

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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July 10, 2023
Start: 11:38 a.m.
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HELD AT: Committee Room - City Hall

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

COUNCIL MEMBERS:
Shaun Abreu
Erik D. Bottcher
David M. Carr
Kamillah Hanks
Farah N. Louis
Francisco P. Moya
Lynn C. Schulman

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

Leah Archibald
Executive Director of Archibald

Vivian Liao
Totem

Tucker Reed
Totem

Adam Rothkrug
Rothkrug, Rothkrug and Spector Attorneys

2 SERGEANT AT ARMS: Good morning and
3 welcome to today's hybrid New York City Council
4 hearing of the Subcommittee on Zoning and Franchise.
5 Everyone place all electronic devices to vibrate mode
6 or silent. If you wish to submit testimony, you may
7 send it to landusetestimony@council.nyc.gov. Again,
8 that's testimony-- excuse me,
9 landusetestimony@council.nyc.gov. Thank you for your
10 cooperation. Chair, we are ready to begin.

11 CHAIRPERSON RILEY: [gavel] Good morning
12 and welcome to a meeting of the Subcommittee of
13 Zoning and Franchises. I am Council Member Kevin
14 Riley, Chair of the Subcommittee. This morning I am
15 joined by Chair Louis, Council Member Bottcher,
16 Schulman, Abreu, Carr, and Paladino. And we are also
17 joined remotely by Council Member Moya. Today, we'll
18 vote on three Land Use items, two in Queens and one
19 in Brooklyn that we heard by the Subcommittee on June
20 13th. We will also hold public hearings for two
21 proposals, one in Brooklyn and one in Staten Island.
22 Before we begin, I recognize the Subcommittee Counsel
23 to review the hearing procedures.

24 COMMITTEE COUNSEL: Thank you, Chair
25 Riley. I am Arthur Ha [sp?], Counsel to the

1 Subcommittee. This meeting is being held in hybrid
2 format. Council Members who would like to ask
3 questions or make comments should either indicate so
4 verbally or if participating remotely by using the
5 Zoom raise hand function. The Chair will recognize
6 members to speak. We ask all participants for your
7 continued patience should any technical difficulties
8 arise, and Chair Riley will now continue with today's
9 agenda.
10

11 CHAIRPERSON RILEY: Thank you, Counsel.
12 Today, we will vote to approve LUs 237 and 238 for
13 the 6056 West 10th Street Rezoning Proposal in
14 Council Member Yeger's district in Brooklyn. This
15 proposal would rezone the existing R5 Zoning District
16 to an R6A Zoning District and establish an MIH
17 program area, utilizing option one and two. This
18 approval would facilitate the construction of a new
19 six-story residential building. Council Member Yeger
20 is in support of this application. We will also vote
21 to disapprove LUs 231 relating to the 43rd Avenue De-
22 mapping Proposal in Council Member Paladino's
23 district in Queens. This proposal seeks an amendment
24 to the City Map to allow the closing of a portion of
25 43rd Avenue between 222nd Street and 223 Street. The

1 adjustment of grade and block dimensions and
2 dispositions of the de-mapped portion of the street
3 to the applicant for fair market value. This
4 application would legalize a retaining wall that is
5 encroaching onto 43rd Avenue by several feet. The
6 Council will disapprove the application because the
7 evidence and testimony presented during the public
8 hearing made it clear that the applicant created the
9 present conditions by building a significantly large
10 retaining wall to level off the lot and maximize
11 development without regard to the narrow street that
12 the wall is located on or the negative impact it will
13 have on pedestrian in this residential community.
14 Finally, I note that the Council is in receipt of the
15 written statement from the applicant that the
16 application for LUs 230 relating to the 189-10
17 Northern Boulevard Commercial Overlay also in Council
18 Member Paladino's district in Queens has been
19 withdrawn. Therefore, pursuant to Council rule
20 11.60B, LUs 230 relating to the 189-10 Northern
21 Boulevard Commercial Overlay is void, and I make a
22 motion to file the items to remove them from the
23 Council's calendar. I would now like to allow
24 Council Member Paladino to give her statement.
25

