

# The New York City Council

*City Hall  
New York, NY 10007*



## Meeting Minutes

**Wednesday, September 7, 2016**

**9:30 AM**

**Council Chambers - City Hall**

### **Subcommittee on Zoning and Franchises**

*Donovan J. Richards, Chair*

*Members: Daniel R. Garodnick, Jumaane D. Williams,  
Antonio Reynoso, Ritchie J. Torres,  
Vincent J. Gentile and Ruben Wills*

Roll Call

**Present:** Richards, Garodnick, Williams, Reynoso, Torres, Gentile and Wills

*Other Council Members Attending: Mendez, Greenfield and Johnson*

LU 0432-2016

**Application No. C 160137 ZMM submitted by SMBRO Rivington, LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 12c, establishing within an existing R8A District, a C2-5 District on property located south of East Houston Street between Clinton Street and Norfolk Street, Borough of Manhattan, Community Board 3, Council District 2.**

**Attachments:** Land Use Calendar - Week of August 8, 2016 - August 12, 2016, Hearing Transcript - Zoning 8-9-16, Hearing Testimony - Zoning 8-9-16, August 16, 2016 - Stated Meeting Agenda with Links to Files, Land Use Calendar - Week of September 5, 2016 - September 9, 2016, REVISED - Land Use Calendar - Week of September 5, 2016 - September 9, 2016, Land Use Calendar - September 8, Hearing Testimony - Zoning 9-7-16, Hearing Transcript - Zoning 9-7-16

**This Land Use Application was Hearing Held by Committee**

**Attachments:** Land Use Calendar - Week of August 8, 2016 - August 12, 2016, Hearing Transcript - Zoning 8-9-16, Hearing Testimony - Zoning 8-9-16, August 16, 2016 - Stated Meeting Agenda with Links to Files, Land Use Calendar - Week of September 5, 2016 - September 9, 2016, REVISED - Land Use Calendar - Week of September 5, 2016 - September 9, 2016, Land Use Calendar - September 8, Hearing Testimony - Zoning 9-7-16, Hearing Transcript - Zoning 9-7-16

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

**Affirmative:** 7 - Richards, Garodnick, Williams, Reynoso, Torres, Gentile and Wills

LU 0435-2016

**Application No. 20165639 TCM pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of VER34, LLC, d/b/a Wine 34, for a revocable consent to establish, maintain and operate an unenclosed sidewalk café located at 127 East 34th Street, Borough of Manhattan, Community Board 6, Council District 2. 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 Section 20-226 of the New York City Administrative Code.**

**Attachments:** August 16, 2016 - Stated Meeting Agenda with Links to Files, Land Use Calendar - Week of September 5, 2016 - September 9, 2016, REVISED - Land Use Calendar - Week of September 5, 2016 - September 9, 2016, Land Use Calendar - September 8, Hearing Testimony - Zoning 9-7-16, Hearing Transcript - Zoning 9-7-16

**This Land Use Application was Hearing Held by Committee**

**Attachments:** August 16, 2016 - Stated Meeting Agenda with Links to Files, Land Use Calendar - Week of September 5, 2016 - September 9, 2016, REVISED - Land Use Calendar - Week of September 5, 2016 - September 9, 2016, Land Use Calendar - September 8, Hearing Testimony - Zoning 9-7-16, Hearing Transcript - Zoning 9-7-16

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

**Affirmative:** 7 - Richards, Garodnick, Williams, Reynoso, Torres, Gentile and Wills

LU 0436-2016

**Application No. 20165477 TCK pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of Duke of Montrose, Inc., for a revocable consent to establish, maintain and operate an unenclosed sidewalk café located at 47 5th Avenue, Borough of Brooklyn, Community Board 6, Council District 39. 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 Section 20-226 of the New York City Administrative Code.**

**Attachments:** August 16, 2016 - Stated Meeting Agenda with Links to Files, Land Use Calendar - Week of September 5, 2016 - September 9, 2016, REVISED - Land Use Calendar - Week of September 5, 2016 - September 9, 2016, Land Use Calendar - September 8, Hearing Testimony - Zoning 9-7-16, Hearing Transcript - Zoning 9-7-16

**This Land Use Application was Hearing Held by Committee**

**Attachments:** August 16, 2016 - Stated Meeting Agenda with Links to Files, Land Use Calendar - Week of September 5, 2016 - September 9, 2016, REVISED - Land Use Calendar - Week of September 5, 2016 - September 9, 2016, Land Use Calendar - September 8, Hearing Testimony - Zoning 9-7-16, Hearing Transcript - Zoning 9-7-16

