

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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March 11, 2025
Start: 11:30 a.m.
Recess: 11:40 a.m.

HELD AT: 250 BROADWAY - COMMITTEE ROOM, 16TH
FLOOR

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

COUNCIL MEMBERS:

Shaun Abreu
David M. Carr
Kamillah M. Hanks
Francisco P. Moya
Lynn C. Schulman

OTHER COUNCIL MEMBERS ATTENDING:

Christopher Marte

2 SERGEANT-AT-ARMS: Testing, testing. This
3 is a sound check for the New York City Council
4 Subcommittee on Zoning and Franchises, recorded by
5 Sergeant Ben Levy, on the 16th Floor Committee Room.
6 The date is March 11, 2025.

7 SERGEANT-AT-ARMS: Good morning, good
8 morning. Welcome to the New York City Council vote on
9 the Subcommittee on Zoning and Franchises.

10 At this time, please silence all
11 electronics and do not approach the dais. I repeat,
12 please do not approach the dais.

13 If you have any questions or concerns,
14 please contact the Sergeant-at-Arms, and we will
15 assist you.

16 Thank you for your cooperation.

17 Chair, you may begin.

18 CHAIRPERSON RILEY: [GAVEL] Good morning,
19 everyone, and welcome to a meeting of the
20 Subcommittee on Zoning and Franchises. I'm Council
21 Member Kevin Riley, Chair of the Subcommittee. This
22 morning, I'm joined by Council Member Moya, Abreu,
23 Hanks, Schulman, and Carr.

24 Today, we are voting on two proposals.
25 The first proposal concerns amendments to the city

2 map and rezoning, which will allow the development
3 team of Queens Future to compete in the State-led
4 process for a gaming facility license.

5 The second proposal is a request by Le
6 Dive to have a sidewalk cafe. The restaurant is
7 located in the Lower East Side of Manhattan.

8 The first vote is to approve LUs 249 and
9 250, which are land-use actions requested by Queens
10 Future in order to participate in the State process
11 to award up to three gaming facilities downstate. The
12 State is requiring that the applicants seeking a
13 gaming facility license obtain needed local land-use
14 approvals before the Gaming Facility Location Board
15 starts its review process this fall. To pursue its
16 casino proposal, Queens Future needs two land-use
17 approvals. The proposed development site consists of
18 Citi Fields' parking lots, but these parking lots are
19 technically mapped parkland and do not have a zoning
20 district. To build a casino on the proposed site, the
21 parkland designation must be removed and zoning
22 district mapped. As a result, applicants will be
23 requesting the mapping of a C8-4 commercial district.
24 The second approval is to amend the city map to
25 reconfigure some of the nearby streets to accommodate

1 the projected traffic, remove the parkland where the
2 proposed buildings would be located, and to map new
3 parkland. It is important to note that the changes to
4 the city map will only be conditioned on the
5 applicant being awarded a gaming facility license by
6 the State. So, if the applicant is not awarded a
7 license, the changes to the city map will not go into
8 effect and the applicant will not be able to use the
9 new underlying zoning district. In summary, we are
10 not voting today on whether applicants should be able
11 to build a casino. The local community, through the
12 State process, will decide whether to approve the
13 applicant's proposal for a casino. Today, we are
14 simply voting on whether to approve the land use
15 approvals that the applicant needs to compete for a
16 gaming facility license. Council Member Moya supports
17 the approval of these land use actions.

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19 The second vote is to disapprove LU 241,
20 which is a request by Le Dive to have a sidewalk
21 cafe. As we heard during the testimony, multiple
22 local residents raised a significant concern with the
23 eating and drinking establishment on the Lower East
24 Side in Council Member Marte's District. The new
25 sidewalk cafe approvals were subject to a City

2 Council call-up specifically for situations like
3 this, when the establishment has created quality-of-
4 life issues for the surrounding residents. I will now
5 turn over to Council Member Marte to give some
6 remarks on this proposal.

7 COUNCIL MEMBER MARTE: Thank you, Chair
8 Riley, and thank you to the other Members of this
9 Committee. As I stated at the public hearing for this
10 matter, in my past three years as Council Member,
11 I've never called up an application before, but Le
12 Dive has demonstrated a continuous disregard for the
13 sidewalk cafe regulations and at this time cannot be
14 trusted to be a good steward of this program and must
15 be held accountable. Since last summer, my office has
16 been working with residents and small businesses
17 along the Canal Open Street to address quality of
18 life issues. We've successfully worked with many of
19 Le Dive's neighbors who have responded to 3-1-1
20 complaints and outreach from residential neighbors to
21 close their sidewalk cafes at a proper time and
22 complied with regulations. But Le Dive operates like
23 the rules don't apply to them and their patrons. This
24 business has constantly violated rules of the prior
25 temporary outdoor dining program. Per 3-1-1 records,