2 COUNCIL MEMBER PALADINO: Thank you and
3 good morning, Chair Riley, and to everybody here. I
4 am opposed to this de-mapping for several reasons
5 that highlight the negative impact of encroachment
6 onto public land created the current retaining wall
7 within our residential community. Firstly, it is
8 undeniable that the retaining wall in question is
9 indeed encroaching on public land. Additionally,
10 there is compelling evidence to suggest that the
11 current owner re-constructed this wall. The
12 encroachment itself poses significant concerns due to
13 the location on a narrow street within our
14 pedestrian-friendly neighborhood. The presence of
15 this encroachment directly undermines the intended
16 street design and negatively affects the overall
17 pedestrian experience. The sheer size and height of
18 the existing wall starkly contrasts with the
19 predominant condition of the street which features a
20 more pleasant and sustainable vegetated planting edge
21 between side yards and the sidewalk. The current
22 wall, being in direct contradiction to this neighbor-
23 - established conditions, sorry, diminishes the
24 quality of life in our neighborhood. Rather than
25 legalizing the present unlawful condition, it is

1 important to emphasize that the appropriate solution
2 lies in the property owner's responsibility to
3 rebuild a retaining wall on its own rather large
4 property that is consistent with the predominant
5 built condition in this neighborhood. Moreover, it is
6 crucial to preserve the public realm and promote
7 pedestrian-friendly streetscape. We should not allow
8 the privatization of public land for the sole benefit
9 of two homeowners. Our neighborhood's wellbeing and
10 the enjoyment of its residents should in instances
11 like this precedence over private interests. In
12 sight of these points, I firmly believe that voting
13 no is the right course of action to protect the
14 integrity and character of our residential community,
15 ensuring a pleasant and sustainable environment for
16 all its residents. Thank you. Oh, okay, great. So
17 let me just-- I'll also add to this. Concerning the
18 land, the overlay on Northern Boulevard. I'm pleased
19 to-- I am pleased that the applicant has withdrawn
20 its proposal and is willing to rethink how the
21 project can be modified to make it more appropriate.
22 So, thank you very much.

24 CHAIRPERSON RILEY: Thank you, Council
25 Member Paladino. Are there any Council Members who

1
2 have any questions or remarks about today's item at
3 this time? I now call for a vote to approve LUs 237
4 and 238 relating to the 1656 West 10th Street
5 Rezoning to disapprove LUs 231 relating to the 43rd
6 Avenue De-mapping, and to file LUs 230 relating to
7 the 189-10 Northern Boulevard Commercial Overlay
8 Proposal. Counsel, can we please call the roll?

9 COMMITTEE COUNSEL: Chair Riley?

10 CHAIRPERSON RILEY: Aye on all.

11 COMMITTEE COUNSEL: Council Member Moya?

12 COUNCIL MEMBER MOYA: Aye on all.

13 COMMITTEE COUNSEL: Council Member Louis?

14 COUNCIL MEMBER LOUIS: Aye.

15 COMMITTEE COUNSEL: Council Member Abreu?

16 COUNCIL MEMBER ABREU: Aye.

17 COMMITTEE COUNSEL: Council Member

18 Bottcher?

19 COUNCIL MEMBER BOTTCHEER: Aye.

20 COMMITTEE COUNSEL: Council Member

21 Schulman?

22 COUNCIL MEMBER SCHULMAN: Aye.

23 COMMITTEE COUNSEL: Council Member Carr?

24 COUNCIL MEMBER CARR: Aye on all.

2 COMMITTEE COUNSEL: Chair, by a vote of 7
3 in the affirmative, 0 in the negative and no
4 abstentions, the items are adopted and referred to
5 the full Land Use Committee.

6 CHAIRPERSON RILEY: Thank you Counsel. I
7 will now open the public hearing on Pre-considered
8 LUs relating to the ULURP C210314 ZMK related to the
9 1160 Flushing Avenue Proposal in Council Member
10 Guti rrez district in Brooklyn. This application
11 seeks a Zoning Map Amendment to rezone the existing
12 M1-1 Zoning District to an M1-5 Zoning District. For
13 anyone wishing to testify on this remotely, if you
14 have not already done so, you must register online
15 and you may do that now by visiting the Council's
16 website at council.nyc.gov/landuse. And once again,
17 for anyone with us in person, please see one of the
18 Sergeant at Arms to submit a speaker's card. Council
19 Member Guti rrez could not be with us here to today,
20 but will be sending a statement for the record.
21 Counsel, can we please call the first panel for this
22 item?

23 COMMITTEE COUNSEL: The applicant panel
24 consists of Tucker Reed, Leah Archibald, and Vivian
25 Liao.

CHAIRPERSON RILEY: Counsel, please administer the affirmation.