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

**Affirmative:** 7 - Richards, Garodnick, Williams, Reynoso, Torres, Gentile and Wills

LU 0437-2016

**Application No. N 160069 ZRM submitted by Durst Pyramid LLC, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying the provisions of Article IX, Chapter 6 (Special Clinton District) to allow additional commercial use in Area C1-2 of the Special Clinton District, Borough of Manhattan, Community Board 4, Council Districts 6 and 3.**

**Attachments:** August 16, 2016 - Stated Meeting Agenda with Links to Files, Land Use Calendar - Week of September 5, 2016 - September 9, 2016, REVISED - Land Use Calendar - Week of September 5, 2016 - September 9, 2016, Land Use Calendar - September 8, Hearing Testimony - Zoning 9-7-16, Hearing Transcript - Zoning 9-7-16

**This Land Use Application was Hearing Held by Committee**

**Attachments:** August 16, 2016 - Stated Meeting Agenda with Links to Files, Land Use Calendar - Week of September 5, 2016 - September 9, 2016, REVISED - Land Use Calendar - Week of September 5, 2016 - September 9, 2016, Land Use Calendar - September 8, Hearing Testimony - Zoning 9-7-16, Hearing Transcript - Zoning 9-7-16

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

**Affirmative:** 7 - Richards, Garodnick, Williams, Reynoso, Torres, Gentile and Wills

**LU 0438-2016**      **Application No. C 160082 ZSM submitted by 42 West 18th Realty Corp. pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-711 of the Zoning Resolution to modify requirements for height and setback, rear yard, permitted obstructions in rear yards, and minimum distance between buildings, to facilitate a mixed-use development on property located at 38-42 West 18th Street (Block 819, Lots 14, 15 & 66), Borough of Manhattan, Community Board 5, Council District 3. This application is subject to review and action by the Land Use Committee only if appealed to the Council pursuant to Charter Section 197-d(b)(2) or called up by vote of the Council pursuant to Charter Section 197-d(b)(3).**

**Attachments:** Manhattan Borough President Brewer - Objection Letter, August 16, 2016 - Stated Meeting Agenda with Links to Files, Land Use Calendar - Week of September 5, 2016 - September 9, 2016, REVISED - Land Use Calendar - Week of September 5, 2016 - September 9, 2016, Hearing Testimony - Zoning 9-7-16, Hearing Transcript - Zoning 9-7-16

**This Land Use Application was Hearing Held by Committee**

**Attachments:** Manhattan Borough President Brewer - Objection Letter, August 16, 2016 - Stated Meeting Agenda with Links to Files, Land Use Calendar - Week of September 5, 2016 - September 9, 2016, REVISED - Land Use Calendar - Week of September 5, 2016 - September 9, 2016, Hearing Testimony - Zoning 9-7-16, Hearing Transcript - Zoning 9-7-16

**This Land Use Application was Laid Over by Subcommittee**

**LU 0439-2016**      **Application No. C 150135 ZMQ submitted by the 30-70 Astoria LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 9a by changing from an R5B District to an R6B District property bounded by a line 140 feet northwesterly of 38th Street, a line 420 feet northeasterly of 31st Avenue, a line midway between 37th Street and 38th Street, and a line 100 feet northeasterly of 31st Avenue, Borough of the Queens, Community Board 1, Council District 22.**

**Attachments:** August 16, 2016 - Stated Meeting Agenda with Links to Files, Land Use Calendar - Week of September 5, 2016 - September 9, 2016, REVISED - Land Use Calendar - Week of September 5, 2016 - September 9, 2016, Land Use Calendar - September 8, Hearing Testimony - Zoning 9-7-16, Hearing Transcript - Zoning 9-7-16

**This Land Use Application was Hearing Held by Committee**

**Attachments:** August 16, 2016 - Stated Meeting Agenda with Links to Files, Land Use Calendar - Week of September 5, 2016 - September 9, 2016, REVISED - Land Use Calendar - Week of September 5, 2016 - September 9, 2016, Land Use Calendar - September 8, Hearing Testimony - Zoning 9-7-16, Hearing Transcript - Zoning 9-7-16

