

The New York City Council

*City Hall
New York, NY 10007*



Meeting Minutes

Wednesday, December 18, 2013

9:30 AM

Committee Room - City Hall

Committee on Land Use

Leroy G. Comrie, Jr., Chair

*Members: Maria del Carmen Arroyo, Charles Barron, Inez E. Dickens,
Daniel R. Garodnick, Sara M. Gonzalez, Robert Jackson, Jessica S. Lappin,
Rosie Mendez, Annabel Palma, Diana Reyna, Joel Rivera, Albert Vann,
Brad S. Lander, Stephen T. Levin, Mark S. Weprin, Jumaane D. Williams,
Vincent M. Ignizio, Peter A. Koo and Ruben Wills*

Roll Call

Present:

Arroyo, Barron, Dickens, Garodnick, Jackson, Lappin, Mendez, Reyna, Rivera, Vann, Levin, Weprin, Williams, Ignizio and Koo

Absent:

Comrie Jr., Gonzalez, Palma, Lander and Wills

LU 0987-2013

Application no. 20145201 TCM, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of Madison Global LLC, d/b/a Nello's, for a revocable consent to continue to maintain and operate an unenclosed sidewalk café located at 696 Madison Avenue, in the Borough of Manhattan, Community District 8, Council District 4. This application is subject to review and action by the Land Use Committee only if called-up by vote of the Council pursuant to Rule 11.20b of the Council and §20-226(e) of the New York City Administrative Code.

Attachments: Land Use Calendar - Week of December 2, 2013 - December 6, 2013, Land Use Calendar - Week of December 16, 2013 - December 20, 2013, Hearing Testimony - Zoning 12-5-13, Additional Hearings Added for December 19, 2013, Additional Hearings Added for December 19, 2013, Land Use Calendar - December 18, 2013, Hearing Transcript - Zoning 12-5-13, Committee Report, Resolution, Hearing Transcript - Land Use 12-18-13

This Land Use Application was Hearing Held by Committee

Attachments: Land Use Calendar - Week of December 2, 2013 - December 6, 2013, Land Use Calendar - Week of December 16, 2013 - December 20, 2013, Hearing Testimony - Zoning 12-5-13, Additional Hearings Added for December 19, 2013, Additional Hearings Added for December 19, 2013, Land Use Calendar - December 18, 2013, Hearing Transcript - Zoning 12-5-13, Committee Report, Resolution, Hearing Transcript - Land Use 12-18-13

A motion was made that this Land Use Application be Approved by Committee with Companion Resolution approved by Roll Call.

Affirmative: 15 -

Arroyo, Barron, Dickens, Garodnick, Jackson, Lappin, Mendez, Reyna, Rivera, Vann, Levin, Weprin, Williams, Ignizio and Koo

Absent: 5 -

Comrie Jr., Gonzalez, Palma, Lander and Wills

LU 0994-2013 **Application No. C 140063 ZSK submitted by Coney Island Holdings LLC and the New York City Economic Development Corporation pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 131-60 of the Zoning Resolution to allow an open-air auditorium with a maximum of 5,099 seats for a term no greater than ten (10) years, on property located at 3052-3078 West 21st Street (Block 7071, Lots 27, 28, 30, 32, 34, 76, 79, 81, 130, 226, 231, and p/o Lot 142, in the Borough of Brooklyn, Community District 13, Council District 47. 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 a vote of the Council pursuant to 197-d(b)(3) of the Charter.**

Attachments: Land Use Calendar - Week of December 16, 2013 - December 20, 2013, Additional Hearing Added for December 18, 2013, Additional Hearings Added for December 19, 2013, Land Use Calendar - December 18, 2013, City Planning Commission Letter, Committee Report, Resolution, Hearing Transcript - Zoning 12-18-13, Hearing Transcript - Land Use 12-18-13

This Land Use Application was Hearing Held by Committee

Attachments: Land Use Calendar - Week of December 16, 2013 - December 20, 2013, Additional Hearing Added for December 18, 2013, Additional Hearings Added for December 19, 2013, Land Use Calendar - December 18, 2013, City Planning Commission Letter, Committee Report, Resolution, Hearing Transcript - Zoning 12-18-13, Hearing Transcript - Land Use 12-18-13

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

Affirmative: 12 -
Arroyo, Dickens, Garodnick, Jackson, Lappin, Reyna, Rivera, Vann, Levin, Weprin, Ignizio and Koo

Negative: 1 -
Barron

Abstain: 2 -
Mendez and Williams

Absent: 5 -
Comrie Jr., Gonzalez, Palma, Lander and Wills

LU 0995-2013 Application No. N 140064 ZRK submitted by Coney Island Holdings LLC and New York City Economic Development Corporation pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, concerning Section 113-00 (Special Coney Island District), 131-60 (Special Permit for Auditoriums), Appendix A (Coney Island District Plan) relating to the development of auditorium use, in the Borough of Brooklyn, Community District 13, Council District 47.

