# The New York City Council

City Hall New York, NY 10007



Monday, December 14, 2009

11:00 AM

Recessed Meeting of December 9, 2009 held on December 14, 2009

Council Chambers - City Hall

## **City Council**

Christine C. Quinn, Speaker

Members: Maria Del Carmen Arroyo, Tony Avella, Maria Baez, Charles Barron, Gale A. Brewer, Leroy G. Comrie, Jr., Elizabeth Crowley, Bill de Blasio, Inez E. Dickens, Erik Martin Dilan, Mathieu Eugene, Simcha Felder, Julissa Ferreras, Lewis A. Fidler, Helen D. Foster, Daniel R. Garodnick, James F. Gennaro, Vincent J. Gentile, Alan J. Gerson, Eric N. Gioia, Sara M. Gonzalez, Vincent M. Ignizio, Robert Jackson, Letitia James, Melinda R. Katz, G. Oliver Koppell, Jessica S. Lappin, John C. Liu, Melissa Mark-Viverito, Darlene Mealy, Rosie Mendez, Kenneth C. Mitchell, Michael C. Nelson, James S. Oddo, Annabel Palma, Domenic M. Recchia, Jr., Diana Reyna, Joel Rivera, Ydanis A. Rodriguez, James Sanders, Jr., Larry B. Seabrook, Helen Sears, Kendall B. Stewart, Eric A. Ulrich, James Vacca, Peter F. Vallone, Jr., Albert Vann, David I. Weprin, Thomas White, Jr. and David Yassky

1. The President Pro Tempore will call the meeting to order.

THe President Pro Tempore (Council Member Rivera) called the Meeting to order.

2. Roll Call

#### Present.

Arroyo, Avella, Barron, Brewer, Comrie Jr., Crowley, de Blasio, Dickens, Dilan, Eugene, Felder, Ferreras, Fidler, Foster, Garodnick, Gennaro, Gentile, Gerson, Gioia, Gonzalez, Ignizio, Jackson, James, Katz, Koppell, Lappin, Liu, Mark-Viverito, Mealy, Mendez, Mitchell, Nelson, Oddo, Palma, Speaker Quinn, Recchia Jr., Reyna, Rivera, Sanders Jr., Seabrook, Sears, Stewart, Ulrich, Vacca, Vallone Jr., Vann, Weprin, White Jr., Yassky and Rodriguez

#### Excused,

Baez and Gotbaum

3. The Clerk will announce the presence of a quorum.

The Clerk (Mr. McSweeney) announced the presence of a quorum.

Editor's Note re Attendance and Voting for the Stated Council Meeting of December 9, 2009 and the Recessed Council Meeting of December 14, 2009: The Stated Council Meeting of December 9, 2009 was opened and subsequently recessed on December 9, 2009 before being re-opened and adjourned on December 14, 2009. This Recessed Meeting held on December 14, 2009, therefore, is the continuation of this Stated Council Meeting of December 9, 2009. Though not present on December 9, 2009, Council Members Liu, Sanders, Seabrook and Rodriguez were present at this Recessed Meeting of December 9, 2009 held on December 14, 2009, and are thereby, considered present for attendance and voting purposes for the Stated Council Meeting of December 9, 2009. Council Members Liu, Sanders, Seabrook, and Rodriguez chose to cast affirmative votes on December 14, 2009 for the items coupled on the Land Use Call-ups and the General Order Calendar of the Stated Council Meeting of December 9, 2009. In addition, Council Members Crowley, Stewart, and Weprin were present at the Stated Council Meeting held on December 9, 2009 but were absent on December 14, 2009 and are theerby considered Present but Not Voting for the items on the Supplemental General Order Calendar of the Recessed Council Meeting held on December 14, 2009.

