

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON LAND USE

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THURSDAY, FEBRUARY 17, 2022

Start: 12:56 P. M.

Recess: 1:12 P. M.

HELD AT: REMOTE HEARING (VIRTUAL ROOM 1)

B E F O R E: RAFAEL SALAMANCA, JR., CHAIR

COUNCIL MEMBERS:

JOSEPH C. BORELLI
ERIK D. BOTTCHER
SELVENA N. BROOKS-POWERS
KAMILLAH HANKS
ARI KAGAN
SHEKAR KRISHNAN
FARAH N. LOUIS
DARLENE MEALY,
FRANCISCO P. MOYA
KEVIN C. RILEY
CARLINA RIVERA
PIERINA ANA SANCHEZ

OTHER COUNCIL MEMBERS IN ATTENDANCE:

COUNCIL MEMBER BARRON
COUNCIL MEMBER RICHARDSON JORDAN

COMMITTEE ON LAND USE
A P P E A R A N C E S (CONTINUED)

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2 SERGEANT KOTOWSKI: Computer recording has
3 started.

4 SERGEANT BIONDO: Thank you. Recording to the
5 cloud underway.

6 And, good afternoon and welcome to today's
7 committee vote on Land Use.

8 At this time, will all members please turn on
9 their cameras for verification purposes and silence
10 your cell phones to minimize disruptions.

11 Thank you for your cooperation. Chair Salamanca,
12 we are ready to begin.

13 CHAIRPERSON SALAMANCA: Thank you, Sergeant At
14 Arms.

15 Good afternoon and welcome to the Committee on
16 Land Use. I am Council Member Rafael Salamanca,
17 Chair of this committee. I want to welcome my
18 esteemed colleagues who have joined us today. We've
19 been joined by Council Members Hanks, Barron,
20 Bottcher, Brooks - Powers, Kagan, Krishnan, Louis,
21 Moya, Richardson Jordan, Rivera, Sanchez, and
22 Minority Leader Borelli.

23 I would like to thank Chair Louis and Chair Riley
24 for their work on our two sub-committees.

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2 Today we will vote on a number of applications
3 referred out for our two sub-committees. But, before
4 we begin, I would like to recognize the committee
5 counsel to review the hearing procedures.

6 COMMITTEE COUNSEL: Thank you, Chair Salamanca, I
7 am Arthur Huh, counsel to this committee.

8 Council members who would like to ask questions
9 or make remarks should use the Zoom Raise Hand
10 Function. The Raise Hand button should appear at the
11 bottom of your participant panel. Chair Salamanca or
12 I will then recognize members to speak. We ask that
13 you please be patient with any technical difficulties
14 that arise. Chair Salamanca will now continue with
15 today's agenda items.

16 CHAIRPERSON SALAMANCA: Thank you, Counsel.

17 Today we will vote to approve LU 1, the site
18 selection and acquisition of real property located at
19 188 West 230th Street in The Bronx for use as a new
20 NYPD Bronx Special Victim's Unit for squad
21 facilities. The property is located in the council
22 district represented by Council Member Sanchez.

23 We will also vote approve LU 2, The Landmarks
24 Preservation Commission designation of the Lobby of
25 200 Madison Avenue as an interior landmark. The

1
2 landmark site is located in the council district
3 represented by Majority Leader Powers.

4 We will vote to approve a the modifications Pre-
5 Considered LUs 3 and 4 related to property on 749 Van
6 Sideren Avenue in Council Member Barron's District in
7 Brooklyn. The proposal seeks The proposal seeks a
8 zoning map amendment to change and M1-1 to a C4-4L
9 Zoning District and the related zoning text amendment
10 to a map at MIH area to facilitate a new affordable
11 housing development. Our modification would be strike
12 to MIH option 2, and add the deep affordability
13 option.

14 We will also vote to approve Pre-Considered LU 7
15 relating to the 99-07 Astoria Boulevard proposal in
16 Council Member Moya's District in Queens. The
17 proposal seeks a Zoning Map Amendment to establish a
18 C2-3 commercial overlay within an R3-2 Zoning
19 District to facilitate the development of a one-story
20 commercial building.

