

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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December 16, 2020
REMOTE HEARING (VIRTUAL ROOM 1)
Start: 10:45 AM
Recess: 10:59 AM

HELD AT: VIRTUAL ROOM 1

B E F O R E: Francisco Moya, Chair

COUNCIL MEMBERS: Barry Grodenchik
Rory I. Lancman
Stephen T. Levin
Antonio Reynoso
Donovan J. Richards
Carlina Rivera

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

2 MALE SPEAKER: PC recording has started.

3 MALE SPEAKER: THE Cloud is rolling.

4 Sergeant Sadowski (sp?) with your opening.

5 SERGEANT SADOWSKI: Good morning and welcome
6 to today's remote New York City Council vote of the
7 Committee on, the Subcommittee on Zoning and
8 Franchise. At this time would all Council Members
9 and Council staff please turn on their video. To
10 minimize disruption please place electronic devices
11 on vibrate or silent mode. Thank you Chair Moya. We
12 are ready to begin.

13 CHAIR MOYA: Great. Thank you. [gavel] Good
14 morning. I'm Council Member Francisco Moya, Chair of
15 the Subcommittee on Zoning and Franchises. I am
16 joined remotely today by Council Members Barry
17 Grodenchik, Council Members Reynoso, Levin, Rivera,
18 and it gives me great pleasure to introduce and bring
19 in, of course, two new members Council Member Diana
20 Ayala, and Council Member Joe Borelli. Welcome to
21 the committee. We're looking forward to doing some
22 good things together. Today we will hold an
23 additional public hearing for LU Numbers 705 and 706
24 for the 1501, 1555, 16th Street rezoning. This
25 proposal was previously heard on December 7th where a

2 full presentation for the applicant's representative
3 was provided, and there was an opportunity for both
4 verbal and written testimony from the public. Also on
5 today's agenda are a number of votes including the
6 aforementioned 60th Street Rezoning proposal and the
7 265 Front Street Rezoning proposal which was also
8 heard by this subcommittee at our December 7th
9 meeting and Proposed Resolution 1445-A submitted by
10 the Mayor pursuant to Section 363 of the Charter for
11 the granting of franchises for the provision of
12 telecommunication services, and which was heard at
13 our hearing of October 13, 2020. Before we begin, I
14 want to recognize the Subcommittee Counsel to review
15 the remote meeting procedures.

16 SUBCOMMITTEE COUNSEL: Thank you, Chair
17 Moya. I am Arthur Counsel to this Subcommittee.
18 Members of the public wishing to testify were asked
19 to register for today's hearing. If you wish to
20 testify and have not already registered, we ask that
21 you please do so now by visiting the Council's
22 website at www.council.nyc to sign up. Members of
23 the public may be do a lasting project to this
24 hearing on the New York City website. When called to
25 testify, individuals appearing before this

2 subcommittee will be muted and selected and
3 recognized by the Chair to speak. When the Chair
4 recognizes you, your microphone will be on mute.
5 Please take a moment to check and confirm that your
6 device is on mute before you get into your testimony.
7 Public testimony will be limited to two minutes per
8 witness. If you have a written testimony you would
9 like to submit instead of appearing before the
10 subcommittee you may email it to land use testimony
11 at Council.nyc.gov. Please indicate the LU number
12 and/or project name in the subject line of your
13 incoming. During the hearing Council Members with
14 questions should use the Zoom Raise Hand function and
15 the raise hand button will appear at the bottom of
16 your participant panel. Council Members with
17 questions will be announced in order as they raise
18 their hands, and then recognized by the Chair.
19 Finally, there will be pauses over the course of this
20 hearing for various technical reasons, and we ask you
21 to please be patient while we work through any
22 issues. Chair Moya will now continue with today's
23 agenda items.

24 CHAIR MOYA: Thank you, Arthur. I also see
25 that we've been joined by Council Member Yeger.

2 Welcome. I now open the public hearing on LU Nos.
3 605 and 606 for the 1501-1555 60th Street Rezoning
4 Proposal for a zoning map amendment and a zoning text
5 amendment. I'll note again that at our December 7th
6 meeting we received a comprehensive presentation by
7 the applicant's representative so we do not
8 anticipate hearing from him today for the 60th Street
9 Rezoning Proposal relates to property in Council
10 Member Yeger's district in Brooklyn, and now Counsel,
11 will you please confirm whether we have anyone
12 wishing to testify on the 1501, 1555 60th Street
13 Rezoning application.