4. Supplemental Messages & Papers from the Mayor

None

Supplemental Communications from City, County & Borough Offices

None

6. Supplemental Petitions and Communications

None

Supplemental Land Use Call-Ups

None

8. Supplemental Communication from the Speaker

- 9. Supplemental Discussion of General Orders
- 10. Supplemental Reports of Special Committees
- 11. Supplemental Reports of Standing Committees

Report of the Committee on Land Use

LU 1256-2009

Application no. C 090236 MMX submitted by the Economic Development Corporation and Related Retail Armory, LLC pursuant to Sections 197-c and 199 of the New York City Charter, and Section 5-430 et seq. of the New York City Administrative Code, for an amendment to the City Map. This application is subject to review and action by the Land Use Committee only if appealed to the Council pursuant to §197-d (b)(2) of the Charter or called up by vote of the Council pursuant to §197-d (b)(3) of the Charter.

Attachments:

Land Use Calendar - Week of November 9 - November 20, 2009, Land Use Calendar - Week of November 23 - November 27, 2009, Land Use Calendar - Week of November 30 - December 4, 2009, Hearing Testimony - Zoning 11/17/09, Hearing Transcript - Zoning 11/17/09, Subcommittee Meetings Change, Hearing Trancript - Zoning 11/23/09, Hearing Testimony - Zoning 11/23/09, Reconvening of the Recessed Meetings on 12/7/09, Additional Zoning Subcommittee - Land Use Committee Meetings scheduled for 12-14-2009, Hearing Transcript - Zoning 12/3/09

A motion was made that this Land Use Application be Approved, by Council approved by Consent Roll Call.

Res 2295-2009

Application no. C 090236 MMX submitted by the Economic Development Corporation and Related Retail Armory, LLC pursuant to Sections 197-c and 199 of the New York City Charter, and Section 5-430 et seq. of the New York City Administrative Code, for an amendment to the City Map. This application is subject to review and action by the Land Use Committee only if appealed to the Council pursuant to §197-d (b)(2) of the Charter or called up by vote of the Council pursuant to §197-d (b)(3) of the Charter.

A motion was made that this Resolution be Approved, by Council approved by Consent Roll Call.

LU 1257-2009

Application no. C 090237 MMX submitted by the Economic Development Corporation pursuant to Sections 197-c and 199 of the New York City Charter, and Section 5-430 et seq. of the New York City Administrative Code, for an amendment to the City Map. This application is subject to review and action by the Land Use Committee only if appealed to the Council pursuant to §197-d (b)(2) of the Charter or called up by vote of the Council pursuant to §197-d (b)(3) of the Charter

### Attachments:

Land Use Calendar - Week of November 9 - November 20, 2009, Land Use Calendar - Week of November 23 - November 27, 2009, Land Use Calendar - Week of November 30 - December 4, 2009, Hearing Testimony - Zoning 11/17/09, Hearing Transcript - Zoning 11/17/09, Subcommittee Meetings Change, Hearing Trancript - Zoning 11/23/09, Hearing Testimony - Zoning 11/23/09, Reconvening of the Recessed Meetings on 12/7/09, Additional Zoning Subcommittee - Land Use Committee Meetings scheduled for 12-14-2009, Hearing Transcript - Zoning 12/3/09

A motion was made that this Land Use Application be Disapproved by Council approved by Consent Roll Call.

Res 2296-2009

Application no. C 090237 MMX submitted by the Economic Development Corporation pursuant to Sections 197-c and 199 of the New York City Charter, and Section 5-430 et seq. of the New York City Administrative Code, for an amendment to the City Map. This application is subject to review and action by the Land Use Committee only if appealed to the Council pursuant to §197-d (b)(2) of the Charter or called up by vote of the Council pursuant to §197-d (b)(3) of the Charter

A motion was made that this Resolution be Disapproved by Council approved by Consent Roll Call.

LU 1258-2009

Application no. C 090437 ZMX submitted by Related Retail Armory, LLC and the Economic Development Corporation pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 3c: changing from an R6 District to a C4-4 District property bounded by West 195th Street\*, Jerome Avenue, West Kingsbridge Road, and Reservoir Avenue.