Attachments: Land Use Calendar - Week of December 16, 2013 - December 20, 2013, Additional Hearing Added for December 18, 2013, Additional Hearings Added for December 19, 2013, Land Use Calendar - December 18, 2013, City Planning Commission Letter, Committee Report, Resolution, Hearing Transcript - Zoning 12-18-13, Hearing Transcript - Land Use 12-18-13

This Land Use Application was Hearing Held by Committee

Attachments: Land Use Calendar - Week of December 16, 2013 - December 20, 2013, Additional Hearing Added for December 18, 2013, Additional Hearings Added for December 19, 2013, Land Use Calendar - December 18, 2013, City Planning Commission Letter, Committee Report, Resolution, Hearing Transcript - Zoning 12-18-13, Hearing Transcript - Land Use 12-18-13

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

Affirmative: 12 -

Arroyo, Dickens, Garodnick, Jackson, Lappin, Reyna, Rivera, Vann, Levin, Weprin, Ignizio and Koo

Negative: 1 -

Barron

Abstain: 2 -

Mendez and Williams

Absent: 5 -

Comrie Jr., Gonzalez, Palma, Lander and Wills

LU 0996-2013

Application No. C 140065 ZMK submitted by Coney Island Holdings, LLC and the New York City Economic Development Corporation pursuant to Sections 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section No. 28d, establishing a Special Coney Island District (CI) bounded by a line perpendicular to the easterly street line of West 23rd Street distant 245 feet northerly (as measured along the street line) from the point of intersection of the easterly street line of West 23rd Street and northerly boundary line of Riegelmann Boardwalk, a line 110 feet easterly of West 23rd Street, a line 150 feet northerly of former Highland View Avenue and its easterly prolongation, the easterly street line of former West 22nd Street, the northerly boundary line of Riegelmann Boardwalk, and West 23rd Street, in the Borough of Brooklyn, Community District 13, Council District 47.

Attachments: Land Use Calendar - Week of December 16, 2013 - December 20, 2013, Additional Hearing Added for December 18, 2013, Additional Hearings Added for December 19, 2013, Land Use Calendar - December 18, 2013, City Planning Commission Letter, Committee Report, Resolution, Hearing Transcript - Zoning 12-18-13, Hearing Transcript - Land Use 12-18-13

This Land Use Application was Hearing Held by Committee

Attachments: Land Use Calendar - Week of December 16, 2013 - December 20, 2013, Additional Hearing Added for December 18, 2013, Additional Hearings Added for December 19, 2013, Land Use Calendar - December 18, 2013, City Planning Commission Letter, Committee Report, Resolution, Hearing Transcript - Zoning 12-18-13, Hearing Transcript - Land Use 12-18-13

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

Affirmative: 12 -

Arroyo, Dickens, Garodnick, Jackson, Lappin, Reyna, Rivera, Vann, Levin, Weprin, Ignizio and Koo

Negative: 1 -

Barron

Abstain: 2 -

Mendez and Williams

Absent: 5 -

Comrie Jr., Gonzalez, Palma, Lander and Wills

LU 0997-2013 **Application No. C 140066 PPK submitted by the Department of Citywide Administrative Services (DCAS), pursuant to Section 197-c of the New York City Charter, for disposition, by lease agreement, to the New York City Land Development Corporation (NYCLDC) of city-owned property located on Block 7071, Lots 27, 28, 30, 32, 34, 76, 130, 142 and 226, restricted to the conditions pursuant to NYC Zoning Resolution (ZR) Section 131-60 (Special Permit for Auditoriums), in the Borough of Brooklyn, Community District 13, Council District 47. 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 a vote of the Council pursuant to 197-d(b)(3) of the Charter.**