2 37 Canal Street has received 75 complaints against
3 the restaurant alone, the vast majority of which were
4 about disruption on the sidewalk, loud noise and
5 music, crowds and smoking, outdoor seating fully
6 blocking the sidewalk, and operating outside service
7 past permitted hours. The Lower East Side and
8 Chinatown are no strangers to mixed-use communities.
9 Most of our streets are lined with bars and
10 restaurants, many with families or elderly immigrant
11 neighbors living in rent-stabilized apartments above
12 them, but this harmonious community cannot exist if
13 bad actors like Le Dive are allowed to break every
14 rule. Residents, especially our elders, have a right
15 to a reasonably quiet environment late at night and
16 to open up their windows without having secondhand
17 smoke come in. Reinforcing these records of 3-1-1
18 complaints are the residents we heard directly from
19 at the hearing and the many residents who have called
20 and emailed our office over the past year. The
21 testimony confirmed that Le Dive continues to damage
22 the quality of life for locals, amplified sounds late
23 into the night, constant smoking, and blocking the
24 sidewalk and forcing people to walk in the road on
25 Ludlow Street, which is particularly unsafe for the

2 many people passing by that use walkers or
3 wheelchairs as this neighborhood has become highly
4 has become a highly elderly population. The bottom
5 line is that this one bar has dragged down the
6 quality of life for the entire open street. I want to
7 assure the business owners and patrons that the
8 removal of the sidewalk cafes means just the removal
9 of a handful of tables. They'll still have access to
10 dozens, almost 70-plus, seats of outdoor dining seats
11 at the open canal street and at the roadside dining.
12 And it's my hope that by stewarding these
13 responsibly, they can regain the trust of their
14 neighbors. Le Dive should use this coming vote to
15 prove that they can be good neighbors by reducing the
16 amount of sounds, crowds and smoke outside of their
17 establishments. When they achieve this, they can
18 reapply for sidewalk cafe. Sidewalk cafes are
19 intended for businesses that enhance blocks and
20 community's quality of life and not a way for
21 business that poses a documented nuance to make more
22 money. Thank you, Chair, for allowing me to call this
23 up, and thank you, Members, for hearing me out.

24 CHAIRPERSON RILEY: Thank you, Council
25 Member Marte.

2 I now call for a vote to approve LUs 249
3 through 250 relating to the Queens Futures zoning map
4 amendment land use application and to disapprove LUs
5 241 relating to the request by Le Dive for a sidewalk
6 cafe.

7 Counsel, can you please call the roll?

8 SUBCOMMITTEE COUNSEL VIDAL: Chair Riley.

9 CHAIRPERSON RILEY: Aye.

10 SUBCOMMITTEE COUNSEL VIDAL: Council

11 Member Moya.

12 COUNCIL MEMBER MOYA: I vote aye.

13 SUBCOMMITTEE COUNSEL VIDAL: Council

14 Member Abreu.

15 COUNCIL MEMBER ABREU: Aye.

16 SUBCOMMITTEE COUNSEL VIDAL: And welcome

17 back. Council Member Hanks.

18 COUNCIL MEMBER HANKS: I vote aye.

19 SUBCOMMITTEE COUNSEL VIDAL: Council

20 Member Schulman.

21 COUNCIL MEMBER SCHULMAN: Permission to

22 explain my vote?

23 CHAIRPERSON RILEY: Permission granted.

24 COUNCIL MEMBER SCHULMAN: Thank you.

25 First, I want to say in terms of Le Dive that, you

2 know, we give people opportunities to be good
3 neighbors in our Districts, and it's very rare, it's
4 only the second time that I can recall being on this
5 Committee that we've disapproved an application, and
6 this should be a warning to folks that, you know, we
7 want to be good neighbors and I fully believe in
8 sidewalk cafes. And based on the testimony from the
9 owners, I was not impressed. All they kept saying was
10 we're following the law, we're following the law, and
11 did not respond to questions about the 3-1-1
12 complaints or the 9-1-1 complaints made about them so
13 that's one so I vote aye on that.

14 And also, Queens Future, I've had the
15 opportunity to be given a briefing, separate from the
16 testimony here, on what they're doing and it's
17 amazing and two things. One is the thousands of union
18 jobs that are going to be created by this, and the
19 other is that the park they're creating, there was
20 not a lot of testimony about this, but it's going to
21 be also for people with disabilities and kids with
22 disabilities and that is so important. The Chair of
23 Community Board 9 in my District has a son with
24 autism, and we've been talking about how this is
25 going to be helpful to him and so I want to give

2 Queens Future a possibility of a future so I vote aye
3 on that as well. Thank you.

4 SUBCOMMITTEE COUNSEL VIDAL: Council
5 Member Carr.

6 COUNCIL MEMBER CARR: Aye on all.

7 SUBCOMMITTEE COUNSEL VIDAL: By a vote of
8 six in the affirmative, zero opposing, and zero
9 abstentions, LUs 249 and 250 are approved, LU 241 is
10 disapproved, and all items are referred to the full
11 Land Use Committee.

12 CHAIRPERSON RILEY: Thank you, Counsel. I
13 will confirm that the votes have now been closed.

14 That concludes today's business. I would
15 like to thank the members of the public, my
16 Colleagues, Subcommittee Counsel, Land Use and other
17 Council Staff, and the Sergeant-at-Arms for
18 participating in today's meeting.

19 This meeting is hereby adjourned. Thank
20 you. [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 March 29, 2025