

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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October 3, 2018
Start: 10:05 a.m.
Recess: 11:09 a.m.

HELD AT: Committee Room - City Hall

B E F O R E: FRANCISCO P. MOYA
Chairperson

COUNCIL MEMBERS: Costa G. Constantinides
Barry S. Grodenchik
Rory I. Lancman
Stephen T. Levin
Antonio Reynoso
Donovan J. Richards
Carlina Rivera
Ritchie J. Torres

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

Richard Lobel, Law Firm of Sheldon & Lobel, PC

Richard Bass, Attorney, Law Firm of Akerman, LLP

Matthew Troy, Executive Director, Variety Boys and Girls Club

Zach Kadden, Madison Realty Capital

Ross Moskowitz, Legal Counsel

Jon Ignatius Bean, Legal Counsel, Stroock & Stroock & Lavan LLP

Frank San Jacques, Akerman, LLP for the Applicant
Ravi Management, LLC

Paola Duran, Director Housing, HANAC

Ana Rivera, Director of Property Management, HANAC

2 [sound check]

3 CHAIRPERSON MOYA: Good morning, and
4 welcome to the meeting of the Subcommittee on Zoning
5 and Franchises. I'm Council Member Francisco Moya,
6 the Chair of this Subcommittee, and today I'm joined
7 by Council Members Steve Levin and Council Member
8 Menchaca. If you are here to testify on projects on
9 our calendar for which the hearing was not already
10 closed, please fill out one of these slips, these
11 white slips and give it to the sergeant-at-arms and
12 indicate the name of the application you wish to
13 testify on, on that slip. [background comments,
14 pause] Okay. So, we will now start today's
15 hearings. Our first hearing will be on the
16 Preconsidered LUs 3901 9th Avenue Rezoning for the
17 property in Council Member Menchaca's district in
18 Brooklyn. 39 Group, Inc. seeks a rezoning of 3901
19 9th Avenue from an M1-2 to a R7-A/C2-4, and a related
20 zoning text amendment to establish a Mandatory
21 Inclusionary Housing area on the rezoning area with
22 MIH Options 1 and 2. These options would facilitate
23 the development of a six-story mixed use building
24 with ground floor commercial space, and approximately
25 40 housing units. I now open the public hearing on

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2 this application, and I call up Richard Lobell and
3 who is it? [background comments] Okay.

4 RICHARD LOBELL: I'm joined by Jenny
5 Quong who is the representative from of the
6 applicant.

7 CHAIRPERSON MOYA: Great. Thank you.
8 Counsel, will you please swear in the panel?

9 LEGAL COUNSEL: Please fill out an extra
10 speaker's slip when you're done.

11 RICHARD LOBELL: For sure.

12 LEGAL COUNSEL: Do you each swear or
13 affirm that the testimony that you're about to give
14 will be the truth, the whole truth and nothing but
15 the truth, and that you'll answer all questions
16 truthfully?

17 RICHARD LOBELL: We do.

18 CHAIRPERSON MOYA: Thank you. I now want
19 to turn it over to Council Member Menchaca for some
20 remarks.

21 COUNCIL MEMBER MENCHACA: Hi, I have a
22 few questions—thank you, Chair, by the way and—and
23 we're really excited to be having this conversation
24 as it move through the process. I have some
25 questions that I want to ask after the presentation,

2 but the first thing I just want to say is I know that
3 we've been discussion this proposal for some time
4 now, and that the, the conversations have been with
5 my staff, and with the community. We've brought up
6 some—some good—good questions, but at the end of the
7 day, the one thing that I want us to remind or that
8 this reminds us is that you're—you're asking the city
9 and the people of this—of this incredible city to
10 give—to give you more value, to be able to build more
11 and differently and that has a lot of value for—for
12 you. You have to meet us with very specific--and
13 we'll go through the questions—responses and—and
14 infrastructure items and things that the public is
15 going to need as well, and so we're hoping to get to
16 that place and memorialize all the things that are
17 going to be helpful for us and for you, and that's—
18 that's the goal here, and I hope we can get there. I
19 have every—I have every confidence that we're going
20 to be able to get there, but that's the goal. We've
21 come to the middle, and you meet us. We memorialized
22 this plan (sic) or else this whole thing doesn't
23 work. So, that's all I'm going to say right now.
24 I'm looking forward to your presentation, and I have
25 some questions later.

2 RICHARD LOBEL: Thank you and—and I would
3 just add, Council Member Menchaca that we have had
4 several conversations with your staff. We would say
5 that there have been fantastic conversation in
6 discussion some of the items, which probably are—
7 would be points, which we would raise and—and try to
8 memorialize. We look forward to doing that. We think
9 it's a great project, and—and the community board
10 here unanimously supported this project. So, we're
11 hopeful that—that on the strength of that and—and
12 further discussions with you and your office that we
13 can satisfy you, the Council and—and add something of
14 value to the local area. Great. So, Chair Moya and
15 Council Members, thank you so much for hearing us
16 today. One again, my name is Richard Lobel with the
17 Law Firm of Sheldon & Lobel, PC. I'm joined by Jenny
18 Quong who is a representative of the applicant, and
19 we're hear to discuss 3909 9th Avenue and this
20 rezoning which is in Community District 12. So, a
21 summary here of the actions that we're actually
22 seeking. The property is currently zoned M2, which
23 would allow for up to a 2 FAR of commercial and
24 manufacturing uses, and would allow for up to 4.8 FAR
25 for commercial and community facility uses.

2 Interestingly, the rezoning actually is for an R7-A-
3 C2-4, which means that from a bulk standpoint as far
4 as the size of the building, we actually after the
5 rezoning could be less than is currently permitted
6 under the regulations. So, if a 4.8 FAR building
7 could be built as of today the building moving
8 forward would be a 4.6 building. That is the maximum
9 FAR under R7-A. So, while the floor area does come
10 down, the uses of the building do changes, as was
11 mentioned by Council Member Menchaca. We would now
12 seek to do a residential development with commercial
13 on the ground floor. The ground floor would offer
14 about 8,500 square feet of commercial square footage,
15 and the upper stories, which would number five
16 stories would have approximately 40 residential
17 units. So, the two actions being sort of on the
18 rezoning as well as a text amendment to map and map
19 inclusionary housing, Mandatory Inclusionary Housing
20 both Option 1 and Option 2. The goal of the
21 applicant here would be to do Option 1, but, of
22 course, that's subject to additional conversation.
23 Just by way of a general background, as you can see
24 on the map in the circled area to the top left, the
25 proposed project area is located within the M1-2 and

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2 this district is about two blocks east of the border
3 of Community Board 7 located within Community Board
4 12, and then the Tax Map if you take a look at the
5 upper portion of the Tax Map, the lot in question is
6 Lot 1. It's got about 100 feet of frontage on 39th
7 Street, and about 95 feet of frontage on 9th Avenue.

8 These are pictures of the subject property. The
9 property right now currently has its automotive uses.
10 This is a legal as-of-right use within the
11 surrounding district, and this is basically a use,
12 which is promoted under this district. This is used
13 car sales. It is not a very attractive use for the
14 area. When we did go to the Community Board and have
15 fairly thorough conversations with them, many
16 community board members came up to me afterwards and
17 said that they—they wish that this rezoning would
18 extend two additional blocks because they feel that
19 the land use here doesn't really, isn't really
20 conducive for this type of use, and we can talk about
21 that a little bit further. So, the interesting thing
22 about the rezoning as you'll note is that on the left
23 side of the current zoning you can see the right side
24 has a-a portion, which is surrounded by a dotted
25 line. So, on the left side, the current M1-2 exists

2 on the northern portion of this property, but on the
3 southern portion of the lot and of the block
4 actually, you've got an existing R6 with C2-3
5 overlay. So, as far as the land use patterns go on
6 this particular block you have half the block, which
7 is right now zoned to permit residential and mixed-
8 use residential while the northern portion of the
9 block has manufacturing and promotes manufacturing
10 uses. This is kind of at odds with the existing
11 residential on the southern portion of the block.
12 Many of the—of the owners on the southern portion of
13 the block are facing the possibility of expansion of
14 commercial and manufacturing uses, which are not
15 really harmonious with the residential uses
16 immediately adjacent to them. The properties that
17 back onto our property and the adjacent properties
18 are almost exclusively residential or mixed-use
19 residential. So they're really not compatible with
20 the M1-2 uses promoted by the current zoning. As you
21 can see from the dotted area on the right, the
22 rezoning would essentially restore residential and
23 commercial zoning to the entirety of the block. So
24 that there wouldn't be any of this incompatability
25 and residential units—residential owners on the

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2 southern portion of the block would not have to face
3 the possibility of noxious uses. Of course, we also
4 discussed the additional MIH mapping on the property,
5 which would allow for Options 1 and 2. Of course, we
6 also discussed the additional MIH mapping on the
7 property, which would allow for Options 1 and 2 while
8 the applicant in its materials has sought Option 1.
9 Just to kind of conclude the presentation and leave
10 us open for questions, you can see here kind of a
11 detailed tax map. The R7-A C2-4 on the northern
12 portion of the block would encompass all or parts of
13 seven lots including the applicant. The applicant's
14 lot would be included entirely with the rezoning.
15 There would be an additional five lots adjacent to
16 us, which would be the majority now R7A-C2-4, and
17 there's one lot, which would be a small portion
18 within the rezoning area that would not be affected
19 by the rezoning. But what I will tell you from the
20 land use and from the land use patterns as
21 demonstrated in this map are that of the five
22 properties, which are included in this rezoning other
23 than the applicant's rezoning, one of those is
24 commercial, but the other four have residential uses.
25 So, one of the reasons that I think the local area as

