

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 21, 2014
Start: 9:57 a.m.
Recess: 10:10 a.m.

HELD AT: 250 Broadway - Committee Rm,
16th Fl.

B E F O R E:
MARK S. WEPRIN
Chairperson

COUNCIL MEMBERS:
Vincent J. Gentile
Vincent M. Ignizio
Daniel R. Garodnick
David G. Greenfield

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

Richard Lobel
Sheldon Lobel PC

Jessica Loeser
Akerman LLP

[background comments]

CHAIRPERSON WEPRIN: Alright, we're gonna... we're gonna get started. Wow, loud. Good morning everyone, my name is Mark Weprin; I'm Chair of the Zoning and Franchises Subcommittee and I am delighted to be joined by the Chair of the Land Use Committee, David Greenfield, to me left and then down towards the right, the Council Members Vinny Gentile, Vincent Ignizio; Dan Garodnick. We have two items on our agenda tonight -- today, [background comment] I should say -- and we're gonna start with the second one listed here, Preconsidered M 770445; it's the IHOP restaurant expansion in Council Member Barron's district and we are joined by Richard Lobel from Sheldon Lobel PC, and Mr. Lobel will make his way to the microphone, 'cause he's done it before, state his name and describe the Application. Thank you.

RICHARD LOBEL: Good morning.

[background comment]

RICHARD LOBEL: I did not, although I foresaw that many people in would want pancakes because we're expanding an IHOP restaurant; that's the Application, so thank you for having me.

[background comments]

2 The Application here is very simply a
3 modification of a Restrictive Declaration and the
4 application will permit the enlargement of an IHOP
5 restaurant by about 2200 square feet; the restaurant
6 is currently about 3800 square feet and is located in
7 Community District 18 in Brooklyn, between the
8 Canarsie and Starrett City neighborhoods.

9 The Application is for a modification of
10 a Restrictive Dec. which was originally entered into
11 in 1979. So pursuant to these Restrictive
12 Declarations, many times when there was a rezoning
13 sought at the time, City Planning required that a
14 Restrictive Dec. be entered into; in this one it
15 allowed a site, which is a rather large site, close
16 to 300,000 square feet, to have a commercial overlay
17 over the entirety of the site. So pursuant to that
18 Restrictive Declaration, the commercial square
19 footage at the site was restricted to approximately
20 50,000 square feet for a Pathmark shopping center, as
21 well as an additional approximately 14,000 square
22 feet for a retail use for associated retail stores.

23 So the Declaration was modified several
24 times through the years and at one point the
25 Declaration allowed for this stand-alone restaurant..

2 [background comments] you can see it sits on the
3 northern portion of the site. [background comments]
4 So the restaurant, which is an IHOP, is covered by
5 the Restrictive Declaration; the addition here and
6 the modification would allow for 2200 square feet
7 addition which would allow additional seating,
8 additional service areas and additional waiting areas
9 for patrons; oftentimes there's a rather large
10 waiting line for the premises; it's a very popular
11 restaurant in the community, heavily utilized and has
12 been so for years. Community Board 18 did not
13 register an opinion with regards to this Application
14 and most of the people who we've spoken to are very
15 fond of pancakes, as well as boysenberry syrup, which
16 as far as I know cannot be obtained anywhere else in
17 the city of New York, and so we are in front of you
18 today for this amendment to this Application; I'd be
19 happy to answer any questions.

20 CHAIRPERSON WEPRIN: I do wanna add for
21 the record, for the members of the Committee that
22 Council Member Barron, whose district this is in, is
23 supportive of this Application. So that in mind, do
24 any of the members of the Committee have any
25 questions about the boysenberry syrup or [laughter]

2 about the application? I don't see any. Well...

3 [background comments] Alright. Well thank you,

4 Mr. Lobel; we are gonna excuse you and you can go

5 back to work...

6 RICHARD LOBEL: Thank you, Chair Weprin...

7 [interpose]

8 CHAIRPERSON WEPRIN: please. Is there

9 anyone else here on this Application, on the IHOP

10 Application? I see none. So with that in mind,

11 we're gonna close this hearing... [pause] [background

12 comments]

13 Alright. I'm gonna close this hearing

14 and move on to the other item on our agenda, which is

15 actually two land use items; it's Land Use No. 0098

16 and 0099, the 49th Avenue Rezoning in Council Member

17 James Van Bramer's district. I am gonna call up

18 Jessic... she's doin' it all by herself? Just Jessica?

19 Jessica Loeser... [background comment] Is it all just

20 you? Okay. [background comments] Okay. Alright.