14 LEGAL COUNSEL: If there are any members of
15 the public who wish to testify on building numbers
16 705 and 706 for 1501-1555 Rezone Proposal please
17 press the phase-in button now and the meeting will
18 now briefly stand at ease while we check on these.
19 (pause) Chair Moya, I see no members of the public
20 who wish to testify on this item.

21 CHAIR MOYA: Thank you. There being no
22 members of the public who wish to testify on LUs No
23 6... 705 and 706 for the 1501-1555 60th Street
24 Rezoning Proposal, the public hearing is now closed
25 and now we will move to our votes. Today we will vote

2 to approve with modifications LU No. 605 and 606 for
3 the 1501-1555 60th Street Rezoning relating to
4 property in Council Member Yeger's district in
5 Brooklyn. The application was originally presented.
6 It seeks a zoning map amendment to replace an
7 existing M-11 district with an R7A-C24 district and a
8 zoning text amendment to establish a Mandatory
9 Inclusionary Housing utilizing Option 1 and 2. These
10 actions were intended to facilitate the development
11 of three new buildings two on the north side and one
12 on the south side of 60th Street between 15th and
13 16th Avenues. The buildings on the north side of the
14 street would each be seven stories with ground floor
15 commercial and residential use above including 23 and
16 39 units in each building while the building on the
17 south side of the street would be eight stories with
18 ground floor commercial and 40 units on the upper
19 floors. The modification will be to decrease the
20 proposed rezoning area by excluding portions that
21 front along 15th Avenue. Accordingly, we will also
22 modify the Proposed Zoning Text Amendment so that the
23 proposed MIH area is consistent with our modified
24 rezoning area. By implementing this rezoning with
25 modifications we will create new affordable housing

2 through MIH that otherwise would not be able to be
3 developed on these blocks. At the same time we want
4 to balance new growth while presenting the long-
5 standing businesses on this corridor protecting
6 existing residents from displacement, and not placing
7 the burden of larger developments on the low density
8 all five districts that surround the rezoning area.
9 Typical homes in the area are two to three stories
10 attached and semi-detached buildings on the mid-
11 blocks with some two to three story mixed-use
12 buildings on 15th Avenue. In contrast the R-7A
13 district allowed development up to 85 feet height and
14 up to a maximum FRA for 4.6. Both rules, which are
15 significantly more permissive and higher in density
16 than this prevailing built to character. The long-
17 standing businesses on the block include two
18 furniture companies, a convenience store, auto repair
19 businesses within... auto repair businesses with
20 collectively and approximately 35 employees. The
21 residents being parked out includes eight buildings
22 with eight 18 units in total, which are not protected
23 by rent regulation. Despite the findings of the
24 Environmental Assessment Statement, we are not
25 persuaded that there will not be an assemblage of the

2 smaller lots, which are mostly two-story residential
3 buildings with FRAs ranging from 0.59 to 0.78.

4 Similarly, we are not persuaded that the new zoning
5 would not act as an incentive for the larger

6 furniture store on Lot 1 to be redeveloped given that
7 the built FRA on that two-story site is 1.5 and the
8 R7-A would allow up to a 4.6 FRA. Through

9 this...though this is not the intent, the significant
10 up-zoning might cause displacement of these active

11 businesses and jobs, which are most important to
12 maintain in this time of economic stress due to the

13 COVID 19 pandemic as well as the small residents

14 without the protections of rent regulations limiting
15 the boundaries, the boundaries of this rezoning area

