

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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FEBRUARY 17, 2022  
Start: 12:13 P.M.  
Recess: 12:30 P.M.

HELD AT: REMOTE HEARING (VIRTUAL ROOM 1)

B E F O R E: KEVIN C. RILEY, CHAIRPERSON

COUNCIL MEMBERS: SHAWN ABREU  
ERIK D. BOTTCHER  
DAVID M. CARR  
KAMILLAH HANKS  
FARAH N. LOUIS  
FRANCISCO P. MOYA  
LYNN C. SCHULMAN

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

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2 SGT. BIONDO: Okay. Live stream is  
3 rolling. At this time will all Sergeants please  
4 start their recordings.

5 SGT. KOTOWSKI: Computer recording  
6 started.

7 SGT. BIONDO: Thank you. Recording to  
8 cloud is underway. And good afternoon everyone and  
9 welcome to today's Subcommittee on Zoning and  
10 Franchises. For verification purposes, we ask you to  
11 please turn on your cameras and also please silence  
12 your cellphones to minimize disruptions. If you  
13 would like to submit testimony, please do so to  
14 [landusetestimony@council.NYC.gov](mailto:landusetestimony@council.NYC.gov). Thank you for your  
15 cooperation. Chair Riley, we are ready to begin.

16 CHAIRPERSON KEVIN RILEY: Good morning  
17 and welcome to our meeting of the Subcommittee of  
18 Zoning and Franchises. I am Council Member Kevin  
19 Riley, Chair of the Subcommittee. Today I am joined  
20 remotely by Council Member Schulman, Bottcher, Abreu,  
21 Carr, Hanks, Barron, Moya and Chair Louis. Today, we  
22 will vote on the re-zoning proposal for 749 Van  
23 Sinderen Avenue in Brooklyn that was heard by the  
24 Subcommittee on January 21st. Four proposals that  
25 were heard by the Subcommittee on January 27th, the

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2 Rezoning Proposal for 2892 Nostrand Avenue and 2134  
3 Coyle Street in Brooklyn. And the proposed  
4 commercial overlay for 99-07 Astoria Boulevard in  
5 Queens and a Citywide Open Restaurant Re-Zoning Text  
6 Amendment that was started by the Subcommittee  
7 jointly with the Committee on Consumer and Worker's  
8 Protection on February 8th. Before we begin I  
9 recognize the Subcommittee Counsel to review the  
10 meeting procedures.

11 ANGELINA MARTINEZ-RUBIO, COMMITTEE

12 COUNSEL: Thank you Chair Riley. I am Angelina  
13 Martinez-Rubio, Counsel to the Subcommittee. Council  
14 Members who would like to ask questions or make  
15 remarks should use the Zoom Raise Hand function. The  
16 raise hand button should appear at the bottom of the  
17 panel. I will announce Council Members who have  
18 questions or remarks in the order that they raise  
19 their hands. Chair Riley would then recognize  
20 members to speak. We ask that you please be patient  
21 if any technical difficulties arise today. Chair  
22 Riley will now continue with today's agenda items.

23 CHAIRPERSON KEVIN RILEY: Thank you

24 Council. Today, we will vote to approve the  
25 modification of Pre-Considered LUs 3 and 4 related to

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2 the property at 749 Van Sideren Avenue in Council  
3 Member Barron's District in Brooklyn. The proposal  
4 seeks a zoning map amendment to change and M1-1 to a  
5 C4-4L Zoning District and the related Zoning Text  
6 Amendment to a map at MIH area to facilitate a new  
7 affordable housing development. Our modification  
8 would be strike MIAs option 2 and add the deep  
9 affordability option. Council Member Barron is in  
10 support of this proposal and I would like to allow  
11 him to give some remarks about this project. Council  
12 Member Barron.

13 CHARLES BARRON: Well, thank you very  
14 much Chair Riley and we are in very much support of  
15 this project. We've been going back and forth with  
16 developers over sometime now and we are satisfied  
17 with the fact that it'll be 118 apartments and all of  
18 this 60% and below in terms of the AMI and the real  
19 affordable we have also a set aside for the homeless.  
20 We were concerned about too many studios and that  
21 number is down. We were concerned of higher rent on  
22 the end of the project, end side of the project, that  
23 was brought down. We were concerned about some of  
24 the businesses that would have to be relocated  
25 because of the new development coming and in that we

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2 recently had a meeting with the auto shops owners,  
3 all of the business owners and the new, and the  
4 developers and they have a written commitment and  
5 addressing all of the concerns of the new businesses,  
6 they have relocated to areas and, and giving them  
7 time to do that, a year or two rather than rushing in  
8 to it and making sure that the rents aren't higher  
9 than what they've been paying and the space is  
10 adequate for what they have and they'll be able to  
11 maintain some level of connections to the businesses  
12 or the customers that they have now. So, we  
13 satisfied in all the areas and they've been very open  
14 to our changes and so are in support of this project.  
15 Thank you, Mr. Chair.