21 It's all yours. Please state your name for the

22 record and describe the Application and we'll turn it

23 over to the Committee after that. Thanks.

24 JESSICA LOESER: Good morning, my name is

25 Jessica Loeser from the Akerman law firm and I'm here

1 representing the applicant for 100.49 LLC [sic]. We
2 have submitted a Zoning Map and Text Amendment
3 Application to modify Zoning Resolution Section
4 117-00, which is Appendix A, the Special Long Island
5 City Mixed Use District and Subdistricts to include a
6 proposed Rezoning Map and a Zone Map Amendment from
7 an M1-4 to an M1-5/R7X and an extension of the
8 Special Long Island City Mixed Use District and
9 rezoning area. And if I could just point your
10 attention to the map. The site that we're talking
11 about is the white area... [interpose, background
12 comment] Sure. The site that we're referring to is
13 a white area sort of just on the... like a bump in-
14 between... into the Special Long Island Mixed Use
15 District. When the area was rezoned in 2004, that
16 area was cut out and so it is part... it is neighboring
17 the special district on all three sides.

18
19 Our Application also includes a Zoning
20 Text Amendment to modify the Special Long Island
21 District sections to allow 49th Avenue, between 11th
22 Street and 21st Street, to have unenclosed sidewalk
23 cafés as-of-right. Sidewalk cafés are allowed on
24 wide streets throughout the district and 49th Avenue
25 is a wide district. The site is currently approved

2 with a 100-car, 70-bicycle parking lot and the
3 rezoning would allow for a 12-story mixed-use
4 building which would otherwise be noncomplying and
5 nonconforming.

6 The rezoning area consists of Block 61,
7 Lots 5, 50 and a part of 55, Block 72 and a portion
8 of Lot 1.

9 The development site consists of Block
10 61, Lot 55, as I just mentioned, which is a five-
11 sided, 26,500-square-foot zoning lot. There is a
12 2,250-square-foot section of the site which was
13 included in the rezoning and is part of the M1-5/R7X
14 district and is otherwise not a part of this
15 Application.

16 The proposed development will be a new 8-
17 12-story commercial/residential building which
18 contains approximately 173,000 square feet, which
19 includes a cellar. The proposed project would
20 contain over 141,000 square feet of residential
21 space, 24,000 square feet of parking space and 6,000
22 square feet of commercial space.

23 The new building will contain
24 approximately 140 housing units, have a 5.0 FAR and
25 if built to 12 stories, the building height would be

115 feet with the first setback at 76 feet.

Accessory parking on the lower level will contain 100 enclosed parking spaces.

The applicant intends to apply for a 421-a housing program to provide affordable housing units as part of the development and the proposed development will meet or exceed the Energy Code. All units will have Energy Star appliances, 3 inches of exterior insulation, high-efficiency condensing boilers, high performance windows which will include Low-E glazing, argon filled, 35 PTC for sound attenuation. Additionally, the proposed development will participate in the NYSERDA Multifamily Performance Program.

The proposed program will better utilize the site in a manner consistent with the surrounding area, will remove an unattractive use and provide much needed housing. Beginning in the 2004 rezoning and particularly within the last three years there has been a residential transformation in the area; the proposed development is consistent with this development trend.

The Application has received strong support from Community Board 2, Queens Borough

2 President Katz, Council Member Van Bramer and New
3 York City Planning Commission. We respectfully
4 request that the Committee approve this Application.

5 CHAIRPERSON WEPRIN: Okay. I know that
6 Council Member Van Bramer has been generally
7 supportive of this, but there have been some
8 outstanding issues that I know have been discussed on
9 this and we won't be voting on this today, but we're
10 hoping on being able to vote on it tomorrow.

11 Does any member of the Committee have any
12 questions on this Application? None. [background
13 comments] Okay. Council Member [laughter]
14 Greenfield has a question.

