZIRINSKY: Hi, ah, Ralph Zirinsky,  
21 Red Apple Real Estate. Sorry, my video is getting an  
22 error message.

23                   RACHEL SCALL: Thanks. Um, if whoever is  
24 controlling the slides could pull those up I'd  
25 greatly appreciate it. Thank you. Um, so, I'm with

1 Greenberg Traurig. We represent Red Apple, Fleet, 86  
2 Fleet Place Development LLC in this application to  
3 amend the special downtown Brooklyn district's retail  
4 continuity requirements. Next slide please. Um, and  
5 I'm joined today by Ralph on behalf of Red Apple.  
6 Red Apple owns 86 Fleet Place at the southwest corner  
7 of Myrtle Avenue and Fleet Place in a C6-4 zoning  
8 district in the special downtown Brooklyn district.  
9 Next slide please. You see the property there in  
10 red. Next slide please. The property is improved  
11 with a 32-story building that was completed in 2017.  
12 The building's ground floor within 50 feet of Myrtle  
13 Avenue is subject to the special district's retail  
14 continuity restrictions, which require such space be  
15 used for limited, generally commercial, uses. Next  
16 slide please. The building's ground floor contains  
17 approximately 10,000 square feet of space that has  
18 been reserved for retail use. The applicant has been  
19 marketing this space for use by up to four commercial  
20 tenants since 2016. Despite those efforts, this  
21 space remains empty. Within the past year or so,  
22 dating back to before the pandemic, the applicant was  
23 approached by daycare medical tenants interested in  
24 the space, leading us to this application, which  
25

1 would amend the zoning resolution to allow all non-  
2 residential uses permitted by the site's underlying  
3 C6-4 zoning district on the building's ground floor.  
4 Next slide please. This is the existing retail  
5 continuity map of downtown Brooklyn. In 2018 the  
6 council approved a similar application to allow  
7 nonresidential uses on the ground floors of three Red  
8 Apple buildings on the block east of 86 Fleet Place,  
9 where you see that nonresidential requirement there  
10 on the map. Ah, that application resulted in three  
11 community facility tenants in those buildings, a  
12 daycare, dialysis center, each run by local not-for-  
13 profits, and an urgent care clinic. Like the  
14 buildings to the east, 86 Fleet Place has no frontage  
15 on Flatbush Avenue Extension and is located across  
16 Myrtle Avenue from Ingersall Houses, lending the area  
17 a more residential character than locations at the  
18 center of downtown Brooklyn. These characteristics  
19 make the property more suitable for a tenant such as  
20 community facility tenant that would benefit local  
21 residents. Next slide please. This is the proposed  
22 map. We would extend that nonresidential requirement  
23 to the west to cover the frontage of the 86 Fleet  
24 Place property. Next slide please. And we are  
25

1  
2 proposing to amend the, the text of the section to  
3 match, ah, match the changes to the map. Um, the  
4 community board and the borough president both issued  
5 favorable recommendations for this application, um,  
6 and following the presentation Ralph and I are happy  
7 to answer any questions.

8           CHAIRPERSON MOYA: Thank you. Ah, just a  
9 couple of questions. Back in, ah, 2018 the council  
10 approved this, ah, same, ah, zoning change, ah, that  
11 allowed the opportunity for a [inaudible] community  
12 facilities, ah, in the ground floor spaces for the  
13 rest of the block on Myrtle Avenue between Fleet  
14 Place and Ashland Place. Why was, ah, 86 Fleet not  
15 included in that original application?

16           RACHEL SCALL: Sure. So I can let Ralph  
17 speak to this in a little bit more detail. But I  
18 think that Red Apple had a little bit higher hopes  
19 for the commercial viability of this building. Um,  
20 Ralph, do you want to add some color to that?

21           RALPH ZIRINSKY: Yeah. When we did the  
22 first one, ah, you know, we kept to the low-rise  
23 buildings. We thought we had, you know, a decent  
24 chance of marketing to, you know, pure retail  
25 tenancies at 86 Fleet Place given that it was

1  
2 somewhat closer to Flatbush Avenue and in the base of  
3 a bigger tower. But unfortunately the, you know, the  
4 typical retail tenant never materialized for that,  
5 that project, either.

6 CHAIRPERSON MOYA: OK. Ah, and how is  
7 this block different from the rest of downtown  
8 Brooklyn, where storefront retail is required, and  
9 why is this particular block, ah, appropriate for  
10 allowing community facilities?

11 RACHEL SCALL: Sure. So this part of  
12 downtown Brooklyn sort of juts out to the east from  
13 the more central part of downtown Brooklyn. Um,  
14 being across Flatbush Avenue Extension lends a  
15 somewhere different character because there's already  
16 so much residential and purely residential use in the  
17 neighborhood with the NYCHA developments, um, across  
18 Myrtle Avenue, and so what we've seen is that in this  
19 area the character really does change from Flatbush  
20 Avenue Extension heading east. It lends it a more  
21 residential character, and so there's been this  
22 desire for community facility tenants in the area  
23 because there are so many residents nearby who would  
24 use these services.

