

The New York City Council

*City Hall
New York, NY 10007*



Meeting Minutes

Tuesday, September 6, 2011

9:30 AM

250 Broadway - Committee Rm, 16th Fl.

Subcommittee on Zoning and Franchises

Mark S. Weprin, Chair

*Members: Leroy G. Comrie, Jr., Daniel R. Garodnick, Robert Jackson,
Jessica S. Lappin, Diana Reyna, Joel Rivera, Larry B. Seabrook,
James Vacca, Albert Vann and Vincent M. Ignizio*

Roll Call

Present: Weprin, Comrie Jr., Garodnick, Jackson, Lappin, Reyna, Rivera, Seabrook, Vacca and Ignizio

Absent: Vann

Other Council Members Attending: Recchia and Chin

LU 0444-2011

Application no. 20115678 TCK, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition Urban Rush LLC. , to continue to maintain and operate an unenclosed sidewalk café located at 318 Grand Street, Borough of Brooklyn, Council District no.34. 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(g) of the New York City Administrative Code.

Attachments: Land Use Calendar - Week of August 15 - August 19, 2011, Hearing Transcript - Zoning 8-15-11, Land Use Calendar - Week of September 5 - September 9, 2011, Land Use Calendar - September 7, 2011, Hearing Testimony - Zoning 9/6/11, Committee Report, Resolution, Hearing Transcript - Zoning 9-6-11

This Land Use Application was Hearing Held by Committee

Attachments: Land Use Calendar - Week of August 15 - August 19, 2011, Hearing Transcript - Zoning 8-15-11, Land Use Calendar - Week of September 5 - September 9, 2011, Land Use Calendar - September 7, 2011, Hearing Testimony - Zoning 9/6/11, Committee Report, Resolution, Hearing Transcript - Zoning 9-6-11

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

Affirmative: 10 -

Weprin, Comrie Jr., Garodnick, Jackson, Lappin, Reyna, Rivera, Seabrook, Vacca and Ignizio

Absent: 1 -

Vann

LU 0449-2011 **Application no. 20115607 TCM, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of Mezzogiorno Associates, to continue to maintain and operate an unenclosed sidewalk café located at 195 Spring Street, Borough of Manhattan, Council District no. 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 §20-226(g) of the New York City Administrative Code.**

Attachments: Land Use Calendar - Week of September 5 - September 9, 2011, Land Use Calendar - Week of September 12 - September 16, 2011, Hearing Testimony - Zoning 9/6/11, Continuation of Recessed Hearings, Land Use Calendar - September 19, 2011, Committee Report, Resolution, Hearing Transcript - Zoning 9-6-11

This Land Use Application was Hearing Held by Committee

Attachments: Land Use Calendar - Week of September 5 - September 9, 2011, Land Use Calendar - Week of September 12 - September 16, 2011, Hearing Testimony - Zoning 9/6/11, Continuation of Recessed Hearings, Land Use Calendar - September 19, 2011, Committee Report, Resolution, Hearing Transcript - Zoning 9-6-11

This Land Use Application was Laid Over by Subcommittee

LU 0450-2011 **Application no. 20115769 TCM, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of Super Noodle, Inc., d/b/a Old Town Hot Pot, to establish, maintain and operate an unenclosed sidewalk café located at 70 Seventh Avenue, Borough of Manhattan, Council District no. 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 §20-226(g) of the New York City Administrative Code.**

Attachments: Land Use Calendar - Week of September 5 - September 9, 2011, Hearing Testimony - Zoning 9/6/11, Land Use Calendar - September 7, 2011, Committee Report, Resolution, Hearing Transcript - Zoning 9-6-11

This Land Use Application was Hearing Held by Committee

Attachments: Land Use Calendar - Week of September 5 - September 9, 2011, Hearing Testimony - Zoning 9/6/11, Land Use Calendar - September 7, 2011, Committee Report, Resolution, Hearing Transcript - Zoning 9-6-11

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

Affirmative: 10 -

Weprin, Comrie Jr., Garodnick, Jackson, Lappin, Reyna, Rivera, Seabrook, Vacca and Ignizio

Absent: 1 -
Vann

LU 0451-2011 **Application no. C 110058 ZMK submitted by R.A. Real Estate, Inc. pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, changing from an R6A District to an R7-3 District and establishing within a proposed R7-3 District a C2-4 District., Section No. 28b and 28d, Council District no. 47 .**

Attachments: Land Use Calendar - Week of September 5 - September 9, 2011, Land Use Calendar - September 7, 2011, Hearing Testimony - Zoning 9/6/11, Committee Report, Resolution, Hearing Transcript - Zoning 9-6-11