2 well as City Planning was in support of this rezoning
3 is that this rezoning will turn a block frontage,
4 which right now outside of the applicant's property
5 is only 20% conforming to one, which is 100%
6 conforming. So, all of these adjacent users—users
7 and owners who have right now these three-story
8 multi-family ground floor commercial with residential
9 above will now be conforming in the district, which
10 is helpful to them in terms of being able to file
11 applications at DOB to upkeep it, to improve their
12 buildings and to allow for their buildings to be—go
13 through general maintenance and repair. So, the
14 zoning comparison table again discusses the
15 difference in the zoning district, of course,
16 primarily being the ability now to use residential
17 use again. This is not a rezoning, which seeks
18 additional bulk. In fact, the bulk that could be
19 used here will be—will be less. It will be lower
20 than what would be currently permitted, and we have
21 the final slide, which an illustrative rendering. So,
22 that's basically the bulk of the presentation, and
23 again, we'd be happy to take any specific questions
24 from the Council members.

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2 CHAIRPERSON MOYA: Thank you. Just a
3 couple of questions. So, how long has the applicant
4 owned the property? [background comments, pause]

5 RICHARD LOBEL: Approximately three
6 years.

7 CHAIRPERSON MOYA: Three years, and how
8 did you decide upon the R7-A district as opposed
9 other potential districts that would be higher or
10 lower density?

11 RICHARD LOBEL: I think the—the
12 discussion here was centered around several factors.
13 The first is that the R7-A offers a bulk, which is
14 similar to the current bulk on the property. And so,
15 when City Planning looked at the difference between a
16 no-action scenario as far as what they could do now
17 versus the proposal, the bulk of the two zoning
18 districts is very similar. The R7-A specifically was
19 chosen because it allows for a modest kind of mid-
20 range number of units here. It would be 40 units with
21 the property, and given the fact that this is very
22 close to local transportation, City Planning felt
23 that—that this was an appropriate district for—
24 particularly for this block.

25

2 CHAIRPERSON MOYA: So, going into the
3 number apartments, what are the MIA bands for the
4 apartments in the affordable units?

5 RICHARD LOBEL: So, currently there's 40
6 units that will proposed at the property. There
7 would be just as far as the breakdown there's 10 1-
8 bedroom units and 32 2-bedroom units. Of the 30 2-
9 bedroom units, 6 of those would be for MIH units and
10 of the 10 1-bedrooms, 4 of those would be for MIH
11 units. In addition, as far as the income levels are
12 concerned, the income levels would be in accordance
13 with Option 1. So, there would be an average of 60%
14 AMI with I think a minimum of 5% being at 40% AMI.

15 CHAIRPERSON MOYA: And can you just
16 quickly walk me through the concerns of the borough
17 president, and your plans for addressing them?

18 RICHARD LOBEL: Sure. So, the borough
19 president expressed several concerns or conditions to
20 their approval, which we actually had the opportunity
21 to discuss with Council Member Menchaca's staff and—
22 and we can address several of those. The first was
23 with regards to a proposed food store at the site.
24 This is a use that's been expressly adopted by the
25 local area as one that's being—that—that would be

2 sought and would be welcome at the site. In
3 actuality, we would be happy to put food store at the
4 site. The—the plans and materials, which have been
5 submitted to City Planning to date include a proposed
6 supermarket in the 8,500 square feet of ground floor
7 and cellar accessory space. So, as far as that—that
8 recommendation of the borough president is concerned,
9 we—we welcome that and, indeed, we actually led the
10 materials in that direction so that we could, you
11 know, expressly discuss that. The—with regards to
12 the bedroom mix, currently the bedroom mix is between
13 1 and 2 bedrooms with the majority of them being 2-
14 bedrooms. As far as our experience is concerned,
15 this actually offers a fairly healthy mix and a fair
16 number of larger units. The Brooklyn Borough
17 President as in previous applications before the
18 borough president requested a better mix of at least
19 50% 2 or 3-bedroom and at last 75% 1 or more bedroom
20 affordable housing units. Actually, upon further
21 conversation, and obviously Council Member Menchaca
22 is here to address this. His staff basically
23 expressed that they found the current bedroom mix to
24 be acceptable to them. So, we didn't really move any
25 further with regards to the Brooklyn Borough

2 President's recommendation. With regards to the
3 remaining recommendations, there are-there are
4 currently planned to be resiliency members-resiliency
5 measures to be built into the buildings. So, for
6 example, the applicant is prosing a green roof for
7 the property. As far as additional items, this is
8 subject to further design and discussion, but they
9 haven't really, you know, gone very much into that to
10 further design other than a green room. And as far
11 as the ability to use a local non-profit for the
12 administering agent, this is something, which is
13 totally acceptable to the applicant to the extent
14 that. They actually would appreciate the input from
15 a local agency. So, that's not a problem. The-the
16 final discussion I think was with regards to local
17 business enterprises, and the MWBEs. This is
18 something which the applicant has considered. They-
19 they're supportive of. They're including that in the
20 project. They haven't really come to the numbers
21 that the Brooklyn Borough President has offered, but
22 I know it's something that we talked about, and it's
23 something which we know we'd be happy to-to further
24 discuss.

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2 CHAIRPERSON MOYA: Thank you. I'm going
3 to turn it over now to Council Member Menchaca.

4 COUNCIL MEMBER MENCHACA: Thank you,
5 Chair and thank you for—for those questions. That—
6 that really kind of shows the continued commitment
7 not just of—of this chair, but this committee and
8 this council, and how we really want to understand
9 the—the right kind of mix of both bedrooms, but also
10 height and bulk, et cetera. I'm going to follow up
11 with a couple of things that we haven't touched on,
12 completely on, and one of them is the Vision Zero and
13 the kind of crosswalk. I'd love to kind of get a
14 sense about—about that transformation of that corner.
15 The car dealership and in transforming the car
16 dealership to the residential, we're going to have a
17 lot more—more traffic. That's a super high traffic
18 intersection. The borough president has recommended
19 sidewalk improvement. Can you tell me more, a little
20 bit about—about the recommendations and now you plan
21 to address that?

22 RICHARD LOBEL: So, I think as part of
23 the analysis particularly environmental analysis of
24 the project, we got a negative declaration from the
25 Environmental Assessment Division at City Planning.

2 So, we demonstrated that—that the proposal would as a
3 baseline be safe for the surrounding area. I think
4 was particularly in line with the current situation
5 there. The car dealership actually has a fair number
6 if vehicles going to and from the property as would—
7 as you'd imagine at a dealership. So, the ability to
8 reduce the curb cuts on the site would actually be
9 kind of an improvement to that corner, but I don't
10 think that the—the applicant hasn't really explored
11 discussions with DOT as far as sidewalk improvements.
12 I think this is something that we'd be happy to
13 consider moving forward, but it's just with—with
14 particularity they haven't really considered what the
15 paving would be on that sidewalk area. We understand
16 that it is an important corner that the—that we want
17 to make sure that our residents and—and visitors to
18 the local business are safe, but beyond that, there
19 haven't been any specific discussions.

20 COUNCIL MEMBER MENCHACA: I think there
21 can be some specific designs and so we want to set up
22 some time to talk to DOT as we get closer to the
23 application, but storm water and energy is something
24 else that we spoke about, both the borough President
25 and I and the community feel in general that we

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2 should be thinking about this. What—and we've
3 discussed our possible commitment, you know that I'd
4 be making to include significant sustainability
5 measures on the roof. Can you talk a little bit
6 about—about that, and how you are—you are kind of
7 gearing up to fulfill that—that commitment
8 specifically, and the work that you're doing right
9 now with the design and financing the development.

10 RICHARD LOBEL: Well, I think with
11 particularity I could basically address the—the
12 measures, which we have committed to and ones which
13 we potentially could adopt going forward. So, our
14 architect is fairly well versed in-in-in storm water
15 retention, and so to the extent that we're able to
16 incorporate that into the design, we'd be happy to do
17 that. I know at a minimum we, of course, have
18 already discussed the green roof, which is something
19 which we've included on-on previous building plans
20 and we'd—we'd be happy to do that. To the extent
21 that the Council wants us to further explore that and
22 perhaps submit a revised design with additional storm
23 water retention or other environmentally sensitive
24 measures, I think that's something that's something
25 we would be happy to do.

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2 COUNCIL MEMBER MENCHACA: Okay, so, a lot
3 of questions about—about MIH and the bands and storm
4 water retention, and the Vision Zero piece.

