

# The New York City Council

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



## Meeting Minutes

**Tuesday, April 1, 2008**

**9:30 AM**

**Council Chambers - 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: Barron, Palma, Comrie and Dickens*

LU 0696-2008

**Application no. 20055291 TCM, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of Emilia, Inc. d.b.a. L'Ulivo to continue, maintain and operate an unenclosed sidewalk café located at 184 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:** Hearing Testimony - Zoning 4/1/08, Hearing Transcript - Zoning 4/1/08, Hearing Transcript - Land Use 4/3/08

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

**Attachments:** Hearing Testimony - Zoning 4/1/08, Hearing Transcript - Zoning 4/1/08, Hearing Transcript - Land Use 4/3/08

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

**Affirmative,** 9 -

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

**Absent,** 1 -

Rivera

LU 0699-2008

**Application no. N 080149 ZRY submitted by the Department of City Planning pursuant to Section 201 of the New York City Charter for an amendment of Section 12-10 (Definitions) of the Zoning Resolution of the City of New York, modifying regulations pertaining to floor area calculations for stairwells of residential buildings taller than 125 feet.**

**Attachments:** Hearing Transcript - Zoning 3/19/08, Hearing Testimony - Zoning 3/19/08, Hearing Transcript - Zoning 3/20/08, Hearing Testimony - Zoning 4/1/08, Hearing Transcript - Zoning 4/1/08, Hearing Transcript - Land Use 4/3/08

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

**Attachments:** Hearing Transcript - Zoning 3/19/08, Hearing Testimony - Zoning 3/19/08, Hearing Transcript - Zoning 3/20/08, Hearing Testimony - Zoning 4/1/08, Hearing Transcript - Zoning 4/1/08, Hearing Transcript - Land Use 4/3/08

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

**Affirmative,** 8 -  
Felder, Jackson, Katz, McMahon, Seabrook, Sears, Stewart and Vann

**Negative,** 1 -  
Avella

**Absent,** 1 -  
Rivera

LU 0701-2008      **Application no. 080202 ZMR 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. 20d and 21b.**

**Attachments:** Hearing Transcript - Zoning 3/19/08, Hearing Testimony - Zoning 3/19/08, Hearing Transcript - Zoning 3/20/08, Hearing Testimony - Zoning 4/1/08, Hearing Transcript - Zoning 4/1/08, Hearing Transcript - Land Use 4/3/08

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

**Attachments:** Hearing Transcript - Zoning 3/19/08, Hearing Testimony - Zoning 3/19/08, Hearing Transcript - Zoning 3/20/08, Hearing Testimony - Zoning 4/1/08, Hearing Transcript - Zoning 4/1/08, Hearing Transcript - Land Use 4/3/08

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

**Affirmative,** 9 -  
Avella, Felder, Jackson, Katz, McMahon, Seabrook, Sears, Stewart and Vann

**Absent,** 1 -  
Rivera

LU 0717-2008      **Application no. N 070060 ZRX, 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 X, Chapter 3 (Special Planned Community Preservation District) modifying Section 103-07 (Special Provisions for Demolition of Buildings).**

**Attachments:** Hearing Testimony - Zoning 4/1/08, Hearing Transcript - Zoning 4/1/08, Hearing Transcript - Land Use 4/3/08

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

**Attachments:** Hearing Testimony - Zoning 4/1/08, Hearing Transcript - Zoning 4/1/08, Hearing Transcript - Land Use 4/3/08

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

**Affirmative,** 9 -  
Avella, Felder, Jackson, Katz, McMahon, Seabrook, Sears, Stewart and Vann

**Absent,** 1 -  
Rivera

**LU 0697-2008**      **Uniform land use review procedure application no. C 080099(A) ZMM, pursuant to Sections 197-c and 201 of the New York City Charter and proposed modification pursuant to Section 2-06 (c) (1) of the Uniform Land Use Procedure, for an amendment of the Zoning Map, Sections Nos. 5c, 6a & 6b.**

**Attachments:**    Hearing Testimony - Zoning 4/1/08, Hearing Transcript - Zoning 4/1/08,  
Hearing Transcript - Zoning 4/15/08, Hearing Transcript - Land Use 4/16/08,  
Hearing Transcript - Stated Meeting 4/16/08