15 COUNCIL MEMBER GREENFIELD: What the
16 heck. [background comment] The community board made
17 several recommendations, including providing 20
18 percent affordable housing, artist studio on higher
19 floors, preference to Community Board 2 residents and
20 working with DOT to request traffic signage, calming
21 and crosswalks. Can you tell us about progress on
22 those issues, please?

23 JESSICA LOESER: Sure. [crosstalk]

24 COUNCIL MEMBER GREENFIELD: Thank you.

2 JESSICA LOESER: Many of those concerns
3 were actually part of our Application when we went to
4 the Community Board; the affordable housing component
5 was always a part of our Application from when we
6 submitted to City Planning. The concerns with
7 respect to DOT is that there's a lot of development
8 happening around the site or a lot of development has
9 already happened and there's an influx of new
10 residents, which I think many of the people who came
11 to our hearings and spoke in favor of the project
12 were excited about additional development, but there
13 seems to be a lag with accommodations that DOT needs
14 to make in order to improve pedestrian safety and
15 sidewalk crossings, and we're committed to helping
16 them facilitate any dialog that we can.

17 With respect to the artist space, it's
18 actually working artist space; not artist residents.
19 The developer had offered to make some space
20 available for community need and the Community Board
21 said that there is a need for artist studios. And
22 then there was a follow-up discussion about where the
23 studios in the building would be placed because
24 artists prefer more natural light, so with respected
25 lower floor.. we have below-grade space available and

2 above-grade space, where once everything is said and
3 done and the appropriate approvals have come through,
4 we will work with local art groups to facilitate that
5 space.

6 COUNCIL MEMBER GREENFIELD: I know when I
7 knit if like to have higher... [interpose]

8 JESSICA LOESER: It's very important,
9 sunlight.

10 COUNCIL MEMBER GREENFIELD: space 'cause
11 I... more sunlight as well. Yeah. And so where are we
12 at on the affordable housing; what's the number right
13 now?

14 JESSICA LOESER: 28.

15 COUNCIL MEMBER GREENFIELD: 28 percent.

16 Good job Council Member Van Bramer... [crosstalk]

17 JESSICA LOESER: No... I'm sorry, 28 units.

18 COUNCIL MEMBER GREENFIELD: 28 units?

19 JESSICA LOESER: Right.

20 COUNCIL MEMBER GREENFIELD: Wow, I got
21 excited there for... [crosstalk]

22 JESSICA LOESER: 28 percent...

23 [background comments]

24 COUNCIL MEMBER GREENFIELD: 28 units of...
25 how... how many units...? [crosstalk]

2 JESSICA LOESER: 140.

3 COUNCIL MEMBER GREENFIELD: Okay, got it.

4 So... [interpose]

5 JESSICA LOESER: Pursuant to the 421-a
6 program.

7 COUNCIL MEMBER GREENFIELD: Got it. Got
8 it. Okay, very good. Thank you.

9 JESSICA LOESER: Sure. Thank you.

10 CHAIRPERSON WEPRIN: Thank you, Council
11 Member Greenfield. Any other questions for the
12 panel? I see none. We are going to excuse
13 Ms. Loeser... [interpose]

14 JESSICA LOESER: Thank you.

15 CHAIRPERSON WEPRIN: and tha... thank you
16 very much. Is anyone else here to testify on these
17 items?

18 [background comments]

19 CHAIRPERSON WEPRIN: I see none. So with
20 that in mind we are gonna close this hearing; we are
21 not gonna vote on either of the items that we heard
22 here today today, but we will be voting, hopefully,
23 tomorrow. So we are going to recess the Zoning and
24 Franchises Subcommittee until tomorrow morning; we're

2 gonna call it for 10:30 and that's... is that here or
3 across the street?

4 [background comments]

5 CHAIRPERSON WEPRIN: It's at City Hall,
6 the Committee Room at City Hall [background comments]
7 at 10:30; it is followed immediately by the Land Use
8 Committee, so everyone should be here anyway, but
9 please try to get here early so we can get our
10 business done [background comments] on the Zoning
11 Committee so Council Member Greenfield can start his
12 meeting right on time. So with that in mind, we are
13 gonna recess and I will see you all tomorrow. Thank
14 you very much.

15 [gavel]

16 [background comments]

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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 29, 2014