Attachments:

Land Use Calendar - Week of November 9 - November 20, 2009, Land Use Calendar - Week of November 23 - November 27, 2009, Land Use Calendar - Week of November 30 - December 4, 2009, Hearing Testimony - Zoning 11/17/09, Hearing Transcript - Zoning 11/17/09, Subcommittee Meetings Change, Hearing Trancript - Zoning 11/23/09, Reconvening of the Recessed Meetings on 12/7/09, Additional Zoning Subcommittee - Land Use Committee Meetings scheduled for 12-14-2009, Hearing Transcript - Zoning 12/3/09, Hearing Testimony - Zoning 11/23/09

A motion was made that this Land Use Application be Disapproved by Council approved by Consent Roll Call.

Res 2297-2009

Application no. C 090437 ZMX submitted by Related Retail Armory, LLC and the Economic Development Corporation pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 3c: changing from an R6 District to a C4-4 District property bounded by West 195th Street\*, Jerome Avenue, West Kingsbridge Road, and Reservoir Avenue.

A motion was made that this Resolution be Disapproved by Council approved by Consent Roll Call.

LU 1259-2009

Application no. C 090438 PPX submitted by the Department of Citywide Administrative Services (DCAS), pursuant to Section 197-c of New York City Charter, for the disposition of one city-owned property located at 29 West Kingsbridge Road (Block 3247, Lots 10 and p/o 2), pursuant to zoning. This application is subject to review and action by the Land Use Committee only if appealed to the Council pursuant to §197-d (b)(2) of the Charter or called up by vote of the Council pursuant to §197-d (b)(3) of the Charter.

Attachments:

Land Use Calendar - Week of November 9 - November 20, 2009, Land Use Calendar - Week of November 23 - November 27, 2009, Land Use Calendar - Week of November 30 - December 4, 2009, Hearing Testimony - Zoning 11/17/09, Hearing Transcript - Zoning 11/17/09, Subcommittee Meetings Change, Hearing Trancript - Zoning 11/23/09, Hearing Testimony - Zoning 11/23/09, Reconvening of the Recessed Meetings on 12/7/09, Additional Zoning Subcommittee - Land Use Committee Meetings scheduled for 12-14-2009, Hearing Transcript - Zoning 12/3/09

A motion was made that this Land Use Application be Disapproved by Council approved by Consent Roll Call.

Res 2298-2009

Application no. C 090438 PPX submitted by the Department of Citywide Administrative Services (DCAS), pursuant to Section 197-c of New York City Charter, for the disposition of one city-owned property located at 29 West Kingsbridge Road (Block 3247, Lots 10 and p/o 2), pursuant to zoning. This application is subject to review and action by the Land Use Committee only if appealed to the Council pursuant to §197-d (b)(2) of the Charter or called up by vote of the Council pursuant to §197-d (b)(3) of the Charter.

A motion was made that this Resolution be Disapproved by Council approved by Consent Roll Call.

LU 1260-2009

Application no C 090408 MMM. submitted by the Department of City Planning pursuant to Sections 197-c and 199 of the New York City Charter, for an amendment to the City Map involving a change in grade on West 33rd Street, between Eleventh and Twelfth Avenues. This application is subject to review and action by the Land Use Committee only if appealed to the Council pursuant to §197-d (b)(2) of the Charter or called up by vote of the Council pursuant to §197-d (b)(3) of the Charter.

### Attachments:

Land Use Calendar - Week of November 9 - November 20, 2009, Land Use Calendar - Week of November 23 - November 27, 2009, Land Use Calendar - Week of November 30 - December 4, 2009, Hearing Testimony - Zoning 11/17/09, Hearing Transcript - Zoning 11/17/09, Subcommittee Meetings Change, Hearing Trancript - Zoning 11/23/09, Reconvening of the Recessed Meetings on 12/7/09, Additional Zoning Subcommittee - Land Use Committee Meetings scheduled for 12-14-2009, Hearing Transcript - Zoning 12/3/09, Hearing Testimony - Zoning 11/23/09