21 We will also vote to approve a modification on
22 Pre-Considers LUs 8 and 9 relating to the 2892
23 Nostrand Avenue rezoning proposals in Chair Louis's
24 district in Brooklyn. This proposal seeks a zoning
25 map amendment to rezone an existing to an R3-2

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2 District to an R6B/ C2-4, R7A and an R7A and C2-4
3 Districts and a related zoning text amendment to
4 establish an MIH program area. These actions will
5 facilitate the development of an eight-story mixed-
6 use building. Our modifications will be to strike
7 MIH option 2 and add the deep affordability option.

8 We will also vote to approve the modifications
9 Pre-considers LUs 10 and 11 for the 2134 Coyle Street
10 rezoning proposal in Council Member Narcisse's
11 district in Brooklyn. The applicant seeks a zoning
12 map amendment to change an R4-C1-2 zoning district to
13 an R6A/C2-4 zoning district and the relating zoning
14 text amendment to map an MIH program area. These
15 actions will facilitate the development of a new
16 five-story mixed-use building. Our modification
17 would be to strike MIH option 2, and add the deep
18 affordability option.

19 Finally, we will also vote to approve a
20 modification pre-considers LU 12 the Citywide Open
21 Restaurant zoning text amendment. This text
22 amendment would remove from the Zoning Resolution
23 Sidewalk Cafe Regulations found in Article I, Chapter
24 4 of the Zoning Resolution and modify related
25 sections. This proposal would facilitate the

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2 creation of a permanent open restaurants program
3 following authorizing legislation by the City Council
4 and subsequent rule making by a designated agency.
5 Our modification will be to remove the Department of
6 Transportation as a designated agency for subsequent
7 rule making and implementation of the program and
8 will make clear that provisions related to serving
9 customers outside of buildings from inside a
10 restaurant are also contingent on council authorizing
11 legislation.

12 We have heard the many concerns about the Outdoor
13 Dining Program, and I know Chair Velasquez is taking
14 very serious those questions as the Council works to
15 craft the legislation to create permanent Outdoor
16 Dining Programs. But, it's also clear to New Yorkers
17 that the Outdoor Dining Program has helped and saved
18 local businesses across all New York City
19 neighborhoods and thousands of jobs. So, we have to
20 make sure that this program succeeds.

21 Council members who have questions or remarks
22 should use the Zoom Raise Hand button now.

23 Are there any members who wish to speak or have
24 any questions or remarks?

25 I, uh, recognize Council Member Bottcher.

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2 COUNCIL MEMBER BOTTCHE: Thank you, Chair
3 Salamanca, I just voted on the zoning for restaurants
4 and the Zoning subcommittee, and I'm voting on it
5 again in this committee. And, I'll say what I said
6 at the last committee, and that is that this zoning
7 amendment is not the bill to codify a future Open
8 Dining Program. That's going to be negotiated in the
9 coming weeks with legislation by the Consumer Affairs
10 Committee Chair Velasquez. I've been on the phone
11 with the counsel of Land Use a lot over the last 24
12 hours along with some of my local community board
13 folks to address some of the concerns with the
14 language in the zoning text amendment. And, uh, in
15 the coming weeks when we negotiate the actual
16 program, my goal is to help find a solution that
17 keeps what people really like about outdoor dining,
18 while doing away with some of the elements that have
19 been really problematic about the temporary program.
20 So, I'll be voting aye on that action.

21 CHAIRPERSON SALAMANCA: Thank you, Council Member.

22 Are there any other members who wish to speak?

23 Alright, seeing none, I now call on a vote in
24 accordance with the recommendations of the
25 subcommittee... (CROSS-TALK)