5 RICHARD LOBEL: [interposing] Sure.

6 COUNCIL MEMBER MENCHACA: Your job, your
7 burden here is to prove to us that you're going to
8 memorialize this as we move forward. If that doesn't
9 happen, we won't move forward, and that's just the--

10 RICHARD LOBEL: [interposing] Sure.

11 COUNCIL MEMBER MENCHACA: --the clear
12 statement that I want to make in this public hearing
13 as we move forward. You're unlocking incredible
14 potential here on the financing and value, and the
15 public deserves to hear and see and feel that you are
16 going to meet that—that commitment. That's on you--

17 RICHARD LOBEL: Sure.

18 COUNCIL MEMBER MENCHACA: --and we're
19 waiting to hear some of that. So, let's just keep
20 talking. We're going to talk to DOT about the
21 improvements on the corner and—and Chair, I'll come
22 back to you and the committee to let you know that we
23 feel good that there will be memorialized
24 opportunities. Let's be creative as—as creative as
25 we need to be, but if you fail that—that piece, this

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2 does not move forward. There's a lot of good work
3 that's come to this, and a lot of good engagement on
4 the ground, and I want to honor all that, but that
5 means nothing after we pass this and give you that
6 ability to unlock the power of this project. So,
7 looking forward to more conversations, but that is—
8 that is—that is your homework. That is the work.
9 Let's work together to make that happen.

10 RICHARD LOBEL: Council Member, we
11 understand that. We thank you for your
12 recommendations. The—the particularities of the
13 timing here resulted in City Planning approval last
14 week, and a—and a very short window to this
15 subcommittee meeting. So, we look forward and the—
16 and the additional time until the vote to work for
17 further with your office and you and the Council to
18 come up with a mutual understanding. We love the
19 fact that the community board was unanimous in their
20 support, and we want to do something that's
21 productive to both the area, and for the site. So,
22 we thank you again for your comments, and we're happy
23 to comply.

24 CHAIRPERSON MOYA: I just want to go back
25 to something you said. You sand MIH Option 1?

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2 RICHARD LOBEL: Correct.

3 CHAIRPERSON MOYA: 40%--you said 5% at
4 40.

5 RICHARD LOBEL: Yeah, I think that the-
6 the-as far as the bands are concerned that there
7 would be a-that of the-of the 25%, 5% is at 40% AMI.

8 CHAIRPERSON MOYA: So--

9 RICHARD LOBEL: 5% meaning the 5% of the
10 total project of the total-of the total units in the
11 in the development. Okay because the requirement is
12 10% of the 40.

13 CHAIRPERSON MOYA: Oh, of 40--

14 RICHARD LOBEL: Of 40.

15 CHAIRPERSON MOYA: Of 40.

16 RICHARD LOBEL: I apologize. That's my
17 error. So--

18 CHAIRPERSON MOYA: [interposing] I just
19 want to make sure-

20 RICHARD LOBEL: interposing] Right.

21 CHAIRPERSON MOYA: --you were on the same
22 page.

23 RICHARD LOBEL: Correct.

24 CHAIRPERSON MOYA: Okay.

25

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2 RICHARD LOBEL: We—we will comply with
3 MIH requirements and—and I misspoke. If it is 10%,
4 I'm sorry.

5 CHAIRPERSON MOYA: Okay.

6 RICHARD LOBEL: Okay.

7 CHAIRPERSON MOYA: Thank you.

8 RICHARD LOBEL: Thank you.

9 CHAIRPERSON MOYA: Alright, thank you.

10 This panel is dismissed, and now we will--[background
11 comments] Are there any other members of the public
12 who wish to testify on this item? Seeing none, I now
13 close the public hearing. I'd like to recognize that
14 we are joined by Council Member Constantinides,
15 Council Members Grodenchik, Holden, and Richards.
16 So, we will now vote on the applications that were
17 the subject of prior hearings. We will vote to
18 approve LU 208, the Leffert's Boulevard Rezoning for
19 property located in Council Member Adams' district in
20 Queens. This application for a zoning map amendment
21 will facilitate a new commercial development. A C2-3
22 commercial overlay district would be established
23 within an existing R4-1 district. This rezoning
24 would extend the current C2-3 overlay district along
25 Lefferts Boulevard from a depth of 100 feet from

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23

2 Liberty Avenue to a line 500 feet north from 107th
3 Ave. Council Member Adams is in support of this
4 application, and we will now move--[background
5 comments] Oh, we will also vote to approve LUs 216,
6 the 180 Myrtle Avenue Text Amendment Application
7 submitted by Red Apple Real Estate regarding ground
8 floor use regulations within the Special Downtown
9 Brooklyn District. The proposed zoning text would
10 allow all non-residential uses permitted by the
11 underlying zoning district within the required
12 special ground floor use for buildings front on
13 Myrtle Avenue between Ashland Place and Fleet Place
14 in Majority Leader Council Member and Majority Leader
15 Cumbo's district in Brooklyn. She is in support of
16 this application. [background comments] Whoops.
17 Sorry. We're going to skip through that, and--
18 [background comments] Okay. So, LUs 209 through 213
19 the 2632 Jackson Avenue and 2701 Jackson Avenue
20 applications for property in Council Member Van
21 Bramer's district in Queens will be laid over. I
22 will now call for a vote to approve LUs 206 and 216.
23 Counsel, please call the roll.

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2 CHAIRPERSON MOYA: Oh, I'm sorry.

3 LEGAL COUNSEL: That's okay. [laughs]

4 Chair Moya.

5 CHAIRPERSON MOYA: Aye on all.

6 LEGAL COUNSEL: Constantinides.

7 COUNCIL MEMBER CONSTANTINIDES: Aye on
8 all.

9 LEGAL COUNSEL: Levin.

10 COUNCIL MEMBER LEVIN: Aye on all.

11 LEGAL COUNSEL: Richards.

12 COUNCIL MEMBER RICHARDS: Aye on all.

13 LEGAL COUNSEL: Grodenchik.

14 COUNCIL MEMBER GRODENCHIK: Aye.

15 LEGAL COUNSEL: The Land Use items are
16 approved, and actually, we see Council Member Rivera.

17 Are you ready? Are you ready to vote?

18 COUNCIL MEMBER RIVERA: [off mic] Hold on.

19 [background comments, pause]

20 LEGAL COUNSEL: Okay, Rivera.

21 COUNCIL MEMBER RIVERA: Aye on all.

22 LEGAL COUNSEL: The Land Use items are
23 approved by a vote of 6 in the affirmative, no
24 negative and no abstentions, and we will leave the
25 vote open. [pause]

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2 CHAIRPERSON MOYA: Our next hearing will
3 be on Preconsidered LUs Varsity Boys and Girls' Club
4 of Queens rezoning for property in Council Member
5 Constantinides' district in Queens. The applicant is
6 seeking a zoning map change from R7-A and R6-B to an
7 R7-X and a zoning text amendment to apply MIH to the
8 rezoning areas. These actions would facilitate the
9 development of a new residential building and a
10 community facility. The residential building would
11 reach a maximum height of 150 feet, and would include
12 approximately 112 units of which approximately 34
13 would be affordable. Under MIH Option 2, the
14 Community facility building would front on 30th Road
15 and a house-and housing new space for the Varsity
16 Boys and Girls club including a new swimming pool,
17 and basketball court. I now open the public hearing
18 on this application, and I call up Matt Troy and
19 Richard Bass. [background comments] Yes, thank you.

20 RICHARD BASS: [off mic] They call me
21 Bass. They call me by my name. (sic)

22 CHAIRPERSON MOYA: One second. I ask now
23 the Counsel to please swear in the panel.

24 LEGAL COUNSEL: Before responding, each
25 please state your name. Do you each swear or affirm

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2 that the testimony that you're about to give will be
3 the truth, the whole truth and nothing but the truth,
4 and to answer all questions truthfully?

5 RICHARD BASS: [off mic] Yes.

6 LEGAL COUNSEL: Yes, please state your
7 name before you begin.

8 MATT TROY: [off mic] Matt Troy.

9 CHAIRPERSON MOYA: Thank you. So,
10 before-before we begin, I want to turn it over to
11 Council Member Constantinides for some remarks. No.
12 No? Perfect. You may begin. [pause]

13 COUNCIL MEMBER GRODENCHIK: Tell me that
14 that's on.

15 RICHARD BASS: Yep. Now can you hear me?

16 FEMALE SPEAKER: Yes, we can.

17 RICHARD BASS: Good morning.

18 CHAIRPERSON MOYA: One second. If I
19 could just get my colleagues to please—Thank you,
20 thank you, thank you, thank you, thank you, Mr.
21 Grodenchik. Begin.

22 COUNCIL MEMBER GRODENCHIK: Thank you.

23 RICHARD BASS: Okay, good morning. I'm
24 Richard Bass. I'm with the law firm of Akerman, LLP.
25 I'm here today with Matt Troy who is the Executive

2 Director of the Variety Boys and Girls Club. We're
3 seeing two actions in terms of the amendment to the
4 New York City Zoning Resolution, a may change from
5 R7-A, C2-3 and R6 to R7-X for the entire site. We're
6 also seeking amendment to Appendix F to map the area
7 as an MIH area. The site is on 21st Street between
8 30th Road and 30th Drive. I'm going to walk you
9 through the existing conditions. The Boys and Girls
10 Club has been at this site for 63 years, and we'll
11 explain why we're here today, but as you can see from
12 these pictures it's not exactly pedestrian and urban
13 friendly. This is facing it on-on 21st Street. It's
14 basically a hole in the urban environment. Here is a
15 summary of the actions that we're seeking. Again,
16 it's a map change to R7-X and MIH mapping. Here's
17 the zoning map that shows the area, tax map that
18 shows the zoning lots. Currently there's a senior
19 facility on the zoning lot. It will remain as an
20 affordable senior facility. It's also owned by the
21 Variety Boys and Girls Club. Again, the zoning map
22 change. The action will result in-in two
23 developments-two buildings. One will be a 14-story
24 112 residential units with ground floor retail. 37
25 of the units will be affordable. It also will result

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2 in the redevelopment of the Boys and Girls Club.