This Land Use Application was Hearing Held by Committee

Attachments: Land Use Calendar - Week of September 5 - September 9, 2011, Land Use Calendar - September 7, 2011, Hearing Testimony - Zoning 9/6/11, Committee Report, Resolution, Hearing Transcript - Zoning 9-6-11

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

Affirmative: 10 -
Weprin, Comrie Jr., Garodnick, Jackson, Lappin, Reyna, Rivera, Seabrook, Vacca and Ignizio

Absent: 1 -
Vann

LU 0452-2011 **Application no. C 110059 ZSK submitted by R.A. Real Estate, Inc. pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 62-836 of the Zoning Resolution to modify the lot coverage requirements of Section 62-322 (Residential uses in R1, R2, R6, R7, R8, R9, and R10 Districts), the height and setback, maximum tower size, and ground floor streetscape requirements of Section 62-341 (Developments on land and platforms), and the rear yard requirements of Section 23-44 (Permitted Obstructions in Required Yards or Rear Yard Equivalent), in connection with a proposed mixed-use development on property located at 3602-3616 Surf Avenue (Zoning Lot A, Block 7065, Lots 6 & 12), in R7-3 and R7-3/C2-4 Districts, within a Large-Scale General Development (Block 7065, Lots 6, 12, 15, 20 & 25), Borough of Brooklyn, Community District 13. 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 September 5 - September 9, 2011, Land Use Calendar - September 7, 2011, Hearing Testimony - Zoning 9/6/11, Committee Report, Resolution, Hearing Transcript - Zoning 9-6-11

This Land Use Application was Hearing Held by Committee

Attachments: Land Use Calendar - Week of September 5 - September 9, 2011, Land Use Calendar - September 7, 2011, Hearing Testimony - Zoning 9/6/11, Committee Report, Resolution, Hearing Transcript - Zoning 9-6-11

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

Affirmative: 10 -

Weprin, Comrie Jr., Garodnick, Jackson, Lappin, Reyna, Rivera, Seabrook, Vacca and Ignizio

Absent: 1 -

Vann

LU 0453-2011 **Application no. C 110060 (A) ZSK submitted by R.A. Real Estate, Inc. pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 62-836 of the Zoning Resolution to modify the lot coverage requirements of Section 62-322 (Residential uses in R1, R2, R6, R7, R8, R9, and R10 Districts), the height and setback, and ground floor streetscape requirements of Section 62-341 (Developments on land and platforms), in connection with a proposed mixed-use development on property located at 3502-3532 Surf Avenue (Zoning Lot B, Block 7065, Lots 15, 20 & 25), in an R7-3/C2-4 Districts, within a Large-Scale General Development (Block 7065, Lots 6, 12, 15, 20 & 25), Borough of Brooklyn, Community District 13. 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 September 5 - September 9, 2011, Land Use Calendar - September 7, 2011, Hearing Testimony - Zoning 9/6/11, Committee Report, Resolution, Hearing Transcript - Zoning 9-6-11

This Land Use Application was Hearing Held by Committee

Attachments: Land Use Calendar - Week of September 5 - September 9, 2011, Land Use Calendar - September 7, 2011, Hearing Testimony - Zoning 9/6/11, Committee Report, Resolution, Hearing Transcript - Zoning 9-6-11

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

Affirmative: 10 -
Weprin, Comrie Jr., Garodnick, Jackson, Lappin, Reyna, Rivera, Seabrook, Vacca and Ignizio

Absent: 1 -
Vann

LU 0454-2011 **Application no. C 110061 ZSK submitted by R.A. Real Estate, Inc. pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-743 of the Zoning Resolution to modify the requirements of Section 23-87 (Permitted Obstructions in Courts) to allow balconies within courts, in connection with a proposed mixed-use development on property located at 3502-3532 Surf Avenue (Zoning Lot B, Block 7065, Lots, 15, 20 & 25), in an R7-3/C2-4 District, within a Large-Scale General Development (Block 7065, Lots 6, 12, 15, 20 & 25) , Borough of Brooklyn, Community District 13. 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 September 5 - September 9, 2011, Land Use Calendar - September 7, 2011, Hearing Testimony - Zoning 9/6/11, Committee Report, Resolution, Hearing Transcript - Zoning 9-6-11

This Land Use Application was Hearing Held by Committee

Attachments: Land Use Calendar - Week of September 5 - September 9, 2011, Land Use Calendar - September 7, 2011, Hearing Testimony - Zoning 9/6/11, Committee Report, Resolution, Hearing Transcript - Zoning 9-6-11

