

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON ZONING AND FRANCHISES

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September 30, 2014
Start: 9:56 a.m.
Recess: 10:15 a.m.

HELD AT: 250 Broadway - Committee Room
16th Floor

B E F O R E: MARK S. WEPRIN
Chairperson

COUNCIL MEMBERS:
Daniel R. Garodnick
Jumaane D. Williams
Donovan J. Richards
Antonio Reynoso
Ritchie J. Torres
Vincent M. Ignizio
Vincent A. Gentile
Ruben Wills

A P P E A R A N C E S (CONTINUED)

Robert Callahan
Representative for Hearth Cafe
403 East 12th Street
New York, New York 10009

2 CHAIRPERSON WEPRIN: All right, can we
3 have everyone's attention? Good morning, everyone.
4 My name is Mark Weprin. I am Chair of the Zoning and
5 Franchises Subcommittee, and I am delighted to be
6 joined this morning by the following members of the
7 subcommittee: Council Member Dan Garodnick, Council
8 Member Donovan Richards, who got the gold star for
9 being here first, and Council Member Ritchie Torres.
10 We are here with the Chair of the Land Use Committee
11 David Greenfield. And we have two special guests who
12 have items on our agenda, Council Member Margaret
13 Chin, and Council Member Rosie Mendez.

14 So we have two cafes on the agenda we're
15 going to get to first before we get to discussion and
16 a vote on East Houston Street. So the first cafe is
17 in Council Member's Chin district. It is Land Use
18 No. 114. It is-- What is it? Cherche Midi. Robert
19 Callahan is here representing the owner. Mr.
20 Callahan, if you could please get the mic, and
21 describe your application, I would appreciate it.

22 ROBERT CALLAHAN: Yes, good morning. If
23 it please the Council, I'm just going to read from an
24 agreement letter that was submitted to the Committee

2 earlier on, which should explain the changes to the
3 cafe.

4 CHAIRPERSON WEPRIN: Okay.

5 ROBERT CALLAHAN: Dear Council Member
6 Chin: This letter serves as our agreement with the
7 City Council Member Chin and encompassing members of
8 the Subcommittee on Zoning and Franchises that we
9 will commit to the following:

10 We have agreed to decrease the number of
11 tables and chairs in our sidewalk cafe from 11 tables
12 and 35 seats to 8 tables with 16 seats. The updated
13 sidewalk cafe plans have already been submitted to
14 the New York City Department of Consumer Affairs.
15 Number two, we will not anchor or bolt any of the
16 sidewalk furniture to the ground walls or anything
17 else. Sincerely, Keith McNally, Member.

18 CHAIRPERSON WEPRIN: Thank you. I'm
19 going to write that a thousand times on the
20 blackboard, I will not bolt furniture to the
21 sidewalk. Now, I would like to call on Council
22 Member Chin just to acknowledge this letter and her
23 agreement on this. Council Member Chin.

24 COUNCIL MEMBER CHIN: Thank you, Chair
25 Weprin. Yes, I received this letter from the

2 applicant. I wanted to thank the Land Use division
3 for helping us, and also thank the applicant for
4 working with us, and my staff for working on this
5 issue. I have no objection to this.

6 CHAIRPERSON WEPRIN: Thank you very much,
7 Council Member Chin. Anyone else have any questions
8 for Mr. Callahan. I see none. Mr. Callahan, you are
9 excused on this matter.

10 ROBERT CALLAHAN: Thank you.

11 CHAIRPERSON WEPRIN: We are going to
12 close the hearing this matter Land Use No. 114, and
13 move onto the second cafe. It is Land Use No. 121
14 called Hearth in Council Member Mendez's district.
15 We would like to call up Robert Callahan, who is
16 representing the applicant in this matter. Mr.
17 Callahan, welcome back.

18 ROBERT CALLAHAN: Thank you. With me is
19 Marco Canora, who is the owner of the establishment.

20 CHAIRPERSON WEPRIN: Is he going to be
21 speaking?

22 ROBERT CALLAHAN: Not unless--

23 CHAIRPERSON WEPRIN: I'd like to hear
24 him.

2 ROBERT CALLAHAN: --there are any
3 questions?

4 CHAIRPERSON WEPRIN: Well, why don't we
5 just get him to fill out a slip while you're doing
6 this, okay. Just go ahead on the record. Go ahead.