COMMITTEE COUNSEL: Panelists, would you please raise your right hand and answer the question in the affirmative. Do you affirm to tell the truth, the whole truth and nothing but the truth in your testimony before this subcommittee and in answer to all Council Member questions? Thank you.

CHAIRPERSON RILEY: Thank you. For the viewing public, if you need an accessible version of this presentation, please send an email request to landusetestimony@council.nyc.gov. And now the applicant team may begin. Panelists, as you begin, I'll just ask that please restate your name and organization for the record. You may begin. Thank you. I just need you to press the button and speak into the mic.

LEAH ARCHIBALD: How's that, better? No one's ever told me I wasn't loud enough, so--

CHAIRPERSON RILEY: You're great. Thank you so much.

LEAH ARCHIBALD: Okay. Thanks so much for hearing this today. My name is Leah Archibald and I'm the Executive Director of Evergreen. We're

1
2 the local development corporation that works in
3 industrial north Brooklyn to increase the quantity
4 and quality of working-class jobs in our community,
5 and I am joined by the Totem Team.

6 VIVIAN LIAO: Yep. Hi, I'm Vivian Liao.
7 I'm a Principal and Co-Founder of Totem. We're a
8 Brooklyn-based real estate developer.

9 TUCKER REED: Tucker Reed from Totem as
10 well.

11 VIVIAN LIAO: Next slide. Should we
12 start the--

13 LEAH ARCHIBALD: Yeah. We can't just do
14 it with our blinks, right? So we are delighted to be
15 part of the team that is bringing forward this super
16 unique mixed-use application for 1160 Flushing. You
17 know, at Evergreen, you know, we work both to help
18 small businesses grow, predominantly manufacturers,
19 and also our organization is a small-scale industrial
20 developer. We have five of our own buildings that we
21 lease out at affordable rates.

22 VIVIAN LIAO: And as I mentioned, Totem
23 is a Brooklyn-based real estate developer. We really
24 approach all of our work in a community-driven
25 manner. You can see on the screen that all of our

1
2 developments focus on increasing affordability in
3 neighborhoods where we work, economic mobility, and
4 opportunity, working with community-based
5 organizations and prioritizing regenerative design.
6 Next slide.

7 LEAH ARCHIBALD: So, you can see-- this
8 is profile of Community District Four. Let's go to
9 the next slide. This is a more interesting one, I
10 think. You know, it's-- you know, we work really
11 hard to help manufacturers grow so we can keep
12 working-class jobs in our community, and it's really
13 clear from this set of community indicators that this
14 is necessary. you can see that in Community District
15 Four unemployment is higher than Brooklyn and New
16 York City as a whole, and of course, and you can also
17 see that levels of educational attainment are lower
18 than in Brooklyn and New York City. And you know,
19 one of the reasons that we work with small
20 manufacturers to help them grow is because they are
21 an excellent source of high-quality working-class
22 jobs with low barriers to entry. You don't need high
23 levels of educational attainment. You don't need
24 college. You don't even need high school. You don't
25 need to even have English as a first language

1 mastery. So, you know, we think that any way that we
2 can increase viable manufacturing space in the
3 community is a great way to improve our opportunity
4 to grow working-class jobs. And the-- you'll hear
5 more about the 1160 Flushing program, but we think
6 that this is a really good way to allow for increased
7 commercial growth and still create, you know,
8 excellent opportunities for small manufacturers to
9 grow. Next slide. And we aren't the only ones that
10 think this, right? You know, so you can see we-- in
11 our own north Brooklyn Brownfield Opportunity Area
12 Study Plan, we had prioritized this corner of our
13 industrial business zone for mixed commercial
14 industrial development as long as there was retention
15 of a certain amount of industrial space, which the
16 1160 Flushing plan does. Similarly, Department of
17 City Planning prioritized this sort of mixed
18 industrial commercial use, but most importantly for
19 us, this is the sort of use that was prioritized by
20 the community itself through the Bushwick Community
21 Plan, and this project hits a number of different
22 marks that the community prioritized. It has, you
23 know, no conversion of manufacturing to residential.
24 It maintains at least one FAR of industrial in
25

1 exchange for additional commercial density, and also,
2 it prioritized Flushing Avenue as a truck route and
3 as a commercial route. And you know, we-- you know,
4 also this prioritizes industrial growth along the
5 Flushing Avenue corridor. Next slide. So, a little
6 bit more about our plan. You know, what this area--
7 in our plan refers to this competing and conflicting
8 uses area, where we acknowledge there's all sorts of
9 different kinds of developments happening here. But
10 in order to allow for additional commercial growth,
11 we'd like to see the retention of a minimum of one
12 FAR of industrial, and the 1160 Flushing project does
13 just that. Next slide, please.

