

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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June 17, 2010
Start: 9:55am
Recess: 10:15am

HELD AT: 250 Broadway
Hearing Room, 16th Fl.

B E F O R E:
MARK S. WEPRIN
Chairperson

COUNCIL MEMBERS:
Leroy G. Comrie, Jr.
Daniel R. Garodnick
Robert Jackson
Jessica S. Lappin
Diana Reyna
Joel Rivera
James Vacca
Vincent M. Ignizio
Annabel Palma
Sara M. Gonzalez
Brad S. Lander

2 CHAIRPERSON WEPRIN: Ready? Okay.

3 Consider yourselves let known. Thank you. Good
4 morning. My name is Mark Weprin. I am the Chair
5 of The Zoning and Franchises Subcommittee. And
6 this is the continuation of a recessed meeting
7 from the other day. We are going to be voting.
8 But before we do that, on one of the items, the
9 cafes we considered last week, Land Use number
10 118, Papasito Mexican Café, Council Member
11 Jackson, who represents the area, has something to
12 bring up for the record. Mr. Jackson?

13 COUNCIL MEMBER JACKSON: Thank you,
14 Chair Weprin, my colleagues. I would like to read
15 into the record a letter by SWA on behalf of their
16 client, Vida Mexicana, Inc. d/b/a Papasito Mexican
17 Grill and Agave Bar, at 223 Dyckman Street. And
18 it reads as follows.

19 Dear, Council Member Jackson, dated
20 June 16th, 2010. SWA Architects, as an authorized
21 representative of Vida Mexicana, Inc., in
22 connection with their application for an
23 unenclosed café, sidewalk café, herein after café,
24 and on behalf of Vida Mexicana, Inc., hereby
25 commits to the City Council and the Zoning and

1 Franchises Committee that in light of the concerns
2 of the surrounding community with respect to
3 noise, congestion and loitering on and around
4 Dyckman Street, Vida Mexicana Inc. shall, one,
5 close the café at 10:00 p.m. on Sunday through
6 Thursdays and at 12:00 midnight on Fridays and
7 Saturdays; close means that there will be no
8 customers or guests in the café, and the café will
9 not be used for any kind of activity; number two,
10 reduce the number of café seats from 44 to 36, and
11 the number of tables from 22 to 18; number three,
12 provide security personnel to be present in and
13 around the café; four, post signs in both English
14 and Spanish saying, "Please respect our neighbors
15 at all times by keeping the noise down," and
16 clearly indicating that the time that the café
17 closes; five, will close the garage door--that
18 means the opening of the front wall of the
19 restaurant, and any other doors, no later than one
20 hour before the closing of the café; six, not
21 install gas or other heaters in the café; seven,
22 not mount loudspeakers to or at the exterior wall
23 of the restaurant or use any other sound
24 amplification devices in the café, in addition,
25

1
2 all speakers mounted inside the restaurant shall
3 be pointed away from the outdoor café and only
4 background music will be played in the restaurant
5 during the operation of the café, the speakers
6 will also be turned to reduce the bass woofer
7 volumes--turned down that is; eight, follow all
8 applicable laws and regulations with respect to
9 the operation of the café; nine, install a flush
10 metal grating at the tree pit directly in front of
11 the sidewalk café; and ten, Vida Mexicana, Inc.
12 will participate in ongoing meetings with
13 community representatives to discuss any ongoing
14 concerns or problems that may arise with the
15 intent of developing satisfactory solutions. It
16 is therefore requested that my office approve
17 this. And I agree to these terms. And this is
18 submitted by Shlomo Steve Wagoda, RA [phonetic],
19 he is the registered Architect for the
20 representatives of the owner. So with that, I'm
21 in agreement and I vote aye.

22 CHAIRPERSON WEPRIN: Thank you, Mr.
23 Jackson. And let the record show that the author
24 of that letter, Shlomo Wagoda, who is sitting in
25 the audience, just nodded his head in agreement.

1
2 Before we do the vote, I just want
3 to acknowledge members of the Committee who are
4 here. To my far right, well, to my right, members
5 of the Committee, Joel Rivera, Robert Jackson,
6 Diana Reyna, Jimmy Vacca and Dan Garodnick. We're
7 also joined by Annabel Palma, Sara Gonzalez, and
8 Brad Lander, who are visiting.

9 When we last met before we
10 recessed, we did couple the following items, but I
11 will repeat them. Land Use number 116, Café Buon
12 Gusto; Land Use number 117, Trattoria Dell'Arte;
13 Land Use 118, the aforementioned Papasito; Land
14 Use 119, Bar Pitti; Land Use 120 was the East
15 Fordham Road Project; Land Use 121, Hudson Yards
16 Garment Center; and Land Use 122, Elliot Chelsea
17 Housing. These items were previously coupled and
18 the recommendation of the Chair is to vote aye. I
19 will now call on the Counsel to call the roll.

20 CHRISTIAN HYLTON: Christian
21 Hylton, Counsel to the Committee. Chair Weprin.

22 CHAIRPERSON WEPRIN: Aye.

23 CHRISTIAN HYLTON: Council Member
24 Rivera.

25 COUNCIL MEMBER RIVERA: I vote Aye.

CHRISTIAN HYLTON: Council Member
Reyna.

COUNCIL MEMBER REYNA: I vote Aye.

CHRISTIAN HYLTON: Council Member
Jackson.

COUNCIL MEMBER JACKSON: Aye on
all.

CHRISTIAN HYLTON: Council Member
Garodnick.

COUNCIL MEMBER GARODNICK: Aye.

CHRISTIAN HYLTON: Council Member
Vacca?

COUNCIL MEMBER VACCA: Aye.

CHRISTIAN HYLTON: By a vote of six
in the affirmative, none in the negative and no
abstentions, LU 116, 117, 118, 119, 120, 121 and
122 are approved and referred to the full Land Use
Committee.

[Pause]

CHAIRPERSON WEPRIN: Well, thank
you very much. That ends our business here today.
We will leave the rolls open until the next
meeting begins, so that will be only a few
minutes. But, without any further business,

1
2 anyone have any comments or questions? Seeing
3 none, the meeting is now adjourned.

4 [Pause]

5 CHRISTIAN HYLTON: Council Member
6 Ignizio.

7 COUNCIL MEMBER IGNIZIO: Aye.

8 CHRISTIAN HYLTON: The vote now
9 stands at seven in the affirmative, none in the
10 negative and no abstentions.

11 [Pause]

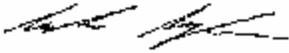
12 CHRISTIAN HYLTON: Council Member
13 Comrie.

14 COUNCIL MEMBER COMRIE: Aye on all.

15 CHRISTIAN HYLTON: The vote now
16 stands at eight in the affirmative, none in the
17 negative, and no abstentions.

C E R T I F I C A T E

I, Erika Swyler, certify that the foregoing transcript is a true and accurate record of the proceedings. I further certify that I am not related to any of the parties to this action by blood or marriage, and that I am in no way interested in the outcome of this matter.



Signature _____

Date 6/29/10 _____