

The New York City Council

*New York City Council
City Hall
New York, NY 10007*



Meeting Minutes

Wednesday, October 17, 2007

9:30 AM

Continuation of the October 9, 2007 Recessed Meeting

Committee Room - City Hall

Subcommittee on Zoning and Franchises

Tony Avella, Chair

*Members: Simcha Felder, Eric N. Gioia, Robert Jackson,
Melinda R. Katz, Michael E. McMahon, Joel Rivera, Larry B. Seabrook,
Helen Sears, Kendall Stewart and Albert Vann*

Roll Call

Present, Avella, Felder, Gioia, Jackson, Katz, McMahon, Seabrook, Sears, Stewart and Vann

Absent, Rivera

Other Council Members Attending: de Blasio

LU 0591-2007

Uniform Land Use Review Procedure application no. C 070447 ZMK, pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment of the Zoning Map, Section No. 16c and 17a.

Attachments: Hearing Transcript - Zoning 10/9/07, Hearing Testimony - Zoning 10/9/07, Hearing Transcript - Zoning 10/17/07, Hearing Transcript - Zoning 10/23/07, Hearing Transcript - Zoning 10/23/07 (Con't), Hearing Testimony - Zoning 10/23/07, Hearing Transcript - Land Use 10/25/07

This Land Use Application was Hearing on P-C Item by Comm

Attachments: Hearing Transcript - Zoning 10/9/07, Hearing Testimony - Zoning 10/9/07, Hearing Transcript - Zoning 10/17/07, Hearing Transcript - Zoning 10/23/07, Hearing Transcript - Zoning 10/23/07 (Con't), Hearing Testimony - Zoning 10/23/07, Hearing Transcript - Land Use 10/25/07

This Land Use Application was P-C Item Laid Over by Comm

LU 0584-2007

Uniform Land Use Review Procedure application no. N 070498 ZRM, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, relating to Article IX, Chapter 8 (Special West Chelsea District).

Attachments: Hearing Transcript - Zoning 10/9/07, Hearing Testimony - Zoning 10/9/07, Hearing Transcript - Land Use 10/11/07, Hearing Transcript - Zoning 10/17/07, Hearing Transcript - Land Use 10/17/07

This Land Use Application was Hearing on P-C Item by Comm

Attachments: Hearing Transcript - Zoning 10/9/07, Hearing Testimony - Zoning 10/9/07, Hearing Transcript - Land Use 10/11/07, Hearing Transcript - Zoning 10/17/07, Hearing Transcript - Land Use 10/17/07

This Land Use Application was P-C Item Approved by Subcommittee with Companion Resolution

Affirmative, 10 -

Avella, Felder, Gioia, Jackson, Katz, McMahon, Seabrook, Sears, Stewart and Vann

Absent, 1 -

Rivera

LU 0546-2007 Uniform Land Use Review Procedure application no. C 040161 ZMK pursuant to §197-c and §197-d of the New York City Charter, concerning changes to the zoning map, Section 22c, Borough of Brooklyn, Council District no. 39.

Attachments: Hearing Transcript - Zoning 9/17/07, Hearing Testimony - Zoning 9/17/07, Hearing Transcript - Zoning 10/9/07, Hearing Testimony - Zoning 10/9/07, Hearing Transcript - Land Use 10/11/07, Hearing Transcript - Zoning 10/17/07, Hearing Transcript - Land Use 10/17/07

This Land Use Application was Hearing Held by Committee

Attachments: Hearing Transcript - Zoning 9/17/07, Hearing Testimony - Zoning 9/17/07, Hearing Transcript - Zoning 10/9/07, Hearing Testimony - Zoning 10/9/07, Hearing Transcript - Land Use 10/11/07, Hearing Transcript - Zoning 10/17/07, Hearing Transcript - Land Use 10/17/07

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

Affirmative, 10 -

Avella, Felder, Gioia, Jackson, Katz, McMahon, Seabrook, Sears, Stewart and Vann

Absent, 1 -

Rivera

LU 0547-2007 Uniform land use review procedure application no. C 040162 ZSK, pursuant to §197-c and §197-d of the Charter of the City of New York concerning a special permit under the Zoning Resolution in the Borough of Brooklyn, Council District no. 39 to facilitate construction of a six-story residential development. 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: Hearing Transcript - Zoning 9/17/07, Hearing Testimony - Zoning 9/17/07, Hearing Transcript - Zoning 10/9/07, Hearing Testimony - Zoning 10/9/07, Hearing Transcript - Land Use 10/11/07, Hearing Transcript - Zoning 10/17/07, Hearing Transcript - Land Use 10/17/07

