

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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November 20, 2023
Start: 1:04 p.m.
Recess: 1:14 p.m.

HELD AT: COMMITTEE ROOM - CITY HALL

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

COUNCIL MEMBERS:

Shaun Abreu
Erik D. Bottcher
David M. Carr
Kamillah Hanks
Farrah N. Louis
Lynn C. Schulman

OTHER COUNCIL MEMBERS ATTENDING:

Darlene Mealy
Rafael Salamanca, Jr.
Shekar Krishnan

2 SERGEANT-AT-ARMS: This is a microphone
3 check for the Committee on Zoning and Franchises of
4 the Committee on Land Use. Recorded on November 20th
5 in the Committee Room by Nazly Paytuvi.

6 SERGEANT-AT-ARMS: Good morning welcome to
7 the New York City Council vote on Zoning and
8 Franchises and Land Use.

9 At this time, could everyone please
10 silence your cell phones.

11 If anyone wishes to testify, please go to
12 the Sergeant-at-Arms' desk.

13 Chair, we're ready to begin.

14 CHAIRPERSON RILEY: [GAVEL] Good morning
15 and welcome to a meeting of the Subcommittee on
16 Zoning and Franchises. I am Council Member Kevin
17 Riley, Chair of this Subcommittee.

18 Today, I'm joined by Chair Salamanca,
19 Council Member Abreu, Chair Louis, Council Members
20 Hanks, Carr, Mealy, Schulman, Krishnan, and Bottcher.

21 Today, we will hold three votes. One
22 regarding a significant initiative by the
23 Administration to make sure zoning does not slow down
24 the City's reduction in carbon emission and ability

2 to achieve the goal of reducing carbon emissions by
3 80 percent by 2050.

4 The second and third votes are a proposed
5 residential development project in Brooklyn known as
6 534 Coney Island and Belmont Osborn.

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

10 COMMITTEE COUNSEL VIDAL: Thank you, Chair
11 Riley. I am William Vidal, Counsel to the
12 Subcommittee.

13 This meeting is being held in hybrid
14 format. Council Members who would like to ask
15 questions should either indicate so verbally or, if
16 participating remotely, by using the Zoom raise hand
17 function. The Chair will recognize Members to speak.

18 We ask all participants for your
19 continued patience should any technical difficulties.

20 Chair Riley will know continue with
21 today's agenda items.

22 CHAIRPERSON RILEY: Thank you, Counsel.
23 The first vote to approve with modifications LU 277
24 which is the Administration's City of Yes Zoning for
25 Carbon Neutrality proposal.

2 As I stated at the hearing for this
3 proposal last month, we are running out of time to
4 address climate change, and we have to actively
5 reduce the City's carbon footprint. We are
6 experiencing climate change right now with recurrent
7 floods and the hottest summer on record. Although I
8 would not complain about this weekend's 60-degree
9 weather, it is November, and we are supposed to be
10 entering winter, not spring. If we do not act now and
11 quickly, the impacts of climate change are going to
12 be much, much worse. Buildings account for
13 approximately two-thirds of greenhouse gas emissions
14 in New York City. The Administration's proposal
15 updates the Zoning Resolution to facilitate more
16 effective construction techniques and reduce the
17 carbon emissions of buildings. It will also allow the
18 City to be more effectively transitioned to greener,
19 cleaner energy.

20 The Subcommittee is proposing two
21 modifications to this proposal. The first
22 modification is to maintain the current definition of
23 accessory while updating the specific list of uses
24 that qualify as accessory. The second modification is
25 to the definition of ultra-low-energy buildings and

2 clarifies how a building's energy consumption should
3 be assessed.

4 Passing this proposal is an important
5 step in the right direction to addressing climate
6 change, and I am proud to bring this proposal forward
7 to a vote.

8 The second vote is to approve with
9 modifications LUs 284 and 285 regarding the 534 Coney
10 Island Avenue rezoning in Council Member Joseph's
11 District in Brooklyn. This proposal is to develop a
12 mixed-use building with approximately 43 apartments
13 and ground floor retail in Kensington. This rezoning
14 would change the existing C8-2 commercial district to
15 an R7X residential district with a C2-4 commercial
16 overlay.

17 This rezoning will also involve mapping a
18 Mandatory Inclusionary Housing over the rezoned area,
19 and proposed modification is to strike Option 2 and
20 add the deep affordability option which will restrict
21 the affordability units to an average of either 40 or
22 60 percent AMI.

23 The third vote is to approve with
24 modifications LUs 278 and 279 regarding the Belmont
25 Osborn rezoning in Council Member Mealy's District in

2 Brooklyn. This is a proposal to develop a mixed-use
3 building and a ground floor retail in Brownsville.
4 This rezoning will change an existing R6 residential
5 district with a C1-3 commercial overlay and an
6 existing C4-3 commercial district to a 1 shared R7A
7 residential district with a C2-4 commercial overlay.

8 This rezoning will also involve mapping
9 Mandatory Inclusionary Housing over the rezoned area,
10 and the proposed modification is to strike Option 2
11 and add the deep affordability option, which would
12 restrict the affordable units to an average of either
13 40 or 60 percent AMI.