This Land Use Application was Approved with Modifications and Referred to the City Planning Commission pursuant to Rule 11.70(b) of the Rules of the Council and Section 197-(d) of the New York City Charter. to the City Planning Commission

LU 1261-2009

Application no. C 090422 HAM submitted by the Department of Housing Preservation and Development (HPD) pursuant to Article 16 of the General Municipal Law of New York State for: the designation of property located at West 48th and West 49th streets, west of 10th Avenue (Block 1077, part of Lot 29), as an Urban Development Action Area; and an Urban Development Action Area Project for such area; and pursuant to Section 197-c of the New York City Charter for the disposition of such property to a developer to be selected by HPD; to facilitate the development of a mixed-use building, tentatively known as The Westside Rail Yards/DEP Site, with residential and retail space.

## Attachments:

Land Use Calendar - Week of November 9 - November 20, 2009, Land Use Calendar - Week of November 23 - November 27, 2009, Land Use Calendar - Week of November 30 - December 4, 2009, Hearing Testimony - Zoning 11/17/09, Hearing Transcript - Zoning 11/17/09, Subcommittee Meetings Change, Hearing Trancript - Zoning 11/23/09, Reconvening of the Recessed Meetings on 12/7/09, Additional Zoning Subcommittee - Land Use Committee Meetings scheduled for 12-14-2009, Hearing Transcript - Zoning 12/3/09, Hearing Testimony - Zoning 11/23/09

LU 1262-2009

Application no. C 090423 HAM submitted by the Department of Housing Preservation and Development (HPD):1) pursuant to Article 16 of the General Municipal Law of New York State for: a. the designation of property located at 806 Ninth Avenue (Block 1044, p/o Lot 3); as an Urban Development Action Area; and an Urban Development Action Area Project for such area; and pursuant to Section 197-c of the New York City Charter for the disposition of such property to a developer to be selected by HPD; to facilitate the development of a mixed-use building, tentatively known as the Westside Rail Yard/MTA Site, with residential and commercial space.

## Attachments:

Land Use Calendar - Week of November 9 - November 20, 2009, Land Use Calendar - Week of November 23 - November 27, 2009, Hearing Testimony - Zoning 11/17/09, Land Use Calendar - Week of November 30 - December 4, 2009, Hearing Transcript - Zoning 11/17/09, Subcommittee Meetings Change, Hearing Trancript - Zoning 11/23/09, Reconvening of the Recessed Meetings on 12/7/09, Additional Zoning Subcommittee - Land Use Committee Meetings scheduled for 12-14-2009, Hearing Transcript - Zoning 12/3/09, Hearing Testimony - Zoning 11/23/09

This Land Use Application was Approved with Modifications and Referred to the City Planning Commission pursuant to Rule 11.70(b) of the Rules of the Council and Section 197-(d) of the New York City Charter. to the City Planning Commission

LU 1263-2009

Application no. N 090429 ZRM submitted by the Department of City Planning pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, concerning Article IX Chapter 6 (Special Clinton District), Borough of Manhattan, Community District 4.

## Attachments:

Land Use Calendar - Week of November 9 - November 20, 2009, Land Use Calendar - Week of November 23 - November 27, 2009, Hearing Testimony - Zoning 11/17/09, Land Use Calendar - Week of November 30 - December 4, 2009, Hearing Transcript - Zoning 11/17/09, Subcommittee Meetings Change, Hearing Trancript - Zoning 11/23/09, Reconvening of the Recessed Meetings on 12/7/09, Additional Zoning Subcommittee - Land Use Committee Meetings scheduled for 12-14-2009, Hearing Transcript - Zoning 12/3/09, Hearing Testimony - Zoning 11/23/09

LU 1264-2009

Application no. C 090430 ZMM submitted by New York City Department of City Planning pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 8c: establishing within an existing R8 District a C1-5 District.

Attachments:

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This Land Use Application was Approved with Modifications and Referred to the City Planning Commission pursuant to Rule 11.70(b) of the Rules of the Council and Section 197-(d) of the New York City Charter. to the City Planning Commission

LU 1265-2009

Application no. C 090433 ZMM submitted by RG WRY LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 8b changing from an M2-3 District to a C6-4 District.