3 Many of the Council—many elected officials I've met

4 during this process are learning how to swim at this—

5 this club. It's well loved. Part of the issue of

6 why we're seeking its expansion is that it's over-

7 subscribed and that will describe how many children

8 are being turned away from the—the club because

9 there's not enough capacity. This shows the model of

10 how we're fitting the neighborhood. We've designed

11 the building so that it matches the base of the

12 senior facility to the south, and as it sets back the

13 upper floors will be glazed so that the building will

14 feel lighter in its massing. Here's a site plan of

15 the—of the proposal. The residential building

16 will be on 21st Street. The Boys and Girls Club will

17 be on—on 30th Road. Here are some elevations showing

18 the Boys and Girls Club on the left and the proposed

19 building. Again, you can see at the setback the

20 building goes from masonry to glass. This is the

21 elevation from 21st Street. Now, I'm going to turn

22 it over to Matt and—and he'll describe the—the

23 program.

24 MATT TROY: Alright, good morning Chair
25 Moya and members of the Zoning Committee. I'm

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2 grateful to have this opportunity to speak about our

3 project. This is a very exciting time for our

4 organization, a long time in the coming. My name is

5 Matthew Troy. I'm the Executive Director of Variety

6 Boys and Girls Club. I live in Astoria. My family

7 has lived just up the street from our club for the

8 past 40 years. This community means a lot to me. I

9 believe this project is going to transform our

10 neighborhood and serve as a resource for all families

11 for generations to come. We are designing this boys

12 and girls club to be center for high quality

13 children's programming. Today the families of 1,700

14 local children rely on our club, as you can see from

15 this map. Something that makes us unique is that we

16 serve families from all walks of life. Astoria has

17 such great diversity, but its community centers like

18 ours where inclusion happens. We create an

19 environment that brings children together. Our

20 mission is to serve all families especially those who

21 need us most. That is why since I joined the

22 organization three years ago helped to more than

23 double our budget thanks in large part to support

24 from Council Member Constantinides. In return, we've

25 been able to lower fees for our most popular program:

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2 After School at the Club to zero, completely free. We
3 are very proud of that fact. Today, our club
4 features a technology maker space that connects local
5 professionals in the tech industry to collaborate
6 with our kids. We offer a digital 3-D architecture
7 class in partnership with Skansca, the same engineers
8 who are rebuilding La Guardia Airport. Jet Blue has
9 awarded our club with a major gift to launch Jet Blue
10 signs hubs at each of our sites. We have a teaching
11 kitchen. Our kids learn gourmet cooking and healthy
12 eating, and on Fridays they're offered two free bags of
13 fruits and vegetables to take home with their
14 families using the same ingredients they learned to
15 cook with that week. We have a media production
16 studio. Our kids just produce enough films to host
17 their own film festival. We called it the Variety
18 International Film Festival, and we had professional
19 filmmakers 30 of them from across the country come to
20 our club to showcase their work alongside of our
21 kids. On weekends, our club is packed with children
22 who attend our Learn to Swim classes. Our pool is
23 where generations of children have learned to swim.
24 Form Speaker Peter Vallone, Sr. actually worked as
25 lifeguard in our pool. I believe to survive and

2 thrive in the 21st Century our children need the
3 experiences that only our Boys and Girls club can
4 provide, and some of you may be thinking this sounds
5 great. Sign me up. Well, it turns out you're not
6 alone. Last year we had 642 children on our wait
7 list for our core programs who we were not able to
8 serve due to space limitations. We really need this
9 new Boys and Girls Club to help grow our capacity by
10 doubling the number of children that we can serve,
11 provide state-of-the-art classrooms to really take
12 the programs I mentioned to the next level, and to
13 operate a facility with 21st Century safety,
14 environmental and accessibility standards. To sum
15 up, we are a community center, and we bring together
16 the best of Queens to give children the opportunity
17 to reach their full potential in life. We need this
18 project to continue with our mission. Thank you.

19 CHAIRPERSON MOYA: Thank you. Just a
20 couple of questions before I turn it over to Council
21 Member Constantinides. Is there a reason you chose
22 MIH Option 2?

23 RICHARD BASS: We chose that in
24 consultation with the Council Member. I believe that

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2 we are open to Option 1 and 2 if that's what the-the
3 Council Member would like.

4 CHAIRPERSON MOYA: Okay. Will the
5 affordable units be located throughout the building?

6 RICHARD BASS: Yes, of course, and in
7 compliance with HPD regulations.

8 CHAIRPERSON MOYA: Right, and I know that
9 the community board had made a request. Will this
10 building charge fees for any of the building
11 amenities?

12 RICHARD BASS: The residents--

13 CHAIRPERSON MOYA: [interposing] Yeah.

14 RICHARD BASS: --of the building?

15 CHAIRPERSON MOYA: [interposing] These
16 amenities--

17 RICHARD BASS: [interposing] For the
18 residents to use the facilities, of course?

19 CHAIRPERSON MOYA: Yes.

20 RICHARD BASS: I don't know if we have an
21 answer on that, but they would have access to a
22 swimming pool in close proximity. I think that's to
23 be worked out with the developer.

24 CHAIRPERSON MOYA: Okay, and also is
25 there a commitment to good jobs on this project?

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2 RICHARD BASS: Of course. It's going to
3 be a 421-A project. So that it will have to comply
4 with prevailing wages.

5 CHAIRPERSON MOYA: Okay. I'm going to
6 now turn it over to Council Member Constantinides.
7 Do you have any questions?

8 COUNCIL MEMBER CONSTANTINIDES: Thank
9 you. To start, talk about some of the partnerships
10 that you have with soccer, baseball. I know there
11 are a lot of different programs that are there
12 currently that you're hoping to expand and grow with
13 the creation of the new building and the expansion of
14 the club.

15 MATT TROY: Sure. I think one of the
16 things that sets us apart is that we really do very
17 well with is we bring different organizations
18 together. Our Make Our Space Program that I
19 mentioned, it partners with local tech entrepreneurs,
20 people in the start-up industry who live in Astoria
21 who come and work with our kids. Samsung is another
22 corporation we work closely with. They featured our
23 STEM programs in a national campaign recently, which
24 we are very proud of that. These are the experiences
25 that give kids an opportunity to work with

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2 professionals in the field. They're not going to get
3 these experiences in school, and likely not in their
4 home lives. If you remember growing up, some of
5 those experiences you had seeing what professionals
6 do in their field, sometimes inspire kids. We have a
7 great program with this organization BioBus. They
8 bring in PhD level scientists to do honestly real
9 world experiments with our kids. I can't tell you
10 how many kids after tells us they want to be
11 scientists. We help them to discover their passions,
12 and we are doing as much as possible with the very
13 limited, very old space that we currently have, but
14 if we could get this new space, which we absolutely
15 need, we could take these programs to the next level,
16 and that's what we're hoping to do. Thank you.

17 CHAIRPERSON MOYA: Okay, thank you
18 MATT TROY: Thank you very much.
19 CHAIRPERSON MOYA: Thank you for your
20 testimony. I just quickly want to pause to open up
21 the vote. We have Council Member Reynoso here.
22 LEGAL COUNSEL: Continuation of vote to
23 approve Land Use Items 208 and 216. Reynoso.
24 COUNCIL MEMBER REYNOSO: I vote aye on
25 all.

2 LEGAL COUNSEL: The Land Use Items are
3 approved by a vote of 7 in the affirmative, 0
4 negative and 0 abstentions, and referred to the full
5 Land Use Committee. [pause]

6 CHAIRPERSON MOYA: Okay, are there any
7 other members of the public who wish to testify?

8 Seeing none, I now close the public hearing on this
9 application and it will be laid over. [pause] Our
10 next hearing will be on LUs 235 through 237, the 69-
11 02 Queens Boulevard Rezoning for property in Council
12 Member Holden's district in Queens. The applicant
13 seeks a zoning map amendment to change the rezoning
14 area from M1-1 to R7X with a C2-3 commercial overlay
15 and a zoning text amendment, which would apply MIH
16 Option 2 to the rezoning area. The applicant also
17 seeks a general large scale special permit pursuant
18 to ZR Section 74-743 to modify regulations regarding
19 maximum building height, and the number of stories.
20 These actions would facilitate the development of two
21 mixed residential and commercial buildings with 14
22 and 17 stories and approximately 561 dwelling units
23 of which approximately 169 would be affordable. I
24 now open the public hearing on this application, and
25 I now call up Ross Moskowitz, John Ignatius Dean and

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2 Zachary Kadden. [background comments, pause] And now
3 I ask the Counsel to please swear in the panel.