14 The modification will also involve
15 reducing the scope of the rezoning by limiting the
16 rezoned area to a site located between Osborn and
17 Watkins Street.

18 I would now like to ask if Council Member
19 Mealy would like to give any remarks regarding this
20 project.

21 COUNCIL MEMBER MEALY: Yes. I want to
22 thank this Committee for bearing with you. I just
23 want the community to know that as-of-right this
24 owner could do as he pleased because it's all his own
25 property, but, to be very clear that no matter what

2 we vote on, after this vote is done, they can do
3 whatever they want to do, but one thing I must say,
4 we will get some affordable housing from 20 to 60
5 percent AMI and some parking, and this is the last
6 opportunity that the whole city could have parking.
7 By next year, all these developments would not have
8 to do any parking whatsoever, so I'm glad that
9 Brownsville is getting something, and I hope this
10 developer comes back because they say they want to do
11 senior housing and affordable housing up until 60
12 percent AMI. We did get them down from 80 percent AMI
13 so I'm looking forward to seeing what the end will
14 be.

15 Thank you, Chair, and thank you, my
16 Colleagues, for staying here and waiting to see if we
17 can do what is best for the community, and I'm
18 looking forward to it. Thank you.

19 CHAIRPERSON RILEY: Thank you, Council
20 Member Mealy.

21 I will now call for a vote to approve
22 with modifications LUs 277 related to the City of Yes
23 Zoning for Carbon Neutrality proposal, to approve
24 with modifications LUs 284 and 285 relating to the
25 534 Coney Island rezoning proposal, and to approve

2 with modifications LUs 278 and 279 relating to the
3 Belmont Osborn rezoning proposal.

4 Counsel, please call the roll.

5 COMMITTEE COUNSEL VIDAL: Chair Riley.

6 CHAIRPERSON RILEY: Aye.

7 COMMITTEE COUNSEL VIDAL: Chair Louis.

8 CHAIR LOUIS: Aye.

9 COMMITTEE COUNSEL VIDAL: Council Member
10 Abreu. Council Member Bottcher.

11 COUNCIL MEMBER BOTTCHER: Chair, could I
12 ask a question?

13 The 47 Belmont Avenue, the unit count
14 proposed 220 units, what's the final unit count that
15 we're voting on today?

16 CHAIRPERSON RILEY: Council Member
17 Bottcher, just give me one second to get that answer
18 for you.

19 Council Member Bottcher, to my knowledge,
20 prior to us eliminating one site, it was supposed to
21 be 200. Being that we're eliminating it to one site,
22 approximately 100, but we're not 100 percent sure
23 until this process has gone into development.

24 COUNCIL MEMBER BOTTCHER: Got it. It's 100
25 percent affordable housing.

2 CHAIRPERSON RILEY: Correct.

3 COUNCIL MEMBER BOTTCHEr: It would've been
4 at 220?

5 CHAIRPERSON RILEY: Correct.

6 COUNCIL MEMBER BOTTCHEr: In this spirit
7 of Member deference, I'm going to vote aye on all.

8 CHAIRPERSON RILEY: Thank you.

9 COMMITTEE COUNSEL VIDAL: Council Member
10 Hanks.

11 COUNCIL MEMBER HANKS: Aye.

12 COMMITTEE COUNSEL VIDAL: Council Member
13 Schulman.

14 COUNCIL MEMBER SCHULMAN: Aye.

15 COMMITTEE COUNSEL VIDAL: Council Member
16 Carr.

17 COUNCIL MEMBER CARR: Permission to
18 explain my vote.

19 CHAIRPERSON RILEY: Permission granted.

20 COUNCIL MEMBER CARR: Thank you, Chair. I
21 just want to speak very briefly on the City of Yes
22 Rezoning Carbon Neutrality application. At our prior
23 hearing on this, I had asked and advocated along with
24 my Colleague, Minority Leader Borelli, and Borough
25 President Fossella and others for some kind of a

2 buffer zone when it comes to the siting of battery
3 energy storage systems in our city. This application
4 basically will make these installations as-of-right
5 anywhere. This is strongly opposed by the vast
6 majority of the folks I represent. They want there to
7 be some kind of a buffer zone between these
8 installations, residential units, commercial
9 storefronts, and also to ensure that opportunities
10 for residential and commercial developments are not
11 lost because these sites have been developed already
12 as BESSs. For that reason and that reason alone, I
13 will be voting no on LU 277 and aye on the rest.
14 Thank you.

15 CHAIRPERSON RILEY: Thank you.

16 COMMITTEE COUNSEL VIDAL: Regarding LUs
17 284, 285, 278, and 279, seven in the affirmative, no
18 abstentions, and no negative votes.

19 Regarding LU 277, six votes in the
20 affirmative, one vote in the negative with no
21 abstentions.

22 All three measures and all LUs pass.

23 CHAIRPERSON RILEY: Thank you, Counsel.
24 That concludes today's business.

2 I would like to thank the members of the
3 public, my Colleagues, Subcommittee Counsel, Land Use
4 and other Council Staff, and the Sergeant-at-Arms for
5 participating in today's hearing.

6 This meeting is hereby adjourned.

7 If you have Land Use, please stay here so
8 we...

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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 November 22, 2023