14
15 VIVIAN LIAO: So, I'll walk you through
16 the specific project details, quickly. Next slide.
17 Yep. This slide orients you to the specific location
18 in Bushwick. Here you can see these little dots in
19 red on-- were located on Flushing at the intersection
20 of Wyckoff Avenue just around the corner from the
21 Jefferson Street L stop. Next slide. And the current
22 zoning of the area is M1-1 and we're seeking a
23 rezoning to M1-5 in line with the community planning
24 goals that Leah just outlined. Next slide. Here's
25 the aerial view of the rezoning area you can see in

1 that full kind of mid-block to the Wyckoff
2 intersection there in red. Next slide. And then of
3 that red outline, our specific development site is in
4 the hash mark red here, the two tax [sic] lots that
5 you see outlined. Next slide. And then these are
6 just a few aerial views. We can flip through
7 quickly. Excuse me. Site views where you can see
8 the existing current conditions from all four corners
9 of the site. And then here is a rendering of what
10 the project would be, the next slide. What we're
11 really excited about, which Leah outlined at the
12 beginning is the potential to use this project to
13 create a precedent and a model for industrial
14 preservation in the area. We think it can set a
15 precedent for projects in north Brooklyn and beyond.
16 Specifically in this case, we would be preserving
17 industrial uses on-site, the minimum one FAR that
18 Leah spoke about, and providing growth opportunities
19 for new businesses while also creating space for
20 community-based retail. You can see the breakdown of
21 the space here, and altogether our projections show
22 this has the potential to generate hundreds of new
23 jobs, including up to approximately 40 industrial
24 jobs. Next slide. And then here you can see some
25

1 comparable precedence. The plans on-- for this
2 project call for ground floor retail space with a mix
3 of industrial and office in the upper floors. Next
4 slide. And then as Leah mentioned, we've been
5 working with Evergreen since the beginning of
6 conceptualizing this project, but Evergreen would not
7 be going away in their involvement in this project
8 and would be working day-to-day with us on tightening
9 the space. So I'll turn it back over to Leah.

11 LEAH ARCHIBALD: Yeah. So we've been
12 advising about the needs of New York City
13 manufacturers and kind of the profile of demand,
14 sorts of manufacturers that need space in north
15 Brooklyn and, you know, what their attributes are and
16 what their space needs are. So, they've been
17 developing the industrial concept around what we know
18 the needs of local manufacturers are. And we've been
19 working with our colleagues throughout the community
20 to, you know, to both ascertain their opinion and
21 inform them about the projects. And finally, you
22 know, when it's up and running, you know, we hope to
23 be able to recruiting ideal manufacturing tenants for
24 the building and ensuring that the spaces stays
25 viable for manufacturers. Next slide.

1
2 TUCKER REED: Next slide, please. I'll
3 just talk you through the balance of the program here
4 real quick. Again, Tucker Reed from Totem. We're
5 really trying to draw on the very vibrant arts and
6 cultural scene in Bushwick. Hopefully you'll see
7 that reflected in some of the building program here.
8 Next slide, please. And then here you get a nice
9 view of how these three different programs come
10 together. The pink color is retail. We think
11 there's a really interesting opportunity for a kind
12 of blend of industrial and retail to co-exist on the
13 site, the darker blue being the retail. I'm sorry,
14 the industrial uses in the building. So, you know,
15 ground floor retail broken up into small spaces for
16 local small businesses, entrepreneurs. We're also
17 introducing an old freight through-way that used to
18 exist on the site and creating a pedestrian alley
19 that would be lined by retail on both sides, and
20 again, we can create really small retail spaces there
21 that should be accessible to neighborhood
22 entrepreneurs. But as we move up into the building
23 you can kind of see how the industrial uses and
24 retail uses might co-exist. Think about like a
25 furniture manufacturer or a distillery or a jewelry