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

**Affirmative:** 7 - Richards, Garodnick, Williams, Reynoso, Torres, Gentile and Wills

LU 0458-2016

**Application No. 20165640 TCM pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of Carnival Latin Bistro, d/b/a Altus Cafe, for a revocable consent to establish, maintain and operate an unenclosed sidewalk café located at 4325 East Broadway, Borough of Manhattan, Community Board 12, Council District 10. 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 Section 20-226 of the New York City Administrative Code.**

**Attachments:** August 16, 2016 - Stated Meeting Agenda with Links to Files, Land Use Calendar - Week of September 5, 2016 - September 9, 2016, REVISED - Land Use Calendar - Week of September 5, 2016 - September 9, 2016, Hearing Testimony - Zoning 9-7-16, Hearing Transcript - Zoning 9-7-16

**This Land Use Application was Hearing Held by Committee**

**Attachments:** August 16, 2016 - Stated Meeting Agenda with Links to Files, Land Use Calendar - Week of September 5, 2016 - September 9, 2016, REVISED - Land Use Calendar - Week of September 5, 2016 - September 9, 2016, Hearing Testimony - Zoning 9-7-16, Hearing Transcript - Zoning 9-7-16

**This Land Use Application was Laid Over by Subcommittee**

LU 0459-2016

**Application No. 20165602 TCM pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of La Fiesta 95, Inc. d/b/a Le Pinta Mexican Cuisine., for a revocable consent to establish, maintain and operate an unenclosed sidewalk café located at 711 W 181st Street, Borough of Manhattan, Community Board 12, Council District 10. 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 Section 20-226 of the New York City Administrative Code.**

**Attachments:** August 16, 2016 - Stated Meeting Agenda with Links to Files, Land Use Calendar - Week of September 5, 2016 - September 9, 2016, REVISED - Land Use Calendar - Week of September 5, 2016 - September 9, 2016, Land Use Calendar - September 8, Hearing Testimony - Zoning 9-7-16, Hearing Transcript - Zoning 9-7-16

**This Land Use Application was Hearing Held by Committee**

**Attachments:** August 16, 2016 - Stated Meeting Agenda with Links to Files, Land Use Calendar - Week of September 5, 2016 - September 9, 2016, REVISED - Land Use Calendar - Week of September 5, 2016 - September 9, 2016, Land Use Calendar - September 8, Hearing Testimony - Zoning 9-7-16, Hearing Transcript - Zoning 9-7-16

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

**Affirmative:** 7 - Richards, Garodnick, Williams, Reynoso, Torres, Gentile and Wills

LU 0460-2016

**Application No. 20175006 TCM pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of Nicky Meatball, Inc. d/b/a Polpette, for a revocable consent to establish, maintain and operate an unenclosed sidewalk café located at 483 Amsterdam Avenue, Borough of Manhattan, Community Board 7, Council District 6. 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 Section 20-226 of the New York City Administrative Code.**

**Attachments:** August 16, 2016 - Stated Meeting Agenda with Links to Files, Land Use Calendar - Week of September 5, 2016 - September 9, 2016, REVISED - Land Use Calendar - Week of September 5, 2016 - September 9, 2016, Land Use Calendar - September 8, Hearing Testimony - Zoning 9-7-16, Hearing Transcript - Zoning 9-7-16

**This Land Use Application was Hearing Held by Committee**

**Attachments:** August 16, 2016 - Stated Meeting Agenda with Links to Files, Land Use Calendar - Week of September 5, 2016 - September 9, 2016, REVISED - Land Use Calendar - Week of September 5, 2016 - September 9, 2016, Land Use Calendar - September 8, Hearing Testimony - Zoning 9-7-16, Hearing Transcript - Zoning 9-7-16

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

**Affirmative:** 7 - Richards, Garodnick, Williams, Reynoso, Torres, Gentile and Wills

LU 0461-2016

**Application No. 20165652 TCM pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of Haru Chelsea Corp d/b/a Haru, for a revocable consent to establish, maintain and operate an unenclosed sidewalk café located at 176 8th Avenue, Borough of Manhattan, Community Board 4, Council District 3. 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 Section 20-226 of the New York City Administrative Code.**

**Attachments:** August 16, 2016 - Stated Meeting Agenda with Links to Files, Land Use Calendar - Week of September 5, 2016 - September 9, 2016, REVISED - Land Use Calendar - Week of September 5, 2016 - September 9, 2016, Land Use Calendar - September 8, Hearing Testimony - Zoning 9-7-16, Hearing Transcript - Zoning 9-7-16