16 to the three development sites and the intervening

17 lots will strike a balance between encouraging new

18 residential development with MIH and preserving the

19 mixed-use character of these lots. Council Member

20 Yeger is support of this proposal as modified, and

21 now regarding the 265 Front Street Rezoning Proposal

22 on today's agenda I note that the Council is in

23 receipt of a written statement date December 15, 2020

24 from the applicant, but the application has been

25 withdrawn pursuant to Council Rule 11.60-B. LUs 707

2 and 708 for the 265 Front Street proposal are filed
3 and removed them from our calendar. We will also vote
4 to approve with modifications Proposed Resolutions
5 Number 1445-A, Information Services Franchise
6 authorizing resolution and which has subsequently
7 been amended. I want to note that this resolution is
8 not the cable television authorizing resolution. It
9 is for the provision of broadband internet without
10 cable television services. This was submitted by the
11 Mayor to the Council pursuant to Charter Section 363.
12 Our approval would authorize the granting of non-
13 exclusive franchises for the installation of cable,
14 wire and/or optical fiber and associated equipment on
15 and in the inalienable property of the city including
16 through pipes, conduits and similar improvements
17 thereto to be used in providing one or more
18 telecommunication services. Telecommunication
19 services that such franchise would provide would be
20 information services as such term is defined in the
21 Federal Law. The proposed authorizing resolution
22 differs from the prior information service
23 authorizing resolution from 2013 and that among other
24 changes minimum criteria shall be used by DOITT to
25 evaluate the RFP responses and franchise will be

2 required to provide data to the city. The Council's
3 modification would require any information service
4 franchise agreement to include terms requiring
5 reporting and compliance, with labor transparency
6 regulations entirely with the provision of affordable
7 high speed broadband services to residential and
8 commercial customers, and requiring compliance with
9 any federal, state or local law requiring net
10 neutrality. I now call for a vote to approve the
11 modifications I have described, Resolution 1445-A the
12 information Services Franchise authorizing resolution
13 and LUs 705 and 706 and to file LU 707 and 708 to
14 remove them from our calendar. Counsel, can you
15 please call the roll?

16 LEGAL COUNSEL: Chair Moya.

17 CHAIR MOYA: Aye on all.

18 LEGAL COUNSEL: Council Member Levin.

19 COUNCIL MEMBER LEVIN: Permission to explain
20 my vote?

21 CHAIR MOYA: Permission granted.

22 COUNCIL MEMBER LEVIN: Thank you, Chair, and
23 I want to vote aye on all, but I just want to speak
24 for a moment about the withdrawal of 265 Hunt Street
25 Application in my district. I think it's regrettable

2 that, um, that we were not able to reach a mutual
3 accommodation between the community and the
4 Department of City Planning. I want to thank the
5 applicant for being willing and reasonable and trying
6 everything that they could to meet the community's
7 objectives in a zoning application, and so they
8 expressed willingness to submit an application that
9 was intended to go with the community an R6-B
10 application. This is going from a Manufacturing M1-3
11 to a residential. They were willing to do an R6-B.
12 The Community Board supported that position. I
13 supported that position, they Brooklyn Neighborhood
14 Association supported that position, the Borough
15 President supported that position, and the applicant
16 was going to do that, and it's regrettable that the
17 city was not willing to accommodate that position,
18 and so, that is why we are where we are today. I
19 just wanted to put that on the record so that, so
20 that it's, so that it's there and clear, and you
21 know, certainly I want to express my appreciation to
22 the applicant for their willingness to try to get to
23 a good place on this and, um, with that I vote aye on
24 all, and I appreciate the consideration of the Chair.
25 Thanks.

2 CHAIR MOYA: Thank you, Steve.

3 LEGAL COUNSEL: Council Member Reynoso.

4 COUNCIL MEMBER REYNOSO: I vote aye on all.

5 LEGAL COUNSEL: Council Member Grodenchik.

6 COUNCIL MEMBER GRODENCHIK: Aye.

7 LEGAL COUNSEL: Council Member Ayala.

8 COUNCIL MEMBER AYALA: I vote aye on all.

9 LEGAL COUNSEL: Council Member Rivera.

10 COUNCIL MEMBER RIVERA: Aye.

11 LEGAL COUNSEL: Council Member Borelli.

12 COUNCIL MEMBER BORELLI: Thank you very much.

13 I vote aye on all.

14 LEGAL COUNSEL: By a vote of 7 in the
15 affirmative, no...zero in the negative and no
16 abstentions the items are approved and referred to
17 the full Land Use Committee.

18 CHAIR MOYA: Thank you. That concludes
19 today's business. I would like to thank the members
20 of the public, my colleagues, Subcommittee Counsel,
21 Land Use and other Council staff, and the Sergeant-
22 at-Arms for participating in today's meeting. This
23 meeting is hereby adjourned. (gavel) Thank you.

24

25

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 December 29, 2020