4 LEGAL COUNSEL: Before responding, please
5 turn your mic on and state your name. Do you each
6 swear or affirm that the testimony that you're about
7 to give will be the truth, the whole truth and
8 nothing but the truth, and that you will answer all
9 questions truthfully?

10 ROSS MOSKOWITZ: Yes. [laughs]

11 LEGAL COUNSEL: Please state your name
12 into the mic and say yes.

13 ROSS MOSKOWITZ: Ross Moskowitz. Yes.

14 JOHN IGNATIUS DEAN: John Ignatius Dean.

15 Yes.

16 ZACH KADDEN: Zach Kadden. Yes.

17 [background comments, pause]

18 CHAIRPERSON MOYA: I now want to turn it
19 over to Council Member Holden for some remarks.

20 COUNCIL MEMBER HOLDEN: Thank you, Chair
21 Moya. We have a few concerns. The community board
22 voted against the original project 29 to 1 citing
23 concerns, many concerns, not only in the height, and
24 so did the borough president the height of the
25 building. There was upzoning in the area years ago,

2 but the area behind this--these buildings is really
3 essentially 1 and 2-story and one-one-family or two-
4 family homes, and as the Chair knows, also that our-
5 our community school district, which he shares is
6 District 24 is--has 5,000 seats that are unfunded.
7 So, we need 5,000 seats. The concerns I have are not
8 only of the height and the bulk, but that it is at
9 least--it's more than a half a mile from the nearest
10 subway, and there's Newtown, the Grand Avenue Newtown
11 stop on the end is about a mile away. So, I have
12 concerns not only with this complex, but some of the
13 larger scale buildings in the area. So, it is
14 getting to be a crowded area, and I'm very concerned
15 with the bulk, but we have talked about it. The
16 school we're trying to solve, we're trying to talk to
17 the applicant and I--I know you'll--you'll mention that
18 to try to get a school in the complex. But I do have
19 some questions. Should I wait until the applicant
20 talks and then we'll follow through with some
21 questions. Okay. Alright, alright. Thank you.

22 CHAIRPERSON MOYA: Thank you, Council
23 Member. You may begin.

24 ROSS MOSKOWITZ: Thank you, Council
25 Member Moya, Council Member of this Subcommittee.

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2 Ross Moskowitz, Counsel to Madison and I'm joined by
3 my colleague John Bean to my left and Zach Kadden to
4 my right from Madison Realty Capital for the
5 following land use actions to facilitate the
6 construction of two mixed residential and commercial
7 buildings. Our team is pleased to have this
8 opportunity to present what we believe is a
9 transformative project that will provide much needed
10 and market housing and public open space. As you
11 see from your presentation, we're proposing 169 units
12 here. Way more than 7,000 square feet of public open
13 space, almost 6,000 square feet of locally oriented
14 retail, and we believe the project has been designed
15 to preserve access to light and air, improve street
16 scape and—and the pedestrian experience. The actions
17 before you, as mentioned, are threefold. One is the
18 rezoning of the southern portion of the property from
19 an M1-1 to an R7-X C2-3 zoning district. The next
20 action is the MIH designation for the zoning text
21 amendment. In this area, Community Board 2,
22 Woodside, Queens, and the third action is a Special
23 Permit pursuant to Section 7473 to modify certain
24 height and setback requirements within a—what's known
25 as a largescale general development. The project is—

2 is very—is somewhat irregularly shaped, and as you
3 can see our first location in Woodside, but there as
4 you can see the neighborhood context. No, go down,
5 sir. Thank you. It includes a mix of residential,
6 industrial and manufacturing and transportation uses.
7 The tracks are uniquely—the tracks for the Long
8 Island Railroad are uniquely located right behind the
9 site, and the study area is really around the areas,
10 predominantly residential districts. So, it's
11 important to note in 2006 the city rezoned dozens of
12 blocks long Queens Boulevard, and north and south of
13 our project under the Maspeth-Woodside Rezoning. In
14 fact, the northern portion of our site was rezoned
15 from M1-1 to its current R7-X C2-3 designation and,
16 in fact, all we're looking to do here is just
17 continue that—that designation. It's also important
18 to note for the committee that in 2006 when this
19 zoning took place, optional inclusionary housing was
20 placed within the rezoning. Since that time, no
21 affordable housing has been built as a result of that
22 rezoning. So, I think it's very important to note
23 that for the committee that one of the benefits of
24 this proposal that we're seeking here is to actually
25 allow for affordable housing to be built, which has

2 not occurred again since the prior rezoning, and I
3 think that's one of the reasons why this has been
4 received as-as a positive signal from the planning
5 perspective. We're going to address Council member
6 Holden's comments. Along the way, Council Member
7 Moya, I would like to note in particular in terms of
8 the school conversation because obviously we have
9 been to the Community Board. We have to the borough
10 president and the borough president, as you know,
11 approved this with certain conditions, and one in
12 particular was our ability to find a solution to the
13 overcrowding of school as Council Member Holden has
14 said, and I should note that we've been working with
15 Council Member Holden actually before he even got
16 sworn in. So, we appreciate the time and effort that
17 Council Member Holden and his staff have given to
18 this project, and given to us and the sincerity of
19 the conversations and look forward to continuing
20 those conversations. But in particular the request
21 made at the Community Board as well as the borough
22 president was to find a solution for the
23 overcrowding, and we are working diligently to solve
24 for that. Obviously, it means doing a different
25 design, a different project. We have—we are

2 optimistic that we will find solutions, but, you
3 know, on the record we are engaged with multiple
4 opportunities in particular with the School
5 Construction Authority. We have met with them on
6 design as recently as yesterday. So, we are fully
7 engaged with SCA. We are looking at other
8 opportunities to other types of schools, but we are
9 confident we will get to a solution. We're—we're
10 just not there yet because this is obviously
11 something that's been fluid and—and it continues to
12 evolve, but for the community to—to appreciate, that
13 is an effort made by the applicant, and we have
14 briefed Council Member Holden, and he is aware of
15 those efforts. So, I'd like to turn to Mr. Bean now
16 to kind of walk you through the specifics of the
17 asks.

18 JOHN IGNATIUS BEAN: Thank you, Ross and
19 again John Ignatius Bean from Stroock on behalf of
20 Madison Realty Capital. Let's get us a little better
21 sense of the site before we talk more about the
22 actions. Some existing site photos showing the area,
23 the interaction of Queens Boulevard and 69th Street.
24 Existing uses, there essentially are none at this
25 point. Some low-rise commercial and industrial uses

2 have historically been at the site, a gas station and
3 a restaurant I believe. There is also flower shop
4 that's relocated. Some more existing site photos.
5 As you can see, it could use a little sprucing up.
6 There is the LIRR embankment on the right in the
7 orange photo. Here's some existing photos of nearby
8 development as you can see. Although as Council
9 Member Holden pointed out, there is low-rise
10 development both north and south of Queens Boulevard.
11 There's quite a lot of higher and medium density
12 development along Queens Boulevard. Think City
13 Planning has recognized routinely that wider streets
14 are appropriate for higher density development. So,
15 the nine-story building on the far right is the—the
16 market only development that's going up on our block.
17 I think it's moved along since then. So, Ross
18 mentioned that we're seeing a special permit for
19 certain height waivers. We do this sort of out of
20 necessity, and it's all based on the uniqueness of
21 our site. Now, it's a large site, and the first
22 thing you'll notice is that it has frontages on all
23 four blocks, but it actually even though it's over
24 75% of the lot in terms of lot area, it only has
25 about 40% of the frontages, and so when you combine

2 that with the mandatory street walls that are
3 required, in the R7-X, you end up pulling all of the
4 massing to the corners, and when you do that, you—you
5 reduce the amount of lottery that you can use. And
6 so, in addition to that, we have the LIRR embankment,
7 which requires its own setback, and we'll talk a
8 little bit about how we have addressed that in the
9 design, but the—the point is we've—we've got a fairly
10 constrained footprint, and the only way to fit all of
11 the 6.0 FAR that we're getting with the rezoning is
12 go up, and to go up beyond the height limitations. At
13 City Planning we actually studied and showed City
14 Planning what it would look like if we did not have
15 the height waivers, and I'll get to that, but let's
16 just talk about what we're asking for. So, on the
17 west building, which is important to note that it—
18 it's along Queens Boulevard, a very wide boulevard
19 and along the LIRR, which effectively open space.
20 We're asking for 17 stories where 140 is permitted
21 under the R7-X for an MIH project, and then we're not
22 asking for relief on the stories on the east
23 building, but we are asking for a little bit of
24 height, 11 feet 6 inches. And so, again I mentioned
25 that we studied at City Planning. Our architects

2 extensively examined what it would be like to
3 normalize the heights, and not be seeking waiver, and
4 what we came up were two 13-story buildings that were
5 deeper, but lost 86 dwelling units and 20—I believe
6 29 affordable units. The fact is it actually reduced
7 the open space and didn't add any dwelling units.