1
2 maker who can be making their items back of house and
3 then having like a showroom front of house that's
4 accessible to the public, and then the balance of the
5 building being more traditional commercial uses. And
6 if you go to the next slide, you can start to see how
7 in site plan this could work. You could have a
8 dedicated access point for the upper parts of the
9 building off the retail alley. Next slide, please.
10 Then you start to see how here the industrial and the
11 retail could co-exist as you start to move up into
12 the upper parts of the building. The loading dock is
13 relegated to Flushing Avenue which is where they
14 heavy truck traffic is already in the neighborhood.
15 So trying not to really be disruptive to traffic
16 plans in the neighborhood. And the next slides you
17 start to see now we move up into more traditional
18 commercial uses, and they could be dedicated through-
19 - if a single tenant wanted to take an entire floor
20 or break it up into smaller spaces of 2,000 to 5,000
21 square feet for neighborhood businesses. I think--
22 and Leah and us have talked a lot about the need for
23 commercial space for folks like architecture firms or
24 digital design firms, or post-production for
25 podcasting or film, a lot of which is happening in

1 the neighborhood. So really trying to create a maker
2 ecosystem in the building from the ground level up to
3 the top. And then just to round this out, the next
4 couple of slides I think talk to-- here's an
5 interesting kind of illustrations of what that retail
6 alley could look like. We looked at a lot of
7 precedence around the country and in New York City.
8 And then the next slides talk to our focus-- here's
9 the existing condition today, really bringing back to
10 life that transportation thoroughfare that I had
11 talked about, the old train through-way that used to
12 go through here, and reimaging it as a pedestrian
13 walkway. Then the final slide, I believe, one more,
14 talks to-- my partner Vivian had mentioned in the
15 beginning our focus on regenerative design as a
16 development firm. So really looking at ways of
17 integrating sustainability into the design features
18 here, green roofs, bio swells, street furniture that
19 acts as both rain catchment and sustainability
20 measures. And so you know, we're really excited to
21 have had the opportunity to work with Evergreen over
22 the last few years and to really engage with the
23 community. We've probably been working on this
24 project for three and a half, four years at this
25

1 point, and have had a very robust kind of
2 neighborhood engagement throughout the conversation,
3 and hopefully that's reflected in the, you know, very
4 positive endorsement we got from the local Community
5 Board as we went through the process.

7 LEAH ARCHIBALD: I think one thing I
8 would tack on. This is really unusual for our
9 organization to be involved with a private developer,
10 but one of the recommendations for our Brownfield
11 Opportunity Area Planning Study was that if we want
12 more high-quality manufacturing space for our small
13 manufacturers-- you know, these are the sorts of
14 partnerships that we have to, you know, get creative
15 about and cultivate. So, we're really happy to be
16 part of this. Thanks so much.

17 TUCKER REED: Thank you for your time.

18 CHAIRPERSON RILEY: Thank you. I just
19 have a few questions and then I'm going to pass it to
20 my colleagues to see if they have any questions.
21 Very interesting concept and idea what you guys are
22 trying to bring to the Bushwick community. Have you
23 identified any tenants for the office space in this
24 building, and what types of businesses do you expect
25 to locate here, and what makes you feel that this--

1
2 what makes you confident that the builder will lease
3 up?

4 TUCKER REED: Yeah, so obviously we're
5 very early in our process in terms of, you know,
6 we're only even at conceptual design. So if we were
7 to get the rezoning approve, we then enter into a
8 more robust design process. So we're a few years
9 away from even embarking on construction probably at
10 this point. So it's really early to talk to
11 commercial tenants, but I think what we are very--
12 what gives us the confidence to move forward is not
13 only the interest that we're already seeing in the
14 retail and the industrial space, which would
15 hopefully unlock a lot of the financing for the
16 longer-- for the building. But also, just there's
17 been like extraordinary office growth in this area,
18 particularly post-COVID. There's a number of
19 buildings that we looked at as precedent both in
20 North Williamsburg and Bushwick where they're seeing
21 quite significant office leasing velocity. I think
22 it's a reflective of like people want to be working
23 close to home in the post-COVID world, not
24 necessarily commuting into Manhattan, and
25 particularly a lot of the local entrepreneurs in this

1 corner of Brooklyn for their ability to set up shop
2 around some of the businesses that I mentioned,
3 around like post-production for digital, podcasting,
4 the kind of creative maker economy that's in this
5 part of Bushwick. Netflix has a huge presence in the
6 neighborhood, and not to say we're going to go out
7 and try to get Netflix as our tenant, but there's all
8 sorts of secondary and tertiary, you know, service
9 providers for those types of larger maker facilities,
10 that you could imagine being a part of a building
11 like this. So, we know that it's a bit of a
12 pioneering project, but I think it's also why we're
13 excited to work on it, because we're trying to prove
14 to both the marketplace and to the policy makers that
15 there's an opportunity for industrial and more
16 traditional commercial to co-exist in a single
17 building.