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

**Attachments:**    Hearing Testimony - Zoning 4/1/08, Hearing Transcript - Zoning 4/1/08,  
Hearing Transcript - Zoning 4/15/08, Hearing Transcript - Land Use 4/16/08,  
Hearing Transcript - Stated Meeting 4/16/08

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

**LU 0719-2008**      **Application no. N 080100 ZRM submitted by the Department of City Planning pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, concerning Article IX, Charter 7 (Special 125th Street District), establishing a special district in the Borough of Manhattan, Community District 9, 10 and 11 and modifying related regulations.**

**Attachments:**    Hearing Testimony - Zoning 4/1/08, Hearing Transcript - Zoning 4/1/08,  
Hearing Transcript - Zoning 4/15/08, Hearing Transcript - Zoning 4/16/08,  
Hearing Transcript - Land Use 4/16/08, Hearing Transcript - Stated Meeting  
4/16/08

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

**Attachments:**    Hearing Testimony - Zoning 4/1/08, Hearing Transcript - Zoning 4/1/08,  
Hearing Transcript - Zoning 4/15/08, Hearing Transcript - Zoning 4/16/08,  
Hearing Transcript - Land Use 4/16/08, Hearing Transcript - Stated Meeting  
4/16/08

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

**LU 0698-2008**      **Uniform land use review procedure application no. C 070289 ZMM, pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment of the Zoning Map, Section Nos. 8c, changing from an M1-5 District to a R8 District and establishing within proposed R8 District a C2-5 District.**

**Attachments:**    Hearing Testimony - Zoning 4/1/08, Hearing Transcript - Zoning 4/1/08,  
Hearing Transcript - Zoning 4/15/08, Hearing Transcript - Zoning 4/16/08,  
Hearing Transcript - Land Use 4/16/08

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

**Attachments:** Hearing Testimony - Zoning 4/1/08, Hearing Transcript - Zoning 4/1/08,  
Hearing Transcript - Zoning 4/15/08, Hearing Transcript - Zoning 4/16/08,  
Hearing Transcript - Land Use 4/16/08

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

LU 0718-2008

**Application no. N 070539 ZRM submitted by Real Estate industrials, Inc, 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, Charter 6 (Special Clinton District), Community District 4, Borough of Manhattan.**

**Attachments:** Hearing Testimony - Zoning 4/1/08, Hearing Transcript - Zoning 4/1/08,  
Hearing Transcript - Zoning 4/15/08, Hearing Transcript - Zoning 4/16/08,  
Hearing Transcript - Land Use 4/16/08

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

**Attachments:** Hearing Testimony - Zoning 4/1/08, Hearing Transcript - Zoning 4/1/08,  
Hearing Transcript - Zoning 4/15/08, Hearing Transcript - Zoning 4/16/08,  
Hearing Transcript - Land Use 4/16/08

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

LU 0721-2008

**Application no. C 070290 ZSM submitted by Real Estate Industrial, Inc pursuant to Section 197-c and 201 of the 201 of the New York City Charter for the grant of a special permit pursuant to Section 13-562 and 74-52 of the Zoning Resolution to allow an attended public parking garage with a maximum capacity of 88 spaces including 31 accessory spaces on portions of the ground floor and cellar level and to permit floor space on the ground floor up to a height id 23 foot above curb level to be exempted from the definition of floor area as set forth in Section 12-10 (Definitions) of the Zoning Resolution, of a proposed mixed use development on property located at 535-551 West 48th Street A.K.A 514-544 West 49th Street (Block 1077, Lots 8, 9, 10, 18, 19, 20, 43, 55 and 56) in R8 and R8/C2-5 Districts, within the Special Clinton District., Council District 3.**

**Attachments:** Hearing Testimony - Zoning 4/1/08, Hearing Transcript - Zoning 4/15/08,  
Hearing Transcript - Zoning 4/16/08, Hearing Transcript - Land Use 4/16/08,  
Hearing Transcript - Zoning 4/1/08

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

**Attachments:** Hearing Testimony - Zoning 4/1/08, Hearing Transcript - Zoning 4/15/08,  
Hearing Transcript - Zoning 4/16/08, Hearing Transcript - Land Use 4/16/08,  
Hearing Transcript - Zoning 4/1/08

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