**This Land Use Application was Hearing Held by Committee**

**Attachments:** August 16, 2016 - Stated Meeting Agenda with Links to Files, Land Use Calendar - Week of September 5, 2016 - September 9, 2016, REVISED - Land Use Calendar - Week of September 5, 2016 - September 9, 2016, Land Use Calendar - September 8, Hearing Testimony - Zoning 9-7-16, Hearing Transcript - Zoning 9-7-16

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

**Affirmative:** 7 - Richards, Garodnick, Williams, Reynoso, Torres, Gentile and Wills



LU 0462-2016

**Application No. 20165487 TCM pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of Benva Bakery, LLC, for a revocable consent to establish, maintain and operate an unenclosed sidewalk café located at 440 Amsterdam Avenue, Borough of Manhattan, Community Board 7, Council District 6. 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 Section 20-226 of the New York City Administrative Code.**

**Attachments:** August 16, 2016 - Stated Meeting Agenda with Links to Files, Land Use Calendar - Week of September 5, 2016 - September 9, 2016, REVISED - Land Use Calendar - Week of September 5, 2016 - September 9, 2016, Land Use Calendar - September 8, Hearing Testimony - Zoning 9-7-16, Hearing Transcript - Zoning 9-7-16

**This Land Use Application was Hearing Held by Committee**

**Attachments:** August 16, 2016 - Stated Meeting Agenda with Links to Files, Land Use Calendar - Week of September 5, 2016 - September 9, 2016, REVISED - Land Use Calendar - Week of September 5, 2016 - September 9, 2016, Land Use Calendar - September 8, Hearing Testimony - Zoning 9-7-16, Hearing Transcript - Zoning 9-7-16

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

**Affirmative:** 7 - Richards, Garodnick, Williams, Reynoso, Torres, Gentile and Wills

LU 0463-2016

**Application No. 20165650 TCM pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of Bill's 22 Ninth Avenue, LLC, d/b/a Bills Bar & Burger, for a revocable consent to establish, maintain and operate an unenclosed sidewalk café located at 22 9th Avenue, Borough of Manhattan, Community Board 2, Council District 3. 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 Section 20-226 of the New York City Administrative Code.**

**Attachments:** August 16, 2016 - Stated Meeting Agenda with Links to Files, Land Use Calendar - Week of September 5, 2016 - September 9, 2016, REVISED - Land Use Calendar - Week of September 5, 2016 - September 9, 2016, Land Use Calendar - September 8, Hearing Testimony - Zoning 9-7-16, Hearing Transcript - Zoning 9-7-16

**This Land Use Application was Hearing Held by Committee**

**Attachments:** August 16, 2016 - Stated Meeting Agenda with Links to Files, Land Use Calendar - Week of September 5, 2016 - September 9, 2016, REVISED - Land Use Calendar - Week of September 5, 2016 - September 9, 2016, Land Use Calendar - September 8, Hearing Testimony - Zoning 9-7-16, Hearing Transcript - Zoning 9-7-16

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

**Affirmative:** 7 - Richards, Garodnick, Williams, Reynoso, Torres, Gentile and Wills

LU 0466-2016

**Application No. N 160179 ZRX submitted by 1775 Grand Concourse, LLC, pursuant to Section 201 of the New York City Charter for an amendment of the Zoning Resolution modifying Article XII, Chapter 2 and Appendix A to permit indirectly illuminated signs on the Grand Concourse street frontage for specified sites, Borough of the Bronx, Community Board 5, Council District 14.**

**Attachments:** Land Use Calendar - Week of September 5, 2016 - September 9, 2016, REVISED - Land Use Calendar - Week of September 5, 2016 - September 9, 2016, Land Use Calendar - September 8, Hearing Testimony - Zoning 9-7-16, September 14, 2016 - Stated Meeting Agenda with Links to Files, Hearing Transcript - Zoning 9-7-16

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

**Attachments:** Land Use Calendar - Week of September 5, 2016 - September 9, 2016, REVISED - Land Use Calendar - Week of September 5, 2016 - September 9, 2016, Land Use Calendar - September 8, Hearing Testimony - Zoning 9-7-16, September 14, 2016 - Stated Meeting Agenda with Links to Files, Hearing Transcript - Zoning 9-7-16

**A motion was made that this Land Use Application be P-C Item Approved by Subcommittee with Companion Resolution approved by Roll Call.**

**Affirmative:** 7 - Richards, Garodnick, Williams, Reynoso, Torres, Gentile and Wills