This Land Use Application was Hearing Held by Committee

Attachments: Hearing Transcript - Zoning 9/17/07, Hearing Testimony - Zoning 9/17/07, Hearing Transcript - Zoning 10/9/07, Hearing Testimony - Zoning 10/9/07, Hearing Transcript - Land Use 10/11/07, Hearing Transcript - Zoning 10/17/07, Hearing Transcript - Land Use 10/17/07

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

Affirmative, 10 -

Avella, Felder, Gioia, Jackson, Katz, McMahon, Seabrook, Sears, Stewart and Vann

Absent, 1 -

Rivera

LU 0570-2007

Uniform Land Use Review Procedure application no. C 060477 ZMK, pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment of the Zoning Map, Section No. 16a.

Attachments: Hearing Transcript - Zoning 10/9/07, Hearing Testimony - Zoning 10/9/07, Hearing Transcript - Zoning 10/17/07, Hearing Transcript - Zoning 10/23/07, Hearing Transcript - Zoning 10/23/07 (Con't), Hearing Testimony - Zoning 10/23/07, Hearing Transcript - Land Use 10/25/07

This Land Use Application was Hearing Held by Committee

Attachments: Hearing Transcript - Zoning 10/9/07, Hearing Testimony - Zoning 10/9/07, Hearing Transcript - Zoning 10/17/07, Hearing Transcript - Zoning 10/23/07, Hearing Transcript - Zoning 10/23/07 (Con't), Hearing Testimony - Zoning 10/23/07, Hearing Transcript - Land Use 10/25/07

This Land Use Application was Laid Over by Subcommittee

LU 0571-2007

Uniform land use review procedure application no. C 070156 ZSK, pursuant to §197-c and §201 of the Charter of the City of New York for the grant of a special permit pursuant to Section 74-711 of the Zoning Resolution in the Borough of Brooklyn, Council District no. 39 to allow modifications of use and bulk at 130 Court Street a.k.a. 182-184 Atlantic Avenue (Block 286, Lots 17 and 21). 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: Hearing Transcript - Zoning 10/9/07, Hearing Testimony - Zoning 10/9/07, Hearing Transcript - Zoning 10/17/07, Hearing Transcript - Zoning 10/23/07, Hearing Transcript - Zoning 10/23/07 (Con't), Hearing Testimony - Zoning 10/23/07, Hearing Transcript - Land Use 10/25/07

This Land Use Application was Hearing Held by Committee

Attachments: Hearing Transcript - Zoning 10/9/07, Hearing Testimony - Zoning 10/9/07, Hearing Transcript - Zoning 10/17/07, Hearing Transcript - Zoning 10/23/07, Hearing Transcript - Zoning 10/23/07 (Con't), Hearing Testimony - Zoning 10/23/07, Hearing Transcript - Land Use 10/25/07

This Land Use Application was Laid Over by Subcommittee

LU 0572-2007 **Uniform land use review procedure application no. C 070381 ZSM, pursuant to §197-c and §201 of the Charter of the City of New York for the grant of a special permit pursuant to Sections 13-562 and 74-52 of the Zoning Resolution in the Borough of Manhattan, Council District no. 6 to allow a parking garage with a maximum capacity of at 95 West 95th Street (Block 1209, Lot 1). 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: Hearing Transcript - Zoning 10/9/07, Hearing Testimony - Zoning 10/9/07, Hearing Transcript - Zoning 10/17/07, Hearing Transcript - Zoning 10/23/07, Hearing Testimony - Zoning 10/23/07, Hearing Transcript - Zoning 10/23/07 (Con't)

This Land Use Application was Hearing Held by Committee

Attachments: Hearing Transcript - Zoning 10/9/07, Hearing Testimony - Zoning 10/9/07, Hearing Transcript - Zoning 10/17/07, Hearing Transcript - Zoning 10/23/07, Hearing Testimony - Zoning 10/23/07, Hearing Transcript - Zoning 10/23/07 (Con't)