Attachments: Land Use Calendar - Week of December 16, 2013 - December 20, 2013, Additional Hearing Added for December 18, 2013, Additional Hearings Added for December 19, 2013, Land Use Calendar - December 18, 2013, City Planning Commission Letter, Committee Report, Resolution, Hearing Transcript - Zoning 12-18-13, Hearing Transcript - Land Use 12-18-13

This Land Use Application was Hearing Held by Committee

Attachments: Land Use Calendar - Week of December 16, 2013 - December 20, 2013, Additional Hearing Added for December 18, 2013, Additional Hearings Added for December 19, 2013, Land Use Calendar - December 18, 2013, City Planning Commission Letter, Committee Report, Resolution, Hearing Transcript - Zoning 12-18-13, Hearing Transcript - Land Use 12-18-13

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

Affirmative: 12 -

Arroyo, Dickens, Garodnick, Jackson, Lappin, Reyna, Rivera, Vann, Levin, Weprin, Ignizio and Koo

Negative: 1 -

Barron

Abstain: 2 -

Mendez and Williams

Absent: 5 -

Comrie Jr., Gonzalez, Palma, Lander and Wills

LU 0998-2013 **Application No. C 140067 PQQ submitted by the Department of Citywide Administrative Services, pursuant to Section 197-c of the New York City Charter, for the acquisition of property generally bounded by West 21st Street, West 22nd Street and the Riegelmann Boardwalk (Block 7071, Lots 27, 28, 30, 32, 34, 76, 130, 226, and 231), in the Borough of Brooklyn, Community District 13, Council District 47. 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 a vote of the Council pursuant to 197-d(b)(3) of the Charter.**

Attachments: Land Use Calendar - Week of December 16, 2013 - December 20, 2013, Additional Hearing Added for December 18, 2013, Additional Hearings Added for December 19, 2013, Land Use Calendar - December 18, 2013, City Planning Commission Letter, Committee Report, Resolution, Hearing Transcript - Zoning 12-18-13, Hearing Transcript - Land Use 12-18-13

This Land Use Application was Hearing Held by Committee

Attachments: Land Use Calendar - Week of December 16, 2013 - December 20, 2013, Additional Hearing Added for December 18, 2013, Additional Hearings Added for December 19, 2013, Land Use Calendar - December 18, 2013, City Planning Commission Letter, Committee Report, Resolution, Hearing Transcript - Zoning 12-18-13, Hearing Transcript - Land Use 12-18-13

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

Affirmative: 12 -
Arroyo, Dickens, Garodnick, Jackson, Lappin, Reyna, Rivera, Vann, Levin, Weprin, Ignizio and Koo

Negative: 1 -
Barron

Abstain: 2 -
Mendez and Williams

Absent: 5 -
Comrie Jr., Gonzalez, Palma, Lander and Wills

LU 0999-2013 **Application No. M 090107(B) MMK submitted by the New York City Economic Development for a modification of the resolution adopted by the City Planning Commission on June 17, 2009 (Calendar No. 14) approving an application (C 090107 MMK) for an amendment to the City Map involving, inter alia, the elimination of streets within an area bounded by West 22nd Street, West 23rd Street, and Public Beach in accordance with Map Nos. X-2711 dated January 14, 2009, revised June 17, 2009 and August 16, 2013 and X-2739 dated August 16, 2013 and signed by the Borough President, in the Borough of Brooklyn, Community District 13, Council District 47. 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 a vote of the Council pursuant to 197-d(b)(3) of the Charter.**

Attachments: Land Use Calendar - Week of December 16, 2013 - December 20, 2013, Additional Hearing Added for December 18, 2013, Additional Hearings Added for December 19, 2013, Land Use Calendar - December 18, 2013, City Planning Commission Letter, Committee Report, Resolution, Hearing Transcript - Zoning 12-18-13, Hearing Transcript - Land Use 12-18-13

This Land Use Application was Hearing Held by Committee

Attachments: Land Use Calendar - Week of December 16, 2013 - December 20, 2013, Additional Hearing Added for December 18, 2013, Additional Hearings Added for December 19, 2013, Land Use Calendar - December 18, 2013, City Planning Commission Letter, Committee Report, Resolution, Hearing Transcript - Zoning 12-18-13, Hearing Transcript - Land Use 12-18-13

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

Affirmative: 12 -
Arroyo, Dickens, Garodnick, Jackson, Lappin, Reyna, Rivera, Vann, Levin, Weprin, Ignizio and Koo