16 CHAIRPERSON KEVIN RILEY: Thank you,  
17 Council Member Barron. We will also vote to approve  
18 Pre-Considered LU7 relating to the 99-07 Astoria  
19 Boulevard proposal in Council Member Moya's District  
20 in Queens. The proposal seeks a Zoning Map Amendment  
21 to establish a C2-3 commercial overlay within an R3-2  
22 Zoning District to facilitate the development of a  
23 one story commercial building. Council Member Moya  
24 is in support of this proposal and I would like to

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2 allow Council Member Moya to give some remarks about  
3 this project. Council Member Moya.

4 FRANCISCO MOYA: Thank you Chair. I  
5 appreciate it. Look, I'll just be very brief. This  
6 is a very simple spot rezoning that we are doing  
7 here. I'm in support of it. We have folks in the  
8 community that have spoken about their support for  
9 this one as well so I will, I will be voting in the  
10 affirmative and I hope my colleagues will join me in  
11 doing the same. Thank you Chair.

12 CHAIRPERSON KEVIN RILEY: Thank you  
13 Council Member Moya. We will also vote to approve  
14 the modification Pre-considered LUs 8 and 9 related  
15 to the 2892 Nostrand Avenue Rezoning proposal in  
16 Chair Louis' district in Brooklyn. This proposal  
17 seeks a zoning map amendment to rezone an existing  
18 R3-2 district to an R6B/C2-4 R7A and R7A/C2-4  
19 district and the relating zoning text amendment to  
20 establish an MIH program area. This action will  
21 facilitate the development of an 8-story mixed use  
22 building. Our modification will be strike MIH option  
23 2 and the deep affordability option. Now Chair Louis  
24 is in support of this proposal and I would like to

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2 allow Chair Louis to give some remarks about this  
3 project, Chair Louis.

4 FARAH LOUIS: Thank you Chair. I'm in  
5 full support of this project 2892 Nostrand Avenue. I  
6 am still waiting for some more information on this  
7 project regarding the management company that will be  
8 managing the affordable housing process. The  
9 developer also said that they would support a local  
10 park in the area, PF Martin Playground. Still  
11 waiting for that information for support of this  
12 project. Thank you.

13 CHAIRPERSON KEVIN RILEY: Thank you Chair  
14 Louis. We will also vote to approve with  
15 modification Pre-Considered LUs 10 and 11 for the  
16 2134 Coyle Street Rezoning proposal in Council Member  
17 Narcisse District in Brooklyn. The applicant seeks a  
18 Zoning Map Amendment to change an R4/C1-2 Zoning  
19 District to an R6A/C2-4 Zoning District and the  
20 relating zoning text amendment to MAP and MIH program  
21 area. These actions will facilitate the development  
22 of a new 5-story mixed use building. Our  
23 modification will be strike MIH option 2 and add the  
24 deep affordability option. Council Member Narcisse

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2 is in full support of this proposal as modified. Is  
3 Council Member Narcisse here today?

4 ANGELINA MARTINEZ-RUBIO, COMMITTEE

5 COUNSEL: I don't see her in the meeting right now.

6 CHAIRPERSON KEVIN RILEY: Thank you and  
7 we've been joined by Council Member Sanchez and  
8 Council Member Richardson Jordan. Finally, we will  
9 also vote to approve with modification Pre-Considered  
10 LU12 the citywide open restaurant zoning text  
11 amendment. This text amendment would remove the  
12 zoning resolution sidewalk café regulations founds in  
13 article 1 chapter 4 of the zoning resolution and  
14 modified related sections. This proposal will  
15 facilitate the creation of a permanent open  
16 restaurant program following authorization and  
17 legislation by the City Council and subsequent rule  
18 making by designated agency. Our modification will  
19 be to remove the Department of Transportation as a  
20 designated agency for subsequent rule making and  
21 implementation of the program. Members of the sub-  
22 committees who have questions or remarks about  
23 today's item should use the raise hand button now.  
24 Council will announce members in order that hands are

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2 raised, Council are there any Council Members with  
3 questions or remarks at this time?