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

Affirmative: 10 -

Weprin, Comrie Jr., Garodnick, Jackson, Lappin, Reyna, Rivera, Seabrook, Vacca and Ignizio

Absent: 1 -

Vann

LU 0455-2011 **Application no. C 110062 (A) ZSK submitted by R.A. Real Estate, Inc. pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-744 of the Zoning Resolution to modify the use requirements of Section 32-421 (Limitation on floors occupied by commercial uses) to allow commercial uses listed in Use Group 6, 7, 8, 9 or 14 on portions of the 2nd and 3rd floors of a proposed mixed-use development on property located at 3502-3532 Surf Avenue (Zoning Lot B, Block 7065, Lots 15, 20 & 25), in an R7-3/C2-4 Districts, within a Large-Scale General Development (Block 7065, Lots 6, 12, 15, 20 & 25), Borough of Brooklyn, Community District 13. 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 September 5 - September 9, 2011, Land Use Calendar - September 7, 2011, Hearing Testimony - Zoning 9/6/11, Committee Report, Resolution, Hearing Transcript - Zoning 9-6-11

This Land Use Application was Hearing Held by Committee

Attachments: Land Use Calendar - Week of September 5 - September 9, 2011, Land Use Calendar - September 7, 2011, Hearing Testimony - Zoning 9/6/11, Committee Report, Resolution, Hearing Transcript - Zoning 9-6-11

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

Affirmative: 10 -

Weprin, Comrie Jr., Garodnick, Jackson, Lappin, Reyna, Rivera, Seabrook, Vacca and Ignizio

Absent: 1 -

Vann

LU 0456-2011 **Application no. C 110252 ZMK submitted by the 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 Nos. 16c, Borough of Brooklyn, Council District no. 27.**

Attachments: Land Use Calendar - Week of September 5 - September 9, 2011, Land Use Calendar - Week of September 12 - September 16, 2011, Hearing Testimony - Zoning 9/6/11, Continuation of Recessed Hearings, Land Use Calendar - September 19, 2011, Continuation of Recessed Hearings, Committee Report, Resolution, Hearing Transcript - Zoning 9-6-11

This Land Use Application was Hearing Held by Committee

Attachments: Land Use Calendar - Week of September 5 - September 9, 2011, Land Use Calendar - Week of September 12 - September 16, 2011, Hearing Testimony - Zoning 9/6/11, Continuation of Recessed Hearings, Land Use Calendar - September 19, 2011, Continuation of Recessed Hearings, Committee Report, Resolution, Hearing Transcript - Zoning 9-6-11

This Land Use Application was Laid Over by Subcommittee

LU 0457-2011

Application no. N 110307 ZRM submitted by the Century 21 Department Stores, 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 the waiver of accessory off-street loading berths within the Special Lower Manhattan District, Borough of Manhattan, Community District 1, Council District no. 1.

Attachments: Land Use Calendar - Week of September 5 - September 9, 2011, Land Use Calendar - September 7, 2011, Hearing Testimony - Zoning 9/6/11, Committee Report, Resolution, Hearing Transcript - Zoning 9-6-11

This Land Use Application was Hearing Held by Committee

Attachments: Land Use Calendar - Week of September 5 - September 9, 2011, Land Use Calendar - September 7, 2011, Hearing Testimony - Zoning 9/6/11, Committee Report, Resolution, Hearing Transcript - Zoning 9-6-11

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

Affirmative: 10 -

Weprin, Comrie Jr., Garodnick, Jackson, Lappin, Reyna, Rivera, Seabrook, Vacca and Ignizio

Absent: 1 -

Vann

LU 0460-2011

Uniform land use review procedure application no. C 110235 ZSM, 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 Manhattan, Council District no. 1 to allow retail uses on portions of the ground floor and cellar of an existing 5-story building. 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 September 5 - September 9, 2011, Land Use Calendar - September 7, 2011, Hearing Testimony - Zoning 9/6/11, Committee Report, Resolution, Hearing Transcript - Zoning 9-6-11

This Land Use Application was Hearing Held by Committee

Attachments: Land Use Calendar - Week of September 5 - September 9, 2011, Land Use Calendar - September 7, 2011, Hearing Testimony - Zoning 9/6/11, Committee Report, Resolution, Hearing Transcript - Zoning 9-6-11

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

Affirmative: 10 -

Weprin, Comrie Jr., Garodnick, Jackson, Lappin, Reyna, Rivera, Seabrook, Vacca and Ignizio

Absent: 1 -

Vann