1 COMMITTEE COUNSEL: Chair?

2 CHAIRPERSON SALAMANCA: Yes?

3 COMMITTEE COUNSEL: Mr. Chair, Council Member
4 Kagan has his hand raised.

5 CHAIRPERSON SALAMANCA: Oh, okay, I didn't see.
6 Alright, thank you... (CROSS-TALK)

7 COMMITTEE COUNSEL: To be followed by... (CROSS-
8 TALK)

9 CHAIRPERSON SALAMANCA: Uh, I recognize...

10 COMMITTEE COUNSEL: To be followed by Council
11 Member Sanchez.

12 CHAIRPERSON SALAMANCA: Alright, perfect.

13 I apologize for that. Council Member Kagan?

14 COUNCIL MEMBER KAGAN: Thank you for this
15 opportunity, Chair, and thank you to all of my
16 colleagues.

17 I understand that today we are not voting for the
18 actual law that will make all of these new
19 regulations, and we'll decide who is enforcing new
20 rules, and that in the future Council can vote for a
21 law -- beautiful and wonderful law -- that can take
22 in to consideration all of this [INAUDIBLE 00:08:07]
23 concerns, all of the sanitation issues, all of the
24 fire safety issues, ADA accessibility issues, and
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2 many other concerns by my constituents and many other
3 constituents. But, the judging for the city record
4 of enforcing existing regulations, existing today,
5 rules and regulations that exist today, are like
6 almost universally not enforceable. And, it's not
7 just about this program, but even for like talking
8 about vendors and many other programs. And, I talked
9 to three community boards in my district, and all
10 of... all three are unanimously against this
11 proposal. And, I talked to many constituents, and I
12 am definitely sympathetic to the plight of
13 restaurants, and I understand the need for open
14 restaurant programs, especially during the pandemic.
15 It saved a lot of jobs, and I would like to promote
16 these jobs and the restaurants. But, I am planning
17 to vote no today, because I strongly believe that we
18 cannot just sit back and wait for brand-new,
19 beautiful laws that will solve all constituent
20 problems and quality of life concerns. We need to
21 act now. I am voting no.

22 CHAIRPERSON SALAMANCA: Alright, thank you,
23 Member... Thank you Council Member Kagan.

24 Uh, I recognize Council Member Sanchez.

25 COUNCIL MEMBER SANCHEZ: Thank you, Chair.

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2 Uhm, so I first want to speak in support of the
3 NYPD Special Victim's Unit, uh, siting in my
4 district. This is going to be a location that is
5 going to upgrade facilities and allow for more humane
6 services to victims of domestic violence, uh, in The
7 Bronx. It's also going to allow for separate
8 entrances for the victims and the accused. And, it's
9 going to be an up-to-date facility in an appropriate
10 location, so I want to speak in support.

11 And, then, second, uh, just to follow on Council
12 Member Bottcher's statement, uh, understanding the
13 nuts and bolts and the details of policy changes with
14 respect to the Open Restaurants Program, will be
15 handled legislatively. I will also be planning to
16 vote in support today of the text amendment to
17 facilitate that process. Thank you.

18 CHAIRPERSON SALAMANCA: Thank you, Council Member
19 Sanchez.

20 Uh, Counsel, are there any other hands raised?

21 COMMITTEE COUNSEL: No, Chair, I see no other
22 members with questions/comments.

23 CHAIRPERSON SALAMANCA: Thank you.

24 So, I will now call for a vote in accordance with
25 the recommendations of the sub-committees, and note

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2 that a vote on aye on all will be to adopt the
3 following:

4 Approve LUs 1, 2, and 7, and to approve the
5 modifications as I've described, LUs 3, 4, 8, 9, 10,
6 11, and 12. Will the clerk please call the roll?

7 COMMITTEE CLERK: Good afternoon, William Martin,
8 Committee Clerk, roll call vote Committee on Land
9 Use. All items are coupled.

10 Chair Salamanca?

11 CHAIRPERSON SALAMANCA: Aye on all.

12 COMMITTEE CLERK: Thank you.

13 Moya?

14 COUNCIL MEMBER MOYA: Aye on all.

15 COMMITTEE CLERK: Thank you.

16 Rivera?

17 COUNCIL MEMBER RIVERA: Permission to explain my
18 vote?

19 CHAIRPERSON SALAMANCA: Council Member Rivera to
20 explain her vote.

21 COUNCIL MEMBER RIVERA: Thank you, Chair
22 Salamanca. I think we all know that the pandemic
23 provided opportunities for ingenuity out of
24 necessity. The necessity to think about our outdoor
25 space and how we use our streets and sidewalks in new

