

# The New York City Council

*City Hall  
New York, NY 10007*



## Meeting Minutes

Thursday, October 8, 2009

9:45 AM

Committee Room - City Hall

### Subcommittee on Zoning and Franchises

*Tony Avella, Chair*

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

Roll Call

**Present,** Avella, Felder, Jackson, Katz, Rivera, Seabrook, Sears and Vann

**Absent,** Gioia

*Other Council Members Attending: Vacca, Gerson and Garodnick*

LU 1213-2009

**Application no. C 060551 ZMQ, submitted by Briarwood Organization LLC, pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment of the Zoning Map, Section No. 11a., by establishing within an existing R4 District a C2-2 District..**

**Attachments:** Land Use Calendar - Week of September 21 - September 25, 2009, Land Use Calendar - Week of October 5 - October 9, 2009, Hearing Transcript - Zoning 9/22/09, Hearing Transcript - Zoning 9/24/09, Reconvening of the Recessed Subcommittee Meeting

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

**Attachments:** Land Use Calendar - Week of September 21 - September 25, 2009, Land Use Calendar - Week of October 5 - October 9, 2009, Hearing Transcript - Zoning 9/22/09, Hearing Transcript - Zoning 9/24/09, Reconvening of the Recessed Subcommittee Meeting

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

**Affirmative,** 8 -

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

**Absent,** 1 -

Gioia

LU 1217-2009

**Application no. 20095244 TCM, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of 114 Kenmare Associates LLC d/b/a Corner Deli, to continue to maintain and operate an unenclosed sidewalk café at 106 Kenmare Street, Borough of Manhattan, Council District no. 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(g) of the New York City Administrative Code.**

**Attachments:** Land Use Calendar - Week of October 5 - October 9, 2009, Reconvening of the Recessed Subcommittee Meeting

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

**Attachments:** Land Use Calendar - Week of October 5 - October 9, 2009, Reconvening of the Recessed Subcommittee Meeting

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

**Affirmative,** 7 -  
Avella, Felder, Jackson, Katz, Rivera, Seabrook and Sears

**Absent,** 1 -  
Gioia

**LU 1218-2009**      **Application no. 20085246 TCM, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of Fabrizio Cavallacci d/b/a Café Reggio, to continue to maintain and operate an unenclosed sidewalk café at 119 Macdougall 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 October 5 - October 9, 2009, Reconvening of the Recessed Subcommittee Meeting

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

**Attachments:** Land Use Calendar - Week of October 5 - October 9, 2009, Reconvening of the Recessed Subcommittee Meeting

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

**Affirmative,** 8 -  
Avella, Felder, Jackson, Katz, Rivera, Seabrook, Sears and Vann

**Absent,** 1 -  
Gioia

**LU 1219-2009**      **Application no. C 090431 ZSM, submitted by W2005/Hines West Fifty-Third Realty, LLC pursuant to Sections 197-c and 201 of the New York City Charter, for a special permit pursuant to Sections 81-212 and 74-79 of the Zoning Resolution to allow the transfer of 136,000 square feet of floor area to facilitate the development of an 85-story mixed use building in 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 §20-226(g) of the New York City Administrative Code.**

**Attachments:** Land Use Calendar - Week of October 5 - October 9, 2009, Reconvening of the Recessed Subcommittee Meeting

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

**Attachments:** Land Use Calendar - Week of October 5 - October 9, 2009, Reconvening of the Recessed Subcommittee Meeting

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

- Affirmative, 6 -  
Felder, Jackson, Katz, Rivera, Seabrook and Sears
- Negative, 1 -  
Avella
- Absent, 1 -  
Gioia

LU 1220-2009      **Application no. C 090432 ZSM, submitted by W2005/Hines West Fifty-Third Realty, LLC pursuant to Sections 197-c and 201 of the New York City Charter, for a special permit pursuant to Sections 74-711 and 81-277 of the Zoning Resolution to facilitate the development of an 85-story mixed use building on property located at 53 West 53rd Street (Block 1269, Lots 5,6,7,8,9,11,12, 13,14, 20, 30, 58,66, 69 and 165). 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 October 5 - October 9, 2009, Reconvening of the Recessed Subcommittee Meeting

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

**Attachments:** Land Use Calendar - Week of October 5 - October 9, 2009, Reconvening of the Recessed Subcommittee Meeting

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

- Affirmative, 6 -  
Felder, Jackson, Katz, Rivera, Seabrook and Sears
- Negative, 1 -  
Avella
- Absent, 1 -  
Gioia

LU 1233-2009      **Application no. C 030129 ZMQ, submitted by MCM Realty Associates, LLC, pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment of the Zoning Map of the City of New York, Section No 11d, by changing from an R3-2 District to an R6A District.**

**Attachments:** Land Use Calendar - Week of October 5 - October 9, 2009, Reconvening of the Recessed Subcommittee Meeting

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

**Attachments:** Land Use Calendar - Week of October 5 - October 9, 2009, Reconvening of the Recessed Subcommittee Meeting

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

**Affirmative,** 8 -

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

**Absent,** 1 -

Gioia

LU 1234-2009

**Application no. C 060288 ZMX, submitted by City Island Estates, LLC, pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment of the Zoning Map of the City of New York, Section No 4d, by changing from an M1-1 District to an R3A District.**

**Attachments:** Land Use Calendar - Week of October 5 - October 9, 2009, Reconvening of the Recessed Subcommittee Meeting

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

**Attachments:** Land Use Calendar - Week of October 5 - October 9, 2009, Reconvening of the Recessed Subcommittee Meeting

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

**Affirmative,** 8 -

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

**Absent,** 1 -

Gioia

LU 1235-2009

**Application no. C 060289 ZSX, submitted by City Island Estates, LLC, pursuant to Sections 197-c and 201 of the New York City Charter, for a special permit pursuant to Sections 112-103 (Special height and setback regulations) and Section 23-631 (Maximum Height of Walls and Required Setbacks) of the Zoning Resolution to facilitate a 43 unit development on property located at 226 Fordham Place (Block 5643, Lot 235). 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 October 5 - October 9, 2009, Reconvening of the Recessed Subcommittee Meeting

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

**Attachments:** Land Use Calendar - Week of October 5 - October 9, 2009, Reconvening of the Recessed Subcommittee Meeting

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

**Affirmative,** 8 -

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

**Absent,** 1 -

Gioia

LU 1236-2009

**Application no. C 060419 ZMQ, submitted by Parkway Properties, LLC, pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment of the Zoning Map of the City of New York, Section No 19b, by establishing within an existing R3-1 District a C1-3 District.**

**Attachments:** Land Use Calendar - Week of October 5 - October 9, 2009, Reconvening of the Recessed Subcommittee Meeting

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

**Attachments:** Land Use Calendar - Week of October 5 - October 9, 2009, Reconvening of the Recessed Subcommittee Meeting

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

LU 1237-2009

**Application no. N 090243 ZRM, submitted by G&R 11th Avenue Associates, LLC 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:** Land Use Calendar - Week of October 5 - October 9, 2009, Reconvening of the Recessed Subcommittee Meeting

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

**Attachments:** Land Use Calendar - Week of October 5 - October 9, 2009, Reconvening of the Recessed Subcommittee Meeting

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

**Affirmative,** 8 -

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

**Absent,** 1 -

Gioia