Negative: 1 -
Barron

Abstain: 2 -
Mendez and Williams

Absent: 5 -
Comrie Jr., Gonzalez, Palma, Lander and Wills

LU 1000-2013 **Application No. 20145224 HAM submitted by the New York City Department of Housing Preservation and Development (HPD) for approval of a new exemption from real property taxation, the termination of the existing tax exemption and voluntary dissolution of the current owner for the property located on Block 247, Lot 1, in the Borough of the Manhattan, Community Board 3, Council District 1. This matter is subject to Council review and action at the request of HPD and pursuant to Sections 123(4), 125 and 577 of the Private Housing Finance Law.**

Attachments: Land Use Calendar - Week of December 16, 2013 - December 20, 2013, Additional Hearings Added for December 19, 2013, Land Use Calendar - December 18, 2013, Hearing Testimony - Planning 12/16/13, Committee Report, Resolution, Hearing Transcript - Land Use 12-18-13

This Land Use Application was Hearing Held by Committee

Attachments: Land Use Calendar - Week of December 16, 2013 - December 20, 2013, Additional Hearings Added for December 19, 2013, Land Use Calendar - December 18, 2013, Hearing Testimony - Planning 12/16/13, Committee Report, Resolution, Hearing Transcript - Land Use 12-18-13

A motion was made that this Land Use Application be Approved by Committee with Companion Resolution approved by Roll Call.

Affirmative: 15 -

Arroyo, Barron, Dickens, Garodnick, Jackson, Lappin, Mendez, Reyna, Rivera, Vann, Levin, Weprin, Williams, Ignizio and Koo

Absent: 5 -

Comrie Jr., Gonzalez, Palma, Lander and Wills

LU 1001-2013 **Application No. 20145225 HAM submitted by the New York City Department of Housing Preservation and Development (HPD) for approval of a tax exemption pursuant to Section 577 of the Private Housing Finance Law (PHFL) for the property located on Block 1749, Lots 60 and 66; Block 1750, Lots 65 and 104; Block 1751, Lots 14, 57, 63 and 156; Block 1752, Lots 10 and 70; Block 1755, Lot 22; and Block 1756, Lot 8, in the Borough of the Manhattan, Community Board 11, Council District 9. This matter is subject to Council review and action at the request of HPD and pursuant to Section 577 of the PHFL.**

Attachments: Land Use Calendar - Week of December 16, 2013 - December 20, 2013, Additional Hearings Added for December 19, 2013, Land Use Calendar - December 18, 2013, Hearing Testimony - Planning 12/16/13, Committee Report, Resolution, Hearing Transcript - Land Use 12-18-13

This Land Use Application was Hearing Held by Committee

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A motion was made that this Land Use Application be Approved by Committee with Companion Resolution approved by Roll Call.

Affirmative: 15 -

Arroyo, Barron, Dickens, Garodnick, Jackson, Lappin, Mendez, Reyna, Rivera, Vann, Levin, Weprin, Williams, Ignizio and Koo

Absent: 5 -

Comrie Jr., Gonzalez, Palma, Lander and Wills

LU 1002-2013

Application no. 20145155 TCM, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of Cherry Lane, Inc. d/b/a The Randolph at Broome, for a revocable consent to continue to maintain and operate an unenclosed sidewalk café located at 349 Broome Street, in the Borough of Manhattan, Community District 2, Council District 1. This application is subject to review and action by the Land Use Committee only if called-up by vote of the Council pursuant to Rule 11.20b of the Council and §20-226(e) of the New York City Administrative Code.

Attachments: Land Use Calendar - Week of December 16, 2013 - December 20, 2013, Additional Hearings Added for December 19, 2013, Additional Hearings Added for December 19, 2013, Land Use Calendar - December 18, 2013, Committee Report, Resolution, Hearing Transcript - Land Use 12-18-13

This Land Use Application was Hearing Held by Committee

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A motion was made that this Land Use Application be Approved by Committee with Companion Resolution approved by Roll Call.

Affirmative: 15 -

Arroyo, Barron, Dickens, Garodnick, Jackson, Lappin, Mendez, Reyna, Rivera, Vann, Levin, Weprin, Williams, Ignizio and Koo

Absent: 5 -

Comrie Jr., Gonzalez, Palma, Lander and Wills

AND SUCH OTHER BUSINESS AS MAY BE NECESSARY