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2 and exciting ways. Expanding space for diners to
3 enjoy restaurants and gather safely in public, is one
4 of those opportunities. But, still without
5 enforceable rules, thorough regulations, and
6 comprehensive oversight, we also saw this new use of
7 space could narrow our sidewalks making them more
8 difficult for pedestrians to navigate. It could
9 limit space for garbage collection; create new and
10 varied accessibility issues, and stir up the
11 attendant noise and quality of life concerns that
12 often come with busy street life. The modification
13 on this text amendment will give City Council the
14 opportunity to review the City's previous Sidewalk
15 Café Program and the current Emergency Outdoor Dining
16 Program -- and develop a holistic, responsible system
17 for restaurants to utilize outdoor space that
18 accounts for the multiple factors involved in changes
19 to our streetscapes -- including and especially how
20 those changes impact neighbors -- while supporting
21 valued small businesses and community members.

22 Overall this program proved vital to our beloved
23 restaurants, and it deserves this opportunity to be
24 improved.

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2 With that, I vote aye on this modification, and
3 look forward to continuing to work together on the
4 authorizing legislation, and I vote aye on all.

5 COMMITTEE CLERK: Thank you.

6 Louis?

7 COUNCIL MEMBER LOUIS: I vote aye on all.

8 COMMITTEE CLERK: Thank you.

9 Riley?

10 COUNCIL MEMBER RILEY: (NO AUDIO)

11 COMMITTEE CLERK: Council Member Riley?

12 COUNCIL MEMBER RILEY: (NO AUDIO)

13 COMMITTEE CLERK: Well, we'll come back, Council
14 Member, there seems to be an audio issue. I'll come
15 back to you.

16 Council Member Brooks - Powers?

17 COUNCIL MEMBER BROOKS - POWERS: Aye on all.

18 COMMITTEE CLERK: Thank you.

19 Bottcher?

20 COUNCIL MEMBER BOTTCHEER: Aye on all.

21 COMMITTEE CLERK: Thank you.

22 Hanks?

23 COUNCIL MEMBER HANKS: Aye on all.

24 COMMITTEE CLERK: Thank you.

25 Kagan?

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2 COUNCIL MEMBER KAGAN: I just wanted
3 verification. We vote only on zoning commitment, or
4 on other, uh, zoning proposals as well?

5 CHAIRPERSON SALAMANCA: Council Member Kagan, I...
6 Can you, uhm, I can't hear you. Can you repeat that,
7 please?

8 COUNCIL MEMBER KAGAN: I am saying, I just wanted
9 clarify, verify, are we voting only on this zoning
10 text amendment regarding the Open Restaurants
11 Program, or we voting for some other issues on the
12 agenda as well?

13 CHAIRPERSON SALAMANCA: We are voting... We're
14 voting on various applications, uh, and, uh, the
15 zoning text amendment for Open Restaurants is one of
16 them.

17 COUNCIL MEMBER KAGAN: Okay, yeah, so I am voting
18 no the zoning commitment regarding the Open
19 Restaurants issue, and I am voting yes, aye, on
20 everything else.

21 CHAIRPERSON SALAMANCA: Thank you.

22 COMMITTEE CLERK: Thank you, Council Member, got
23 it.

24 Uh, Council Member Riley?

25 COUNCIL MEMBER RILEY: Aye on all.

COMMITTEE CLERK: Thank you, sir.

Krishnan?

COUNCIL MEMBER KRISHNAN: Aye on all.

COMMITTEE CLERK: Thank you.

One moment.

Council Member Mealy?

COUNCIL MEMBER MEALY: (NO RESPONSE HEARD)

Council Member Sanchez?

COUNCIL MEMBER SANCHEZ: Aye on all.

COMMITTEE CLERK: Thank you.

Borelli?

COUNCIL MEMBER BORELLI: I vote aye, thank you.

COMMITTEE CLERK: One more moment...

Okay, today's Land Use vote, all items have been adopted by the Committee by a vote of 12 in the affirmative, zero in the negative, and no abstentions; with Land Use item number 12, being adopted by the committee with 11 in the affirmative, one in the negative, and no abstentions.

CHAIRPERSON SALAMANCA: Thank you, Mr. Clerk.

I would like to thank the members of the public, my colleagues, Land Use, and other council staff and the Sergeant At Arms for attending today's meeting.

This meeting is hereby adjourned.

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COMMITTEE ON LAND USE

[Gaveling Out] [GAVEL SOUND]

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 26, 2022