2 CHAIRPERSON MOYA: OK. And do you have  
3 any community facility tenant identified yet?

4 RACHEL SCALL: Um, Ralph, would you like  
5 to speak to this?

6 RALPH ZIRINSKY: Ah, yes, we do. We have  
7 a local not-for-profit, um, medical use, um, that we  
8 know whose lease is really contingent upon, you know,  
9 obviously community facility uses being allowed in  
10 this property.

11 CHAIRPERSON MOYA: OK. Thank you.  
12 That's, ah, that's it for me. Um, I will now will  
13 check with our counsel to see if there are any  
14 council members that have any questions for this  
15 panel.

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

18 CHAIRPERSON MOYA: OK. There being, ah,  
19 no further questions the applicant panel is excused.  
20 Ah, Counsel, are there any members of the public who  
21 wish to testify on the 86 Fleet Place, ah, proposal?

22 COMMITTEE COUNSEL: If there are any  
23 members of the public who wish to testify on the 86  
24 Fleet Place proposal please press the raise hand  
25 button now, ah, and the meeting will stand at ease

1 while we check for any, ah, members of the public who  
2 may have registered. Sorry. Chair Moya, I see no  
3 members of the public who wish to testify on the 86  
4 Fleet Place proposal.  
5

6 CHAIRPERSON MOYA: Ah, thank you, Arthur.  
7 There being no members of the public who wish to  
8 testify on the preconsidered LU item under ULURP  
9 number N210061ZRK for the 86 Fleet Place proposal,  
10 the public hearing is now closed and the item and the  
11 item is laid over. I now open the public hearing on  
12 preconsidered LU items under ULURP numbers, ah,  
13 C200272ZMQ and N200273ZRQ for the 68-19 Woodhaven  
14 Boulevard rezoning proposal which seeks a zoning map  
15 amendment and a zoning text amendment, ah, and which  
16 relates to property in Council Member Koslowitz's  
17 district in Queens. Ah, I will remind the viewing  
18 public for anyone wishing to testify on this item, if  
19 you have not already done so you may register online  
20 in advance and you may do that now by visiting the  
21 council's website. Ah, Counsel, if you can please  
22 call the first panel for this item.

23 COMMITTEE COUNSEL: The applicant panel  
24 for this item will once again be Frank St. Jacques,  
25 land use, ah, counsel for the applicant. Mr. St.

2 Jacques, if you have not already done so, please  
3 accept the unmute request, ah, in order to begin to  
4 speak.

5 FRANK ST. JACQUES: Thank you.

6 CHAIRPERSON MOYA: And Counsel, if you  
7 could administer the affirmation.

8 COMMITTEE COUNSEL: Panelist, ah, please  
9 raise your right hand. Do you affirm to tell the  
10 truth, the whole truth, and nothing but the truth  
11 before this subcommittee and in answer to all council  
12 member questions?

13 FRANK ST. JACQUES: I do.

14 COMMITTEE COUNSEL: Thank you.

15 CHAIRPERSON MOYA: Thank you. Ah, we are  
16 in receipt of your slideshow presentation for this  
17 proposal. When you are ready to present the  
18 slideshow, please say so and it will be displayed on  
19 the screen by our staff. Slides will be advanced  
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23 an accessible version of this presentation may send  
24 an email request to [landusetestimony@council.nyc.gov](mailto:landusetestimony@council.nyc.gov).



1 And now if the panelist, ah, would restate your name  
2 and organization for the record, ah, you may begin.

3  
4 FRANK ST. JACQUES: Thank you. Um, good  
5 morning, Chair Moya, ah, and subcommittee members.  
6 Ah, again, I'm Frank St. Jacques of Akerman LLP,  
7 representing the applicant. Um, I am ready to, to  
8 begin my presentation, if you wouldn't mind, excuse  
9 me, loading the slideshow. And, ah, next slide  
10 please. Ah, this application is for a zoning map  
11 amendment to change existing C8-1 and R4 zoning  
12 districts to an R6A and R6A C2-3 zoning district, ah,  
13 as well as a zoning text amendment to establish a  
14 mandatory inclusionary housing area, or MIH area,  
15 within the rezoning application. These actions would  
16 facilitate the development of a seven-story mixed use  
17 building with 87 units, ah, approximately 26 of which  
18 would be permanently income-restricted under the  
19 mandatory inclusionary housing program. Next slide  
20 please. The rezoning area shown here, ah, shaded in  
21 red in the inset, ah, was mapped in 1961 with the  
22 current auto-oriented C1 district on the western side  
23 and low-density, non, excuse me, low-density, non-  
24 contextual R4 residential district on the eastern  
25 side. Next slide please. The rezoning area includes