Attachments:

Land Use Calendar - Week of November 9 - November 20, 2009, Land Use Calendar - Week of November 23 - November 27, 2009, Hearing Testimony - Zoning 11/17/09, Land Use Calendar - Week of November 30 - December 4, 2009, Hearing Transcript - Zoning 11/17/09, Subcommittee Meetings Change, Hearing Trancript - Zoning 11/23/09, Reconvening of the Recessed Meetings on 12/7/09, Additional Zoning Subcommittee - Land Use Committee Meetings scheduled for 12-14-2009, Hearing Transcript - Zoning 12/3/09, Hearing Testimony - Zoning 11/23/09

LU 1266-2009

Application no. N 090434 ZRM submitted by RG WRY LLC, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, concerning Article IX, Chapter 3 (Special Hudson Yards District) relating to the addition of Western Rail Yard Subdistrict F and the expansion of the Special Hudson Yards District, Community District 4, Borough of Manhattan.

Attachments:

Land Use Calendar - Week of November 9 - November 20, 2009, Land Use Calendar - Week of November 23 - November 27, 2009, Hearing Testimony - Zoning 11/17/09, Land Use Calendar - Week of November 30 - December 4, 2009, Hearing Transcript - Zoning 11/17/09, Subcommittee Meetings Change, Hearing Trancript - Zoning 11/23/09, Reconvening of the Recessed Meetings on 12/7/09, Additional Zoning Subcommittee - Land Use Committee Meetings scheduled for 12-14-2009, Hearing Transcript - Zoning 12/3/09, Hearing Testimony - Zoning 11/23/09

This Land Use Application was Approved with Modifications and Referred to the City Planning Commission pursuant to Rule 11.70(b) of the Rules of the Council and Section 197-(d) of the New York City Charter.

LU 1267-2009

Application no. C 090435 ZSM submitted by RG WRY LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Sections 93-052\* and 13-561 of the Zoning Resolution to allow an attended accessory parking garage (North Parking Garage) with a maximum capacity of 1100 spaces on portions of the ground floor and plaza level of a proposed mixed-use development (Block 676, Lot 3), in a C6-4 District, within the Special Hudson Yards District. This application is subject to review and action by the Land Use Committee only if appealed to the Council pursuant to §197-d (b)(2) of the Charter or called up by vote of the Council pursuant to §197-d (b)(3) of the Charter.

Attachments:

Land Use Calendar - Week of November 9 - November 20, 2009, Land Use Calendar - Week of November 23 - November 27, 2009, Hearing Testimony - Zoning 11/17/09, Land Use Calendar - Week of November 30 - December 4, 2009, Hearing Transcript - Zoning 11/17/09, Subcommittee Meetings Change, Hearing Trancript - Zoning 11/23/09, Reconvening of the Recessed Meetings on 12/7/09, Additional Zoning Subcommittee - Land Use Committee Meetings scheduled for 12-14-2009, Hearing Transcript - Zoning 12/3/09, Hearing Testimony - Zoning 11/23/09

LU 1268-2009

Application no. C 090436 ZSM submitted by RG WRY LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Sections 93-052\* and 13-561 of the Zoning Resolution to allow an attended accessory parking garage (South Parking Garage) with a maximum capacity of 800 (Block 676, Lot 3), in a C6-4 District within the Special Hudson Yards District. This application is subject to review and action by the Land Use Committee only if appealed to the Council pursuant to §197-d (b)(2) of the Charter or called up by vote of the Council pursuant to §197-d (b)(3) of the Charter.