18
19 CHAIRPERSON RILEY: I agree, and I think
20 the essence of what you talk about, why I'm trying
21 grasp is the infrastructure of how you're going to
22 set this building up. You talked about Netflix. I
23 think you mentioned podcasting. You also talked
24 about maybe furniture. So is there a specific type
25 of, I guess, tenant that you're looking for to

1
2 attract in this area. And you talked about other
3 office buildings in the same facility, do you know
4 the uses that they have within those office
5 buildings?

6 TUCKER REED: So, I think the identity of
7 the building that we would be working towards, and
8 Leah, please help me with that, but it's very much
9 like a maker economy building, right? So, not every
10 piece of the maker economy is necessarily like heavy
11 manufacturing, but it's people producing content or
12 people producing art, or people producing digital
13 media, and I think that's where we really see a
14 niche, and I think in terms of how that maybe heavier
15 industrial uses downstairs could co-exist with some
16 of the more closed production type uses upstairs I
17 think is one of the real reasons that we partnered
18 with Evergreen, given their experiences working on
19 industrial development, understanding how you serve
20 the needs of an industrial tenant, but also make the
21 building accessible to a more traditional-type of
22 tenants basis. And so I know you've been working on
23 a number of projects like this.

24 LEAH ARCHIBALD: Yeah, and they're-- you
25 know, so I think that, you know, there is an

1 opportunity for both industrial and commercial
2 businesses to co-exist within the same structure, but
3 it has to be done really thoughtfully, right? So it
4 has to be done-- you know, they have to be thoughtful
5 siting within the building and they both-- both sets
6 of tenants need access to, you know, loading,
7 elevators, etcetera. You know, for our part, there's
8 still significant demand for manufacturing space.
9 There's no work-from-home for manufacturing, right?
10 Even throughout the pandemic we were fielding
11 requests for real estate. So it's particularly in
12 these smaller floor plans, right? The 2,000, 3,000,
13 5,000 square foot which is just the size units that
14 we're able to break things down to at 1160 Flushing.
15 So we need to be thoughtful I think about curation of
16 the tenants to make sure that it's someone that can
17 co-exist with commercial use. So, it-- you know, we
18 need to be thinking about folks that, you know-- a
19 wood worker that may not need a spray booth, right?
20 You know, a-- certain kinds of metal working, certain
21 kinds of word working, small food production.
22 There's always demand for small food manufacturing,
23 and that can co-exist with commercial uses.

2 CHAIRPERSON RILEY: Yeah, I know there's
3 like a big ask for like ghost kitchens for, like,
4 chefs that are looking for, like, spaces when they
5 want to host, like, private events. So I know that's
6 something that's really becoming an attraction now.
7 But thank you. Thank you for that answer. My next
8 question is-- I'm concerned about the Evergreen
9 relationship. How will it be codified as time goes
10 on and what will be the long-term involvement with
11 programming within the building with Evergreen?

12 LEAH ARCHIBALD: Well, you know, we
13 obviously, you know, we're part of, you know, the
14 application team at the front end here. But I think
15 over time when it's time to start, you know,
16 recruiting tenants, you know, we will be a-- like
17 formally working with 1160 to be identifying
18 potential tenants and bringing them in, as well as
19 monitoring and oversight to ensure that the
20 industrial space I being used to manufacture.

21 TUCKER REED: We plan to-- yeah, we plan
22 to-- and just so there's a legal mechanism for-- to
23 give some teeth to the oversight, we plan on entering
24 into a restrictive declaration with Evergreen to
25 codify those commitments to the building. We've pre-

1 negotiated the document and we're happy to share it
2 with the committee if that's of interest.

3
4 CHAIRPERSON RILEY: Yes, please, thank
5 you. My last question. How will the proposed zoning
6 advance the goals of the north Brooklyn IBZ Plan,
7 especially on the sites that are not subject to your
8 agreement with Evergreen's exchange?