8 CHAIRPERSON MOYA: I'm sorry, Can you
9 just say that again?

10 JOHN IGNATIUS BEAN: Yes.

11 CHAIRPERSON MOYA: That you lost how many
12 affordable units?

13 JOHN IGNATIUS BEAN: Well, essentially
14 you lopped off the tops of the buildings, and you put
15 all the bulk in the back and if you can imagine where
16 the central area is, that's where the open space is.
17 So, we—it reduced open space by about 7,000 square
18 feet. It didn't increase any of the number of
19 apartments. It simply made them longer and narrower,
20 and inefficient sort of from an architectural
21 perspective. Not even necessarily gaining any
22 bedrooms or—or usable livable spaces perhaps add
23 bigger rooms, but not necessarily more bedrooms. So,
24 it just—it didn't make sense for an efficiency
25 perspective. It also didn't make sense because—

2 because this—this site is within an area that doesn't
3 have a lot of open space. We worked with City
4 Planning to design a site that maximized open space,
5 and so reducing open space, losing apartments, it
6 just didn't feel like the right way to—to utilize the
7 floor that—that was available under the R7-X
8 rezoning.

9 ROSS MOSKOWITZ: And just to—Council
10 Member Moya, the open space is the public open space
11 we're referring to as well. So, we wanted to
12 maximize that as, you'll see in a moment.

13 JOHN IGNATIUS BEAN: Right, and just
14 moving through the project and we can talk more about
15 that, but we'd also be happy to submit some materials
16 if you'd like to see what those apartments look like,
17 that's fine. Just to get a little more color on the
18 plan, that's our ground floor. You see the
19 pedestrian walkway that connects the areas near the
20 Long Island Railroad. Currently, you have to walk
21 underneath the embankment in order to—to cross over.
22 The—the pedestrian space that I'm going to show you
23 know in detail, actually makes it possible to enjoy
24 your walk from one side of the block to the other.
25 You see the—all of the parking is subgrade. Our

2 parking is in accordance with the requirements for-
3 for the R7-X. There's a little more color literally
4 on the plan, the central open space, 28,000 square
5 feet plus, and that's for the residents, and then the
6 public open space is 7,336. It will be—it will be
7 landscaped. It will have benches. It will be
8 operated by—it's owned and operated by the applicant
9 here, the owner of the building, and City Planning is
10 requiring OSHA declaration to ensure that it will
11 always be maintained. Of course, it's our own
12 property so we have every—every reason to maintain it
13 without the restrictive DEC (sic). Some renderings—
14 some renderings just to get a sense. There is—we've
15 talked a lot about that embankment. There it is
16 again, and you can see the—the solution that the
17 architects came up really improves the pedestrian
18 experience around the embankment and around the site.
19 That makes it feel like an actual place you might
20 like to live, and that's looking in the direction
21 from 47th Avenue. As you can see, we have some
22 stoops there. We worked with City Planning and-and
23 local groups to try to reflect the lower rise
24 character. That's why we wanted to have a more
25 active pedestrian experience along 47th Ave. As

2 we'll discuss, we—we anticipate that if the school
3 works it's going to have entrances along that side.
4 So, if you are riding the LIRR, into the city, this
5 is what you what you would see as you—as you go west
6 and look out your—the right windows. We're pretty
7 proud of it and then if you were looking west along
8 Queens Boulevard, this is just to give a sense of the
9 density that is coming on Queens Boulevard. The—the
10 buildings that are in sort of a shadowy form are the
11 ones going up and that—that's it, and here's the
12 metrics on how we are—how the affordable breaks down.
13 We're discussion Option 2, and again as my colleague
14 mentioned, the 169 affordable apartments at 80%
15 weighted average.

16 ROSS MOSKOWITZ: And just to add to that,
17 Council Subcommittee, we have a relationship with
18 Breaking Ground. Madison Capital has done affordable
19 housing throughout the city. So, they would be the
20 third party who would help administer the affordable
21 housing side of this.

22 CHAIRPERSON MOYA: Okay, okay. Just a
23 couple of questions before I—I turn it over to
24 Council Member Holden. I know you mentioned this
25 before, but let's just walk through the need for the

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2 Special Permit Waivers again. So, you're not getting
3 additional floor area. You're just getting more
4 height and number of stories?

5 JOHN IGNATIUS BEAN: That's correct. On
6 one of the buildings we're getting height and number
7 of stories and on the other we're getting height
8 only.

9 CHAIRPERSON MOYA: Okay and then just
10 walk me through how you established the proposed unit
11 mix of proposed studios and one bedrooms, why haven't
12 you proposed more to 2-bedroom units, and how would
13 increasing the percentage of 2-bedroom units affect
14 your project?

15 JOHN IGNATIUS BEAN: So, to start with
16 the unit mix, when we first contemplated this
17 building in this area, we thought the studios and
18 one-bedrooms were the need of the community
19 demographic, and we've had an ongoing dialogue with
20 Holden, and we understand that there is a potential
21 need for more 2-bedrooms, which are—which we are
22 exploring, but at the same time there's architectural
23 designs and floor plans that adding 2-bedrooms affect
24 plumbing and kitchens and density. So, we have to
25 look at that. The second point is right now if you

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2 look at the proportion of bedrooms for the market
3 rate and affordable units we are meeting the
4 proportionality test. So, that's how we are
5 complying with MIH. So, the same proportion of
6 market rate studios about 25% is the same for
7 affordable.

8 CHAIRPERSON MOYA: Where is that?

9 ROSS MOSKOWITZ: [off mic] It's on the
10 last page, Council Member.

11 CHAIRPERSON MOYA: On the last page.

12 ROSS MOSKOWITZ: Yes.

13 JOHN IGNATIUS BEAN: So, if you look at
14 the table on the bottom left, you'll see studios for
15 market, 96 and of the 392 is about 25% and the 42
16 studios of the 160 proposed, 106 not affordable or
17 25%. So that is compliant with the proportionality
18 test. So, increasing, potentially increasing the
19 number of 2-bedrooms, we would have to see how that
20 complies with the proportionality test or--

21 CHAIRPERSON MOYA: Yeah, but that's for
22 Option 2. I'm-I'm ask-I'm asking why you wouldn't
23 choose a different option that would help increase
24 the number of 2-bedrooms in this project?

25

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2 JOHN IGNATIUS BEAN: So, the—the Option 2
3 is decided based on the--

4 CHAIRPERSON MOYA: [interposing] No, I
5 got that.

6 JOHN IGNATIUS BEAN: --the proforma of
7 the deal and what we felt made the most sense to make
8 this become a reality.

9 ROSS MOSKOWITZ: I—I think Council
10 Member, if I could, what you're asking is would—would
11 we consider looking at another option.

12 CHAIRPERSON MOYA: Correct.

13 ROSS MOSKOWITZ: We've—we've landed on
14 Option 2 for the reason that reasons that Mr. Kadden
15 has said. We—we understand you'd like us to explain
16 perhaps in a follow-up to the committee why other
17 options are—are not where we're heading.

18 CHAIRPERSON MOYA: Correct.

19 ROSS MOSKOWITZ: We will be happy to
20 provide that.

21 CHAIRPERSON MOYA: So, and then—and just—
22 just one more—one more question here. I know that
23 you had talked briefly about the borough president's
24 recommendation. Can you just—you mentioned the
25 school.

2 ROSS MOSKOWITZ: Yes.

3 CHAIRPERSON MOYA: Can you just go into
4 the other details of her recommendations?

5 ROSS MOSKOWITZ: Yes, there are--there
6 are--there are three. The approval we've had sort of
7 three things I guess. One was to relook at the
8 height, and I--and I think Mr. Bean has explained to
9 you why the height is needed, but that was one thing
10 that the BP (sic) asked us to look at. Also, was
11 affordability and whether we can go deeper, which I
12 think as Ken has said--has said, we're looking at as
13 well. As you know, Option 2 is a weighted average of
14 80%, but we have agreed with Council Member Holden
15 that we would--we would revisit that, and then the
16 schools was the third thing, and I think--I think
17 we're pretty clear on what we're trying to do there.

18 CHAIRPERSON MOYA: And has any of this
19 come up in terms of what this will create in terms of
20 traffic on Queens Boulevard since you right there?
21 What is the staging going to be and has that all been
22 discussed?

23 ROSS MOSKOWITZ: Yeah, I mean obviously
24 twofold. We had to vet that internally both at as
25 you know, within City Planning. The Council knows

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2 what that process is like. So, yes, we—we have done
3 our analysis of mental (sic) houses and determined
4 how to do the staging off the side streets and to
5 obviously avoid Queens Boulevard traffic.

6 Secondarily, as my colleague Mr. Bean said if indeed
7 a school shows up it's obviously not going to be on
8 Queens Boulevard. It's going to be on the side
9 street. So, we've—we've determined how to do that
10 from a safety point, a traffic point, et cetera.

11 We've—from our site plan in particular we have
12 figured out how to do loading, the parking and not to
13 have any I think where you're having any conflicts.