This Land Use Application was Laid Over by Subcommittee

LU 0573-2007 **Uniform Land Use Review Procedure application no. C 070468 ZRM, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, Sections 81-212, 81-81 and 81-85, to allow modification of mandatory district plan elements and regulations in connection with a transfer of air rights.**

Attachments: Hearing Transcript - Zoning 10/9/07, Hearing Testimony - Zoning 10/9/07, Hearing Transcript - Land Use 10/11/07, Hearing Transcript - Zoning 10/17/07, Hearing Transcript - Land Use 10/17/07

This Land Use Application was Hearing Held by Committee

Attachments: Hearing Transcript - Zoning 10/9/07, Hearing Testimony - Zoning 10/9/07, Hearing Transcript - Land Use 10/11/07, Hearing Transcript - Zoning 10/17/07, Hearing Transcript - Land Use 10/17/07

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

Affirmative, 10 -

Avella, Felder, Gioia, Jackson, Katz, McMahon, Seabrook, Sears, Stewart and Vann

Absent, 1 -

Rivera

LU 0574-2007 **Uniform Land Use Review Procedure application no. C 070469 ZSM, pursuant to Section 197-c and 201 of the New York City Charter, for the grant of a special permit pursuant to Sections 81-212 , 74-79 and 81-85 to facilitate the development of a 57 story mixed use building on property located at 400-404 Fifth Avenue, Borough of Manhattan.**

Attachments: Hearing Transcript - Zoning 10/9/07, Hearing Testimony - Zoning 10/9/07, Hearing Transcript - Land Use 10/11/07, Hearing Transcript - Zoning 10/17/07, Hearing Transcript - Land Use 10/17/07

This Land Use Application was Hearing Held by Committee

Attachments: Hearing Transcript - Zoning 10/9/07, Hearing Testimony - Zoning 10/9/07, Hearing Transcript - Land Use 10/11/07, Hearing Transcript - Zoning 10/17/07, Hearing Transcript - Land Use 10/17/07

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

Affirmative, 10 -

Avella, Felder, Gioia, Jackson, Katz, McMahon, Seabrook, Sears, Stewart and Vann

Absent, 1 -

Rivera

LU 0575-2007 **Uniform Land Use Review Procedure application no. C 070470 ZSM, pursuant to Section 197-c and 201 of the New York City Charter, for the grant of a special permit pursuant to Sections 81-277 to facilitate the development of a 57 story mixed use building on property located at 400-404 Fifth Avenue, Borough of Manhattan.**

Attachments: Hearing Transcript - Zoning 10/9/07, Hearing Testimony - Zoning 10/9/07, Hearing Transcript - Land Use 10/11/07, Hearing Transcript - Zoning 10/17/07, Hearing Transcript - Land Use 10/17/07

This Land Use Application was Hearing Held by Committee

Attachments: Hearing Transcript - Zoning 10/9/07, Hearing Testimony - Zoning 10/9/07, Hearing Transcript - Land Use 10/11/07, Hearing Transcript - Zoning 10/17/07, Hearing Transcript - Land Use 10/17/07

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

Affirmative, 10 -

Avella, Felder, Gioia, Jackson, Katz, McMahon, Seabrook, Sears, Stewart and Vann

Absent, 1 -

Rivera

LU 0576-2007 **Uniform Land Use Review Procedure application no. C 070394 ZRY, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, Section 15-41, relating to Article I, Chapter 5, Section 15-41, to permit the modification of applicable open space and height factor requirements for enlargements of residential conversions of buildings.**

Attachments: Hearing Transcript - Zoning 10/9/07, Hearing Testimony - Zoning 10/9/07, Hearing Transcript - Land Use 10/11/07, Hearing Transcript - Zoning 10/17/07, Hearing Transcript - Land Use 10/17/07

This Land Use Application was Hearing Held by Committee

Attachments: Hearing Transcript - Zoning 10/9/07, Hearing Testimony - Zoning 10/9/07, Hearing Transcript - Land Use 10/11/07, Hearing Transcript - Zoning 10/17/07, Hearing Transcript - Land Use 10/17/07