9 LEAH ARCHIBALD: Yeah, so I'll-- so, you
10 know, we live in an imperfect world, and you know,
11 we're real comfortable with this as it pertains the
12 sites that Totem has control over, and we're also
13 pretty comfortable with the other sites. One of the
14 buildings is over-built already and couldn't get any
15 bigger, even under the new zoning. Another one is an
16 active industrial site that is likely to just stay a
17 metal fabrication site, because they have a viable
18 business, and then, you know, the third piece that is
19 not directly controlled was recently renovated, so
20 it's pretty unlikely that there's going to be wildly
21 out-of-scale commercial development on those other
22 pieces of the property. Like I said, not perfect,
23 but we're comfortable.

24 TUCKER REED: Yeah, and I think just a
25 final point, Council Member, in terms of how it

1
2 advances the goals of the IBZ, I think both our
3 intention originally in seeking out Evergreen as a
4 partner and I think Evergreen's willingness to work
5 with us, and then I think throughout our
6 conversations with community stakeholders is that
7 folks in this part of Brooklyn-- I mean, across the
8 City, but particularly this part of Brooklyn-- have
9 been talking for a while about how do we revitalize
10 industrial uses and use, you know, more revenue-
11 generating uses in a building to really cross-
12 subsidize it. So there's been talk about it for more
13 than a decade now that I'm aware of. We think this
14 is an opportunity to really, you know, take the
15 poster child off the wall and put it into practice
16 and really show that it is possible both to the, you
17 know, private marketplace but also policy-makers,
18 that we don't need to be thinking about these uses as
19 individual silos. It's a very, like, outdated way of
20 thinking about land use. It's kind of happening in a
21 lot of places organically in this part of Bushwick
22 anyway where you'll find an architecture studio
23 sharing a building with a, you know, a wood worker or
24 something just by nature of what was available to
25 them from a leasing standpoint. So, we're excited to

1
2 be able to kind of demonstrate this hopefully as a
3 way of advancing the long-term goals of the IBZ, that
4 in order to put more job-intensive uses in sites like
5 this, you don't need to forego industrial. In fact,
6 you can use industrial as a foundation to build off
7 of.

8 CHAIRPERSON RILEY: Thank you.

9 Sustainability is something that you guys discussed
10 in the presentation. Could you discuss is this a
11 flood-- oftenly [sic] flooded area in Bushwick, and
12 can you just talk about the sustainability project
13 that you guys plan on bringing to this area?

14 TUCKER REED: So, I was just looking at
15 our environmental consultant to confirm, we're not in
16 a flood zone here.

17 CHAIRPERSON RILEY: Okay.

18 TUCKER REED: Yeah.

19 CHAIRPERSON RILEY: Thank you. Any
20 Council Members with any questions? Alright, there
21 being no questions, this applicant team is no
22 excused. Counsel, are there any members of the public
23 who wish to testify on this item?

24 COMMITTEE COUNSEL: No, Chair, there are
25 no remote witnesses registered to testify. If anyone

1
2 in the room with us here today wishes to testify on
3 this item, please fill out a speaker card and step up
4 to the table. Okay, it appears we have no witnesses
5 signed up for this item.

6 CHAIRPERSON RILEY: Thank you. There
7 being no other members of the public who wish to
8 testify on Pre-considered LUs relating to ULURP
9 C210314 ZMK, relating to 1160 Flushing Avenue
10 proposal, the public hearing is now closed and the
11 item is laid over. I will now open the public
12 hearing for Pre-considered LU relating to the ULURP
13 N230068 ZRR relating to the 56 William Avenue
14 Proposal in Minority Leader Borelli's district in
15 Staten Island. This application seeks a zoning text
16 amendment to remove a portion of the designated open
17 space within the Special South Richmond Development
18 District. For anyone wishing to testify on this item
19 remotely, if you have not already done so, you must
20 register online, and you may do that now by visiting
21 the Council's website at council.nyc.gov/landuse.
22 And once again, for anyone with us in person, please
23 see one of the Sergeants to prepare and submit a
24 speaker's card. Counsel, please call the first panel
25 for this item.

2 COMMITTEE COUNSEL: Applicant panel for
3 this item is Adam Rothkrug.

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

6 COMMITTEE COUNSEL: Mr. Rothkrug, please
7 raise your right hand and answer to the following
8 question. Do you affirm to tell the truth, the whole
9 truth and nothing but the truth in your testimony
10 before the Subcommittee and in answer to all Council
11 Member questions?