14 You know, traffic, pedestrian, vehicular. So.

15 CHAIRPERSON MOYA: Okay. Thank you. I'm
16 going to turn it over now to Council Member Holden.

17 COUNCIL MEMBER HOLDEN: Thank you, Chair
18 Moya. I have some of the same questions about the—
19 the make up of the units, 2-bedrooms. Only 13.5% of
20 the—of the Complex has 2-bedrooms. No 3-bedrooms
21 obviously, but I—we've seen families in the area, but
22 it's—the surrounding communities it's really a family
23 oriented community, and I don't want to see families
24 with 2 children, 3 children going into a 1-bedroom,
25 which we're seeing in some areas of that in Woodside

2 and so I would actually push for—I'm not—I'm not
3 buying that you—you can't increase—some have more 2-
4 bedroom apartments or even some three. Let's get
5 practical. People have children. Families obviously
6 who have children they have to live somewhere, and
7 this would be a good complex in the community. So, I
8 would urge you to certainly get more 2-bedrooms and
9 if not a few 3s. I just have a couple of questions
10 for the applicant. So you currently own that M1
11 property? Did you close on that property because you
12 didn't own it originally in the back on 47th Avenue?

13 ZACK KADDEN: We closed on Lots 41 and 44
14 in August.

15 COUNCIL MEMBER HOLDER: You closed in
16 August. Okay.

17 ZACK KADDEN: Correct.

18 COUNCIL MEMBER HOLDEN: And the—the idea
19 of—and this is my concern with the bulk of the
20 property, which originally was 560–561 units, and to
21 get to a subway you really essentially have to cross
22 Queens Boulevard. There—or you—you could jump on a
23 bus but we know what Queens Boulevard is like. So,
24 I'm—I'm concerned about the safety of Queens
25 Boulevard there. It has been safer, but there's a

2 lot of people, and by the way, you have—it's .7 mile
3 to the subway all uphill in the morning if you're
4 going toward the subway. So, it's—it's a good trek
5 especially in the winter. So, I have—I have concerns
6 with the belt (sic). Do we need that there and by
7 the way, if you look at your building, 17 stories
8 would dwarf any building in the area. I think the
9 committee has the packet. You can see what's going
10 up now. We have 11 stories is the tallest building I
11 think hear there. This would be 17 and 14 and
12 there's a 7-story building and 9-story residential.
13 So, it will be a shock, and so my constituents keep
14 calling me. They're—they're against the height.
15 They would—they would welcome the building. It's
16 just the—the bulk that they're concerned with. So, I
17 do have concerns. I'm not so, you know, if this has
18 to be cut down a bit, I—I, you know, I have to listen
19 to my constituents there. They know the area
20 obviously. I know the area. We know that 69th
21 Street and Queens Boulevard looks like today. We
22 know the traffic that's there it's gridlock many
23 times. So, I need to—we need to see what impact this
24 will have especially 561 units have on the area, and
25 I do share some of the—the concerns of the borough

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2 president and certainly the community board, but
3 we'll work together. We'll figure this out hopefully
4 and—and come up with a solution on the school also,
5 which we desperately need. In fact, I've located a
6 number of sites for schools, as Chair Moya shares
7 with me. We—we share that district, and he has his
8 concerns I'm sure with the school, and so we're going
9 to try to make the school work inside the complex.

10 Thank you.

11 CHAIRPERSON MOYA: Thank you Council
12 Member. Thank you to the panel. Thank you for your
13 testimony today.

14 ROSS MOSKOWITZ: Thank you. Thank you
15 very much.

16 CHAIRPERSON MOYA: I now want to call up
17 the next panelist. Zamir Khan. [pause] Just push
18 the button and just state your name and you—you can
19 begin.

20 ZAMIR KHAN: Good morning. My name. My
21 name is Zamir Khan. Good morning, Chairman Moya,
22 Council Member Holden and members of the Subcommittee
23 My name is Zamir Khan. I'm a Concierge in the Upper
24 East Side of Manhattan. I've been a member or 32BJ
25 for the past nine years. I've been a resident of

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2 Queens all my life, the past 30 years. As you know,
3 32BJ is the largest property service workers union in
4 the country. We represent 85,000 workers here in New
5 York City. We clean, maintain and provide security
6 services in schools, commercial and residential
7 buildings across all five boroughs. Many of our
8 members work in residential buildings like the
9 proposed development at 6902 Queens Boulevard. We
10 estimate that this project will likely create around
11 14 new building service jobs in the area. We are
12 pleased to let you know that this developer has made
13 a commitment to good family sustaining jobs for
14 Woodside families. Madison Realty has also worked to
15 ensure good jobs and high standards for workers at
16 other buildings in their portfolio, and they've been
17 developing a strong relationship with us here at
18 32BJ. We believe that the developments that pay
19 service workers the industry standard prevailing wage
20 and benefits allow workers to live and work in the
21 city that they love while they support their
22 families. 32BJ has allowed me to do that as a parent
23 with two children. For these reasons, we urge the
24 City Council to support this project and move
25 forward. Thank you.

2 CHAIRPERSON MOYA: Thank you. Are there
3 any other members of the public who wish to testify
4 on this item? Seeing none, I now close the public
5 hearing on this application, and it will be laid
6 over. Our last hearing will be on the Preconsidered
7 LUs 11-14 35th Avenue rezoning for property in
8 Council Member Van Bramer's district I Queens, a
9 zoning map change from R5 to R6-A, with a C1-3
10 commercial overlay would be applied to portions of
11 Block 331 and an MIH area with MIH Options 1 and 2
12 would be applied to the rezoning area. These actions
13 would facilitate the development of a new 8-story
14 mixed use building with approximately 75 apartments
15 of which 22 would be affordable. I now open the
16 public hearing on this application, and I will be
17 calling up Frank [background comments] Oh, sorry,
18 Frank St. Jacques, Regina Rivera, and Paula Hallal
19 (sic) Durand. Right, thank you. I now ask the
20 Counsel to please swear in the panel.

21 LEGAL COUNSEL: I'm just going to ask the
22 panel to submit an individual—you can't put two
23 people on one slip. Before responding, please turn
24 your mic on and state your name. Do you each swear
25 or affirm that the testimony that you're about to

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2 give will be the truth, the whole truth and nothing
3 but the truth, and that you will answer all questions
4 truthfully?

5 FRANK SAN JACQUE: Frank St. Jacques,
6 Akerman, LLP. I do.

7 REGINA RIVERA: I'm Regina Rivera from
8 HANAC. I do.

9 PAOLA DURAN: Paola Duran from HANAC. I
10 do.

11 CHAIRPERSON MOYA: Thank you. You may
12 begin.

13 FRANK ST. JACQUES: Good afternoon,
14 Chair. Thank you for having us today. As I said, I'm
15 Frank St. Jacques. I'm with Akerman, LLP for the
16 applicant Ravi Management, LLC. We're here with
17 respect to the 11-14 35th Avenue rezoning. This is
18 an application for a zoning map amendment, and a
19 zoning text amendment. So, I just pulled up a slide
20 showing the project location. The project is located
21 in Queens Community District 1. It's currently zoned
22 R5, and it has been since 1961. It's within the
23 transit zone. The rezoning area is generally bounded
24 by 35th Avenue to the north, 36th Avenue to the south,
25 11th Street to the west and 12th Street to the east.

2 The rezoning would affect the eastern half of the
3 block. It's outlined in red on the screen there and
4 the development site is outlined in blue. So, the
5 rezoning would—would take that eastern portion of the
6 block and the development site is on that
7 northeastern corner of the block fronting 35th Avenue
8 and 12th Street. The surrounding streets are wide
9 streets, and the development site is a single—about
10 25,000 square foot tax lot. It's got 92 feet of
11 frontage on 35th Avenue and about 275 feet of
12 frontage on 12th. The site is currently leased by a
13 construction firm, and it's mostly used for storage
14 of equipment. As you can see on the slide the Zoning
15 area is also directly across from the NYCHA
16 Ravenswood Houses. It a 38-acre NYCHA campus, and
17 the buildings are 6 and 7 stories. This just show
18 the—the large R5 zoning district where the project is
19 located. These are the—the rezoning area on the tax
20 map, and this slide here is—is the area map. As you
21 can see, within the R5, there's a mix of uses not
22 only residential uses, which are conforming, but a
23 number of non-conforming industrial uses. Those are
24 the properties that are shaded in purple. So, all of
25 the sites that we're proposing to be rezoned are

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2 currently non-conforming industrial uses, which

3 would—would become conforming with this application

4 to change the—the current R5 zoning to an R6-A, C1-3.

5 Just show you some of the -the existing conditions.

6 This is—is the site. It's—it's essentially in the

7 background covered by a construction fence behind the

8 mural. In this slide the development site is on the

9 left and Ravenswood Houses are on the right, and then

10 just another shot of the—the development site. As I

11 mentioned, the application proposes two options, a

12 zoning map amendment to establish an R6-A C1-3

13 district replacing the current R5 zoning district and

14 the zoning text amendment to Appendix F to establish

15 an MIH area with the same boundaries as the—the

16 rezoning area. We propose Option 2 and I'll get into

17 the details of that in a moment. The project

18 proposed or I'd say the—the propose actions would

19 facilitate the development of an 8-story mixed-use

20 development. The R6-A permits a 3.6 maximum FAR, and

21 the project is approximately 3.6 FAR. That results

22 in approximately 87,000 square feet, or a building of

23 87,000 square feet with approximately 14,000 square

24 feet of ground floor commercial space. The C1-3

25 permits use group 6 so that that commercial space

2 would be occupied by most likely retail uses. There
3 hasn't been a tenant identified yet for the site.