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

Affirmative, 10 -

Avella, Felder, Gioia, Jackson, Katz, McMahon, Seabrook, Sears, Stewart and Vann

Absent, 1 -

Rivera

LU 0577-2007 **Uniform Land Use Review Procedure application no. C 070497 ZRY, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, to revise provisions related to privately owned public plazas.**

Attachments: Hearing Transcript - Zoning 10/9/07, Hearing Testimony - Zoning 10/9/07, Hearing Transcript - Land Use 10/11/07, Hearing Transcript - Zoning 10/17/07, Hearing Transcript - Land Use 10/17/07

This Land Use Application was Hearing Held by Committee

Attachments: Hearing Transcript - Zoning 10/9/07, Hearing Testimony - Zoning 10/9/07, Hearing Transcript - Land Use 10/11/07, Hearing Transcript - Zoning 10/17/07, Hearing Transcript - Land Use 10/17/07

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

Affirmative, 8 -

Avella, Felder, Jackson, Katz, McMahon, Seabrook, Sears and Vann

Absent, 1 -

Rivera

**LU 0578-2007 Uniform Land Use Review Procedure application no. C 060353
ZMK, pursuant to Sections 197-c and 201 of the New York City
Charter, for an amendment of the Zoning Map, Section No. 22a.**

Attachments: Hearing Transcript - Zoning 10/9/07, Hearing Testimony - Zoning 10/9/07,
Hearing Transcript - Land Use 10/11/07, Hearing Transcript - Zoning
10/17/07, Hearing Transcript - Land Use 10/17/07

This Land Use Application was Hearing Held by Committee

Attachments: Hearing Transcript - Zoning 10/9/07, Hearing Testimony - Zoning 10/9/07,
Hearing Transcript - Land Use 10/11/07, Hearing Transcript - Zoning
10/17/07, Hearing Transcript - Land Use 10/17/07

**A motion was made that this Land Use Application be Approved by Subcommittee
approved by Roll Call.**

Affirmative, 10 -

Avella, Felder, Gioia, Jackson, Katz, McMahon, Seabrook, Sears, Stewart
and Vann

Absent, 1 -

Rivera

**LU 0579-2007 Uniform Land Use Review Procedure application no. C 060354
ZSK, pursuant to Sections 197-c and 201 of the New York City
Charter, submitted by MSK Properties LLC for the grant of a special
permit pursuant to Section 74-681 of the Zoning Resolution.**

Attachments: Hearing Transcript - Zoning 10/9/07, Hearing Testimony - Zoning 10/9/07,
Hearing Transcript - Land Use 10/11/07, Hearing Transcript - Zoning
10/17/07, Hearing Transcript - Land Use 10/17/07

This Land Use Application was Hearing Held by Committee

Attachments: Hearing Transcript - Zoning 10/9/07, Hearing Testimony - Zoning 10/9/07,
Hearing Transcript - Land Use 10/11/07, Hearing Transcript - Zoning
10/17/07, Hearing Transcript - Land Use 10/17/07

**A motion was made that this Land Use Application be Approved by Subcommittee
approved by Roll Call.**

Affirmative, 10 -

Avella, Felder, Gioia, Jackson, Katz, McMahon, Seabrook, Sears, Stewart
and Vann

Absent, 1 -

Rivera

LU 0580-2007 **Uniform Land Use Review Procedure application no. C 070472
ZMQ, pursuant to Sections 197-c and 201 of the New York City
Charter, for an amendment of the Zoning Map, Section Nos. 14d,
15b, 18c and 19a.**

Attachments: Hearing Transcript - Zoning 10/9/07, Hearing Testimony - Zoning 10/9/07,
Hearing Transcript - Land Use 10/11/07, Hearing Transcript - Zoning
10/17/07, Hearing Transcript - Land Use 10/17/07

This Land Use Application was Hearing Held by Committee

Attachments: Hearing Transcript - Zoning 10/9/07, Hearing Testimony - Zoning 10/9/07,
Hearing Transcript - Land Use 10/11/07, Hearing Transcript - Zoning
10/17/07, Hearing Transcript - Land Use 10/17/07

**A motion was made that this Land Use Application be Approved by Subcommittee
with Modifications and Referred to CPC approved by Roll Call.**

Affirmative, 10 -

Avella, Felder, Gioia, Jackson, Katz, McMahon, Seabrook, Sears, Stewart
and Vann

Absent, 1 -

Rivera