4 ANGELINA MARTINEZ-RUBIO, COMMITTEE

5 COUNSEL: Council member Schulman has a question, has  
6 raised their hand.

7 LYNN SCHULMAN: No I did. Is now the  
8 proper time to make remarks about the zoning text  
9 amendment or later?

10 CHAIRPERSON KEVIN RILEY: No, you can  
11 make.

12 LYNN SCHULMAN: Can make it now. I just  
13 want to, my understanding of the text amendment is  
14 that it is a text amendment that there will be  
15 further discussion on the larger proposal about the  
16 open restaurants and the way that we're going to do  
17 that, so I just want to make that clear because I, I,  
18 you know constituents are a little bit confused.  
19 They think that what we're voting on today is to vote  
20 on making permanent the open restaurant situation and  
21 I just want to make it clear that this is a text  
22 amendment that there will be larger discussions  
23 moving forward on this and so I just wanted to, I  
24 just wanted to make that clear, that's all.

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2 CHAIRPERSON KEVIN RILEY: Thank you  
3 Council Member Schulman.

4 ANGELINA MARTINEZ-RUBIO, COMMITTEE  
5 COUNSEL: Chair, I'll announce the order of the  
6 Council Members in the order that they raise their  
7 hands so next will be Council Member Carr to be  
8 followed by Council Member Bottcher, Council Member  
9 Louis, and Council Member Abreu. Council Member  
10 Carr.

11 SGT. KOTOWSKI: Time starts now.

12 DAVID CARR: Thank you so much. Thank  
13 you Chair Riley. I just want to make my remarks on  
14 the open restaurant text amendment like my colleague  
15 Council Member Schulman. I'll be voting yes because  
16 there's still an opportunity from your larger  
17 conversation on how we're going to deal with sidewalk  
18 cafes and in particular roadway cafes later on as we  
19 consider the local law and the consumer worker  
20 protection committee. I'm gooey by the fact that the  
21 sidewalk café process will retain Council oversight  
22 in the form of a call up and that's really crucial to  
23 this conversation and it just seems like it's a, the  
24 previous process was incredibly burdensome for  
25 sidewalk cafes pre-pandemic and this is a good way to

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2 kind of make sure that the conversation is not about  
3 whether we should be changing zoning in a given  
4 neighborhood but whether or the restaurant or the bar  
5 has the sort of the physical parameters abutting it  
6 to support a sidewalk café but I continue to have  
7 reservations about the roadway permeating process and  
8 how that's going to work and the fact that DOT  
9 doesn't seem to want there to be a council call of  
10 component moving forward and so because the text  
11 amendment can't be effective unless the local law  
12 passes and because the text amendment only applies to  
13 the sidewalk permitting process I'll be comfortable  
14 voting yes with the modifications that are being  
15 included here today. I thank you Chair and for the  
16 staff for the great work they did to make sure that  
17 we have our options open after we vote today. Thank  
18 you.

19 ANGELINA MARTINEZ-RUBIO, COMMITTEE

20 COUNSEL: The next Council Member will be Council  
21 Member Bottcher to be followed by Council Member  
22 Louis.

23 SGT. KOTOWSKI: Time start now.

24 ERIK BOTTCHEER: Hi. I've been on the  
25 phone with Council Land Use a lot over the last 24

2 hours as well as folks from my community board and  
3 we've had some of the concerning language adjusted  
4 and as my colleagues had said this is not the bill to  
5 codify open dining. That is going to be negotiated  
6 in the next few weeks with legislation but Consumer  
7 Affairs Chair Valasquez and my goal is to work with  
8 my colleagues to find a solution that keeps what  
9 people like about outdoor dining while doing away  
10 with some of the elements that have been really  
11 problematic to our communities.

12 ANGELINA MARTINEZ-RUBIO, COMMITTEE

13 COUNSEL: Thank you Council Member Bottcher. Next,  
14 Council Member will be Council Member Louis to be  
15 followed by Council Member Abreu.

16 SGT. KOTOWSKI: Time starts now.

17 FARAH LOUIS: Thank you so much. Not to  
18 memorialize everything my colleagues have shared  
19 earlier but about my communities and constituents  
20 were very confused with the text amendment but I do  
21 want to share for the record that I will support the  
22 text amendment but I wanted to also share that I do  
23 support businesses having opportunities but I don't  
24 support the misuse of those opportunities. I urge my  
25 colleagues to all come together and create clear and

2 distinct regulations and processes that are strictly  
3 enforced and have a timeline with clear benchmarks  
4 prior to implementation. I know that there is a bill  
5 out there at Council Member Velasquez and Majority  
6 Leader Powers has to I look forward to working with  
7 all of our colleagues to make sure that we get it  
8 right. Thank you.