12 ADAM ROTHKRUG: Yes.

13 COMMITTEE COUNSEL: Thank you.

14 CHAIRPERSON RILEY: Thank you. For the
15 viewing public, if you have-- if you need an
16 accessible version of this presentation, please send
17 an email request to landusetestimony@council.nyc.gov.

18 And now the applicant team may begin. Panelists,
19 before you begin please state your name and
20 organization for the record. You may begin.

21 ADAM ROTHKRUG: Adam Rothkrug of
22 Rothkrug, Rothkrug and Spector Attorneys. Thank you.
23 I was trying to think, this might be the smallest
24 application that comes before your committee, maybe
25 ever. I'm here on behalf of the estate of Clement

1 Marotte seeking a zoning text amendment to modify an
2 area of designated open space within the Special
3 South Richmond District. And you can move ahead
4 [inaudible] couple slides. You can go. Keep going.
5 Great. So this approval will facilitate construction
6 of a single two-family home, approximately 2,000
7 square feet in area on a lot that's approximately 40
8 by 100 in size. If you move forward to slide seven.
9 The existing open space totals 10,712 square feet,
10 but it's not connected to an open space network, and
11 this space is actually scheduled to be removed by the
12 City itself as part of the City Planning text change
13 that is pending with the City Planning Commission
14 that will probably coming to your-- coming to the
15 City Council within the next two to three months.
16 Obviously when we started this application a couple
17 years ago, that wasn't on the books. So, in two to
18 three months this would probably-- this action would
19 probably not even be required, but we are here. The
20 site is a vacant lot, 40 by 100, 40 by 100. It's
21 never been developed. We're proposing a single two-
22 family house that will conform and comply with the
23 existing R3A district regulations. It will not
24 affect really any other property. If you go to some
25

1 of the photos, if possible-- that's the vacant lot.
2 The surrounding area is primarily developed. The
3 only other thing I would add-- if you proceed to the
4 next photo. This is from the back of our property.
5 So this King Street which is a map street that runs
6 through our property, and this property previously
7 obtained approval from the Board of Standards and
8 Appeals to build in the bed of the map streets. So
9 that, approval was required and granted, and this
10 approval will allow the owner to proceed with the
11 construction of the single house. I'm happy to
12 answer any questions.
13

14 CHAIRPERSON RILEY: Thank you. Can you
15 talk a bit about the history of the site? To your
16 knowledge, what is the rationale for including the
17 parcel as designated open space within the Special
18 South Richmond Development District?

19 ADAM ROTHKRUG: So, I guess this was a
20 vacant parcel. As I said, it was 10,000 square feet.
21 Some of the open space area mappings didn't-- don't
22 really seem to make a whole lot of sense which is why
23 City Planning started about five years ago with
24 applications to clean up the maps to remove some of
25 these outliers. So, I think that a lot of the open

1 space was mapped without specifically looking at what
2 the development of the area was. This is a single
3 lot. The other open space area is developed.
4 There's a street behind us. So, again, I think City
5 Planning has realized that some of the mappings
6 didn't make a whole lot of sense, and that's why
7 they're rectifying it by removing a lot of these
8 outlying spaces that don't connect to any kind of
9 open space network.
10

11 CHAIRPERSON RILEY: If this rezoning were
12 not approved, what would the applicant plan to do
13 with this site?

14 ADAM ROTHKRUG: So, we wouldn't be able
15 to develop it without removing the open space, so
16 that's why it has been sitting as this kind of just
17 vacant lot between all these other houses. So,
18 again, if this application were not approved, what
19 we'd probably do is wait for the City's application
20 which is pending, and will probably eliminate the--
21 would have eliminated the need for this application,
22 because the City has recognized the appropriateness
23 of this on their own.
24
25

CHAIRPERSON RILEY: Thank you. Do any of my colleagues have any questions? Nope. This applicant is now excused.

ADAM ROTHKRUG: Thank you very much.

CHAIRPERSON RILEY: Counsel, are there any members of the public who wish to testify on this item?

COMMITTEE COUNSEL: Chair, it appears there are no witnesses signed up to testify for this item.

CHAIRPERSON RILEY: There being no members of the public who wish to testify on pre-considered LUs relating to ULURP N230068 CRR relating to the 56 William 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 Counsel Staff and Sergeant at Arms for participating in today's meeting. This meeting 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 July 17, 2023