4 The balance of the building about 73,000 square feet
5 would be residential, and that includes 74 dwelling
6 units of which 22 would be permanently affordable
7 under the Mandatory Inclusionary Housing Program. The
8 building form itself is on a 4-story base that rises
9 to 45 feet above setbacks. The—the total building
10 height rises to 8 stories, and that's 85 feet. The
11 building includes 71 parking spaces. The bulk of
12 those would be in a cellar parking garage with 15
13 located at grade. I'll just skip to the next slide,
14 which is a site plan. You can see the—the massing of
15 the building is—is situated at the corner of the two
16 side streets, 12th Street and 35th Avenue, and then
17 the entrance to the parking and the at-grade parking
18 spaces are located towards the interior of the block
19 to the south. Along 12th Street there will be a curb
20 cut there to access the parking. The building
21 itself, as you can see in the rendering here is—is
22 articulated and uses different façade materials to
23 break up the massing. It's also the—the ground floor
24 commercial space will use glazing to activate the
25 pedestrian experience and enliven the street.

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2 There's really no street wall along—along either—
3 either street frontage with the existing development.
4 So, the hope here is just to bring some life to the
5 street. The applicant has selected MIH Option 2.
6 That's 30% of the residential floor area at an
7 average of 80% AMI. This was initially contemplated
8 as 10% at 60% of AMI; 10% at 80% AMI; and 10% at 100%
9 AMI. We discussed this Council Member Van Bramer
10 yesterday, and have agreed to—to shift—basically to
11 eliminate the income band at 100% and bring the
12 affordability down to 10% at 80% AMI and 20% at 60%
13 AMI, which ultimately results in a—in a lower average
14 AMI.

15 CHAIRPERSON MOYA: So, could you repeat
16 the one more time?

17 FRANK ST. JACQUES: Sure so—so the
18 applicant has agreed to change the—the—the AMI mix
19 from—to 20% at 60% AMI and 10% at 80% AMI. So, it's
20 still 30% affordable just with lower—the lower AMI
21 than aa initially proposed. And that's again 22
22 permanently affordable units, and that's—that's
23 really—and we've also—HANAC is here. We've selected
24 HANAC to be the administer for the MIH program. They

25

2 can speak about their presence in the neighborhood
3 and I'm happy to answer any questions?

4 PAOLA DURAN: Okay, good morning. My
5 name is Paola Duran and I'm here with my colleague
6 Ana Rivera. I'm the Director [coughs] Director of
7 Housing for HANAC and she's the Director of Property
8 Management. HANAC is a non-profit organization. It
9 was founded in 1972, and we provide a variety of
10 services including social services for seniors,
11 children, youth, and we also provide affordable
12 housing. We have developed—we own and develop over
13 400 units Astoria and in Corona. All of our
14 portfolio is located in Queens, and we have under
15 construction another project in Flushing, and that
16 will add about 232 units for low-income seniors and
17 families of the city. HANAC is fully committed with
18 the development of affordable housing, and we support
19 any efforts towards that goal. The reason why we
20 will be working with the developer Ravi Management in
21 order to act as the managing agent for the MIH units
22 that have been proposed for these development sites.
23 So, HANAC will be working with Ravi Management in two
24 ways. The first portion will be towards the
25 marketing of the MIH units by developing the

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2 community outreach strategy with the developer
3 working with city agencies to ensure that all their
4 requirements are met for these units. That includes
5 working with entering the paper applications for the
6 Housing Clinic Portal' working with the lottery log,
7 interviewing the possible tenants and to lease up.
8 And HANAC has been working in Queens for decades, and
9 actually it was mentioned by Frank across the street
10 is the NYCHA Ravenswood Houses and HANAC actually
11 operates the senior center that is located within
12 that NYCHA complex and we also run the after school
13 program that is located at the same NYCHA building.
14 So we are very familiar with the area, and we support
15 this application because it is bringing the MIH units
16 to the community. And Majima is going to talk a
17 little bit more about the managing itself there.

18 MAJIMA: Hello. As Paola—Paola stated,
19 HANC will be the—act—acting as the managing agent for
20 Ravi Management ensuring that the project compliance
21 there is consistent project compliance from the
22 beginning. We will be providing marketing services,
23 leasing up, initial move in process. Throughout the
24 year we'll be side by side with Ravi Management and
25 ensuring yearly compliance making sure that the MIH

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2 units are sustaining and the units and the tenants
3 within the units are—are-sorry—are within the AMH—AMI
4 guidelines. Throughout the year HANAC will be the
5 liaison between Ravi Management and the city
6 agencies. Like I said, my term (sic)comes up in
7 annual re-certifications, move-outs, move-ins and
8 annual reporting. Thank you.

9 CHAIRPERSON MOYA: Okay, just-anyone?

10 Just a couple of quick questions. So, I know that
11 you said that you had talked to the Council Member
12 and you have agreed to Option 2, is the correct?

13 FRANK ST. JACQUES: That's correct.

14 CHAIRPERSON MOYA: So, because Community
15 Board had requested that you use MIH Option 1 and I'm
16 just wondering what--?

17 FRANK ST. JACQUES: So, the—the Community
18 Board had—had asked for Option 1 and—and through
19 discussions with the Council Member, we're actually
20 providing close to what the—the community board has
21 asked for. Their—their recommendation was for 30% at
22 60% AMI. So, we're achieving actually 20% at 60% AMI
23 with the 10% at 80% AMI is—is—is also included. So,
24 we're—we're providing more affordable units. It's—
25 it's a small building, and—and that's—that's the—the

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2 mix that can still sustain the development of his
3 building. It's also going to provide jobs in terms
4 of the—the commercial component, and the applicant
5 has agreed to—to work with 32BJ to provide to
6 prevailing wage job-wage jobs for the—the building—
7 the building jobs themselves. [pause]

8 CHAIRPERSON MOYA: Also the—I know you
9 mentioned that right now it's used as storage, but
10 that rezoning area includes light industrial. Is
11 there a—a business or businesses right now that are
12 operating in that space?

13 FRANK ST. JACQUES: In—in the development
14 space there's a—a construction firm that's—that's
15 leasing the space. There's a sort of a smallish
16 warehouse building, but then it's the majority there
17 is—is storage I believe for—for crane equipment. So,
18 that—that business I'm—I'm not—we can report back on
19 what will happen with that text.

20 CHAIRPERSON MOYA: [interposing] No, I
21 just wanted to know what would—what was being
22 utilized at that site--

23 FRANK ST. JACQUES: [interposing] Oh,
24 it's—it's just a--

25

2 CHAIRPERSON MOYA: [interposing] In the
3 rezoning area.

4 FRANK ST. JACQUES: --a small
5 construction firm.

6 CHAIRPERSON MOYA: Okay, okay and is this
7 building charging any fees for amenities?

8 FRANK ST. JACQUES: That I-I don't know
9 off hand, but we can have that discussion with-with
10 the applicant. I-I don't think that's been
11 determined yet.

12 CHAIRPERSON MOYA: Okay, if you can, just
13 we'd love to follow up on that, and that's it for me.

14 FRANK ST. JACQUES: Thank you.

15 CHAIRPERSON MOYA: Thank you. Thank you
16 for your testimony. I'm calling up the next
17 panelist. It's Panos Kutriz. (sic) [pause]

18 Good morning. Well, it's noon actually.
19 It's Kutriz. (sp?)

20 CHAIRPERSON MOYA: Just push the button.
21 Okay. Oh, I'm sorry. How do you say it?

22 PANOS KUTRIZ: It's Kutriz.

23 CHAIRPERSON MOYA: Kutriz?

24 PANOS KUTRIZ: Yes.

25 CHAIRPERSON MOYA: Thank you.

2 PURNIMA KAPUR: Good afternoon.

3 CHAIRPERSON MOYA: I—I just—I just
4 couldn't read that. Don't worry. I'm sorry.

5 PURNIMA KAPUR: It's okay. Don't worry.
6 It's sine. Good afternoon Chair Moya. My name is
7 Panos Kutriz and I'm a Queens resident and have been
8 a member or 32BJ for two years. I'm speaking today
9 on behalf of union to express our support for the
10 proposed project at 1114 35th Avenue. It is our
11 estimation that when opened, this building will be
12 staffed by approximately five building service
13 workers. Ravi Management, LLC has committed that
14 these jobs will be good jobs with family sustaining
15 wages and benefits. These are the types of jobs that
16 give New Yorkers dignity and access to mobility.
17 Ravi Management, LLC is a responsible developer,
18 whose commitment to good jobs and affordable housing
19 will help uplift working families in Queens. We urge
20 you to approve this project. Thank you.

21 CHAIRPERSON MOYA: Thank you. Are there
22 any members of the public who wish to testify on this
23 item? Seeing none, I now move to close the public
24 hearing on this application, and the application will
25 be laid over. This concludes today's hearing. Would

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2 like to thank the members of the public, my
3 colleagues and, of course, as always our counsel and
4 Land Use staff for all that they do. Thank you
5 again. This meeting is 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 October 23, 2018