1 the approximately 26,000 square foot development  
2 site, ah, outlined in red, and the adjacent site to  
3 the east, which is improved with a six-story and  
4 basement, 69-1/2 foot tall residential building that  
5 is noncompliant in the R4 zoning district that is  
6 mapped on that portion of the rezoning area. You can  
7 see two other similar six-story and basement multi-  
8 family buildings to the south and southeast of the  
9 development site, ah, shown in, um, along Yellowstone  
10 Boulevard. Ah, Woodhaven Boulevard bounding the  
11 development site to the west is a wide street. St.  
12 John's Cemetery is located across Woodhaven Avenue  
13 further to the west, and several bus lines are  
14 available in the area, providing connections to  
15 subway and Long Island Railroad service. Next slide  
16 please. The proposed R6A with the C2-3 commercial  
17 overlay and R6A districts would be mapped along the,  
18 along 60th Road between Woodhaven Boulevard to the  
19 west and Alderton Avenue to the east, as shown in  
20 this, ah, zoning change map. Next slide please. The  
21 proposed development is a new seven-story mixed use  
22 building with 87 units. The applicant agreed with  
23 Community Board 6's request to lower the building  
24 height to seven stories from eight stories and  
25

1 provide lower levels of affordability for the project  
2 under MIH by providing two of the three MIH income  
3 bands at 60% AMI, ah, in addition to, ah, several  
4 construction protections, um, that were requested by  
5 the community board. This results in 17 of the 26  
6 units, ah, 17 of the 26 MIH units being affordable at  
7 60% AMI. The proposed increase in density is  
8 appropriate at this location because of the existing  
9 built context, its location on a wide street across  
10 from, excuse me, its location on a wide street across  
11 from a significant open space resource, and its  
12 proximity to public transit. Next slide please. The  
13 proposed development at seven stories, or 73 feet, 8-  
14 1/2 inches, lines up with the adjacent multifamily  
15 building height, which is 69-1/2 feet tall, as you  
16 can see in, in these renderings. Ah, next slide  
17 please. Finally, the mandatory inclusionary housing  
18 program requires a set-aside for permanently income-  
19 restricted housing. As we've discussed, um, this  
20 would result in 26 permanently affordable unit. Um,  
21 the applicant team is partnering with Hannack to be  
22 the project's nonprofit MIH administering agent. And  
23 this slide shows some of the services that, that  
24 Hannack would provide, ah, in association with this  
25

1 project, ah, pursuant to the MIH program. That  
2 concludes my presentation, but I'm happy to answer  
3 any questions.  
4

5 CHAIRPERSON MOYA: Thank you. Ah, I just  
6 have one quick question here. Could you just please  
7 confirm your commitment to reserve, ah, two-thirds of  
8 the MIH units to families making, ah, 60% AMI or  
9 less?

10 FRANK ST. JACQUES: Yes. We, we, um,  
11 reconfirm that commitment. Um, this was a commitment  
12 that was made in writing to, ah, the community board  
13 and, and, um, you know, we, we reaffirm that  
14 commitment.

15 CHAIRPERSON MOYA: And what is the total  
16 number of units, ah, that will be serving those  
17 families?

18 FRANK ST. JACQUES: Um, so the total  
19 number of, um, income-restricted units within the  
20 projects under, um, this modified MIH option 2 is 26.

21 CHAIRPERSON MOYA: 26. OK. Thank you.  
22 That's it, that's it for me. Um, Counsel, is there  
23 any council members who have any questions for this  
24 panel?  
25

1  
2 COMMITTEE COUNSEL: No, Chair, I see no  
3 members with, ah, questions for this panel.

4 CHAIRPERSON MOYA: OK. There being no  
5 further questions, the applicant panel is excused.  
6 Ah, Counsel, are there any members of the public who  
7 wish to testify on the Woodhaven Boulevard rezoning  
8 application?

9 COMMITTEE COUNSEL: Ah, if there are any  
10 members of the public who wish to testify on 68-19  
11 Woodhaven Boulevard rezoning proposal please press  
12 the raise hand button now. Ah, Chair, the meeting  
13 will, ah, stand at ease while we check for any  
14 additional members of the public who may have  
15 registered to testify. Chair Moya, I see no members  
16 of the public who wish to testify on this item.

17 CHAIRPERSON MOYA: Thank you. Um, there  
18 being no members of the public who wish to testify on  
19 the preconsidered LU items under ULURP numbers  
20 C200272ZMQ and N200273ZRQ for the 68-19 Woodhaven  
21 Boulevard rezoning proposal, the public housing is  
22 now closed and the items are laid over. Ah, before  
23 we conclude today's business, ah, I'd like go back to  
24 our counsel to, ah, close out the vote.

1  
2 COMMITTEE COUNSEL: Thank you, Chair  
3 Moya. Ah, by a vote of 6 in the affirmative, zero in  
4 the negative, and no abstentions the items are  
5 approved and referred to the full Land Use Committee.

6 CHAIRPERSON MOYA: Thank you, Arthur.  
7 Ah, that concludes today's business. Ah, I will  
8 remind the viewing public that for anyone wishing to  
9 submit written testimony for items that were heard  
10 today, please send it by, ah, email to  
11 landusetestimony@council.nyc.gov. Ah, I would like  
12 to thank the members of the public, my colleagues,  
13 ah, the subcommittee counsel, land use, and other  
14 council staff, and of course the Sergeant at Arms for  
15 participating in today's meeting. Ah, this meeting  
16 is hereby adjourned. [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 May 14, 2021