Attachments:

Land Use Calendar - Week of November 9 - November 20, 2009, Land Use Calendar - Week of November 23 - November 27, 2009, Hearing Testimony - Zoning 11/17/09, Land Use Calendar - Week of November 30 - December 4, 2009, Hearing Transcript - Zoning 11/17/09, Subcommittee Meetings Change, Hearing Trancript - Zoning 11/23/09, Reconvening of the Recessed Meetings on 12/7/09, Additional Zoning Subcommittee - Land Use Committee Meetings scheduled for 12-14-2009, Hearing Transcript - Zoning 12/3/09, Hearing Testimony - Zoning 11/23/09

This Land Use Application was Approved with Modifications and Referred to the City Planning Commission pursuant to Rule 11.70(b) of the Rules of the Council and Section 197-(d) of the New York City Charter. to the City Planning Commission

## 12. General Orders Calendar

Coupled on General Order Calendar

Land Use

Res 2295-2009

Application no. C 090236 MMX submitted by the Economic Development Corporation and Related Retail Armory, LLC pursuant to Sections 197-c and 199 of the New York City Charter, and Section 5-430 et seq. of the New York City Administrative Code, for an amendment to the City Map. This application is subject to review and action by the Land Use Committee only if appealed to the Council pursuant to §197-d (b)(2) of the Charter or called up by vote of the Council pursuant to §197-d (b)(3) of the Charter.

Res 2296-2009

Application no. C 090237 MMX submitted by the Economic Development Corporation pursuant to Sections 197-c and 199 of the New York City Charter, and Section 5-430 et seq. of the New York City Administrative Code, for an amendment to the City Map. This application is subject to review and action by the Land Use Committee only if appealed to the Council pursuant to §197-d (b)(2) of the Charter or called up by vote of the Council pursuant to §197-d (b)(3) of the Charter

Res 2297-2009

Application no. C 090437 ZMX submitted by Related Retail Armory, LLC and the Economic Development Corporation pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 3c: changing from an R6 District to a C4-4 District property bounded by West 195th Street\*, Jerome Avenue, West Kingsbridge Road, and Reservoir Avenue.

Res 2298-2009

Application no. C 090438 PPX submitted by the Department of Citywide Administrative Services (DCAS), pursuant to Section 197-c of New York City Charter, for the disposition of one city-owned property located at 29 West Kingsbridge Road (Block 3247, Lots 10 and p/o 2), pursuant to zoning. This application is subject to review and action by the Land Use Committee only if appealed to the Council pursuant to §197-d (b)(2) of the Charter or called up by vote of the Council pursuant to §197-d (b)(3) of the Charter.

The President Pro Tempore (Council Member Rivera) put the question whether the Council would agree with and adopt such reports, which were decided in the affirmative by the following vote:

## Passed The Consent Agenda

A motion was made that these files be approved by consent vote.

Affirmative, 45 -

Arroyo, Avella, Barron, Brewer, Comrie Jr., de Blasio, Dickens, Dilan, Eugene, Felder, Ferreras, Fidler, Foster, Garodnick, Gennaro, Gentile, Gerson, Gioia, Gonzalez, Ignizio, Jackson, James, Koppell, Lappin, Liu, Mark-Viverito, Mealy, Mendez, Mitchell, Nelson, Oddo, Palma, Speaker Quinn, Recchia Jr., Reyna, Rivera, Sanders Jr., Seabrook, Ulrich, Vacca, Vallone Jr., Vann, White Jr., Yassky and Rodriguez

Negative, 1 -

Sears

Excused, 1 -

Baez

Abstain, 1 -

Katz

(Editor's Note-- please see the Editor's Note re: Attendance and Voting for the Stated Council Meeting of December 9, 2009 and the Recessed Council Meeting of December 14, 2009 printed after the Roll Call for the Attendance in these Minutes)

- Supplemental Introduction & Reading of Bills
   See Attached
- 14. Supplemental Discussion of Resolutions
- 15. Supplemental Resolutons

None

- 16. Supplemental General Discussion
- 17. Supplemental Extension of Remarks

At this point the Speaker (Council Member Quinn) made the following annoucements:

Whereupon on motion of the Speaker (Council Member Quinn), the President Pro Tempore (Council Member Rivera) adjourned to meet again on Monday, December 21, 2009.

MICHAEL McSWEENEY, City Clerk Clerk of the Council