9 ANGELINA MARTINEZ-RUBIO, COMMITTEE

10 COUNSEL: Thank you Council Member Louis. Council  
11 Member Abreu.

12 SGT. KOTOWSKI: Time starts now.

13 SHAWN ABREU: Well not to, well not to  
14 memorialize everything that has been said but for the  
15 record I am going to vote yes on this and the reason  
16 is because I understand that this text amendment is  
17 to lay the groundwork for an open restaurant program  
18 that can meet the needs of different communities  
19 across the city. It will not open the flood gates to  
20 an unrestricted program. The text amendment will  
21 only become effective after the Council adopts  
22 legislation to create a permanent open restaurants  
23 program and the designated agency which will  
24 promulgate the rules that will govern how the program  
25 will operate and that gives me confidence. This will

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2 give the council the leeway to thoughtfully consider  
3 the implementation of an open restaurants program  
4 that can be tailored to meet the needs of distinct  
5 communities, different communities have different  
6 needs, and I will not support an ultimate open  
7 restaurants program that fails to account for our  
8 districts diverse needs and perspectives so I vote  
9 aye, I'm going to be voting aye on today's text  
10 amendment. Thank you so much.

11 ANGELINA MARTINEZ-RUBIO, COMMITTEE

12 COUNSEL: Thank you Council Member Abreu and Chair  
13 Riley I don't see any other Council Members with  
14 their hands up.

15 CHAIRPERSON KEVIN RILEY: Thank you  
16 members and just for the record I really want to  
17 emphasize that I'm willing to come out to your  
18 communities and work with your community board, each  
19 member here so we want to make sure that we're  
20 passing the right legislation and thank you all for  
21 being so considerate and actually communicating with  
22 the staff throughout this entire process. Thank you  
23 so much. I now call for the vote to approve Pre-  
24 Considered LU 7 relating to 99-07 Astoria Boulevard  
25 and to approve with modifications I have described

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2 Pre-Considered LUs 3 and 4 relating to the 749 Van  
3 Sideren Proposal, Pre-Considered LUs 8 and 9 relating  
4 to the 2892 Nostrand Avenue Proposal, Pre-Considered  
5 LUs 10 and 11 relating to the 2134 Coyle Street  
6 Proposal and Pre-Considered LU 12 relating to the  
7 open restaurant text amendment proposal. Counsel  
8 please call the roll.

9 ANGELINA MARTINEZ-RUBIO, COMMITTEE

10 COUNSEL: Chair Riley?

11 CHAIRPERSON KEVIN RILEY: Aye on all.

12 ANGELINA MARTINEZ-RUBIO, COMMITTEE

13 COUNSEL: Council Member Moya?

14 FRANCISCO MOYA: I vote aye on all.

15 ANGELINA MARTINEZ-RUBIO, COMMITTEE

16 COUNSEL: Chair Louis?

17 FARAH LOUIS: I vote aye.

18 ANGELINA MARTINEZ-RUBIO, COMMITTEE

19 COUNSEL: Council Member Abreu?

20 SHAWN ABREU: Aye on all.

21 ANGELINA MARTINEZ-RUBIO, COMMITTEE

22 COUNSEL: Council Member Bottcher?

23 ERIK BOTTCHEER: Aye on all.

24 ANGELINA MARTINEZ-RUBIO, COMMITTEE

25 COUNSEL: Council Member Hanks?

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2 KAMILLAH HANKS: Aye on all.

3 ANGELINA MARTINEZ-RUBIO, COMMITTEE

4 COUNSEL: Council Member Schulman.

5 LYNN SCHULMAN: Aye on all.

6 ANGELINA MARTINEZ-RUBIO, COMMITTEE

7 COUNSEL: And Council Member Carr.

8 DAVID CARR: Aye on all.

9 ANGELINA MARTINEZ-RUBIO, COMMITTEE

10 COUNSEL: By a vote of 8 in the affirmative, no  
11 negatives, no abstentions, the items are approved and  
12 referred to the full Land Use Committee for a vote.

13 CHAIRPERSON KEVIN RILEY: That concludes  
14 today's business. I would like to thank the members  
15 of the public, my colleagues, Committee Counsel, Land  
16 Use and the other Council Staff and the Sergeant at  
17 Arms for participating in today's meeting. This  
18 meeting is hereby adjourned.

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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 MARCH 10, 2022