7 ROBERT CALLAHAN: And again, I'll read
8 from the letter submitted earlier today. Dear
9 Council Member Mendez: This letter serves as per our
10 conversations with City Council Member Mendez's
11 office that we will commit to the following:

12 1. We have agreed to decrease the
13 number of tables and chairs in our sidewalk cafe from
14 12 tables and 24 seats to 9 tables with 18 seats. We
15 will reduce the number of tables to 2 and the number
16 of chairs to 4 on the 1st Avenue side from 4 and 8.
17 We will reduce the number tables to 7 and the number
18 chairs to 14 from 8 tables and 16 chairs on the East
19 12th Street side. Our hours of operation for
20 sidewalk cafe will be 11:00 a.m. to 10:00 p.m. Sunday
21 through Thursday. 11:00 a.m. to 11:00 p.m. Friday
22 and Saturday and 11:00 a.m. to 3:00 p.m. on Saturday
23 and Sunday. Sincerely, Marco Canora, Member.

24

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2 CHAIRPERSON WEPRIN: Thank you. I'd like
3 to call on Council Member Mendez to make a statement
4 on this.

5 COUNCIL MEMBER MENDEZ: Thank you. I
6 think that 11:00 to 3:00 p.m. is inclusive since we
7 said 11:00 to 11:00 on Fridays and Saturdays, right.
8 Hearth is a business within my district for 11 years.
9 Neither I nor my predecessors have ever gotten any
10 complaints about this establishment. They were
11 rejected by the Community Board. The Community Board
12 wanted less seats and tables. Per discussions with
13 my office, Hearth has agreed to reduce the number of
14 seats and tables particularly on the 1st Avenue side
15 where we get a lot of pedestrian traffic. And for
16 that, I am very grateful, and they have reduced the
17 hours of operation and closed earlier throughout the
18 entire week. So I want to the owner Marco, and I
19 look forward to coming to your business one day
20 because Council Member Garodnick tells me it really
21 is a great place. So thank you very much, Marco.

22 MARCO CANORA: Thank you.

23 CHAIRPERSON WEPRIN: Great. Any members
24 of the committee have a questions? I see none. All

2 right, well, we're going to then close this hearing
3 on Land Use No. 121, Hearth.

4 [Pause]

5 CHAIRPERSON WEPRIN: All right, well,
6 thank you then. We're going to close this hearing,
7 as I mentioned. We thank you, Mr. Callahan, and you
8 are able to go. We are going to take just a couple
9 minute recess here. We are just taking care of one
10 piece of housekeeping, and we'll get started in a few
11 minutes.

12 [Pause]

13 CHAIRPERSON WEPRIN: Okay, we're going to
14 start up again. We've been joined by Council Member
15 Jumaane Williams. Just to recap, we had our hearing
16 on our two cafes already, which was Land Use No. 114
17 and 121. Let's vote on those first. We have a
18 couple of those, too. Land Use No. 114 and 121.
19 These both have agreements with the Council Member,
20 and I'm going to call on counsel to please call the
21 roll on approving these two items 114 and 121. Ann
22 McCoy, would you please.

23 COUNSEL MCCOY: Chair Weprin.

24 CHAIRPERSON WEPRIN: Aye.

25 COUNSEL MCCOY: Council Member Garodnick

2 COUNCIL MEMBER GARODNICK: Aye.

3 COUNSEL MCCOY: Council Member Williams.

4 COUNCIL MEMBER WILLIAMS: [off mic] Aye.

5 COUNSEL MCCOY: Council Member Richards.

6 COUNCIL MEMBER RICHARDS: Aye. Thank
7 you. I'm proud to get to vote for this.

8 COUNSEL MCCOY: Council Member Torres.

9 COUNCIL MEMBER TORRES: I vote aye and
10 where's my cell [sic] phone?

11 COUNSEL MCCOY: By a vote of 5 in the
12 affirmative, no abstentions and no negatives Land Use
13 Items 114 and 121 are approved and referred to the
14 Full Land Use Committee.

15 CHAIRPERSON WEPRIN: We're trying to get
16 an increase in the star budget, but we don't have it
17 yet. So we're sticking with gold stars here right
18 now. All right, we also last meeting-- Those who
19 were here will remember, and those who care, it was
20 19 East Houston Street we had the hearing on. There
21 were a number of issues raised. That's Land Use Nos.
22 115, 116, 117, and 118. And today, we are going to
23 vote on 19 East Houston Street in Council Member
24 Chin's district, which involved these four Land Use
25 applications consisting of three special permits

2 pursuant to Zoning and a disposition action for city
3 owned land. The project involved the construction of
4 a new six-story commercial building in the SoHo Cast
5 Iron District on East Houston Street. We had the
6 public hearing for this project on September 16,
7 2014. Council Member Chin has been in discussions
8 with the applicant and DOT to address her concerns,
9 and that of the community. And I understand they
10 have come to an agreement on the project.

11 I'd like to call on Council Member Chin
12 to please make a statement and to update us. Council
13 Member Chin.

14 COUNCIL MEMBER CHIN: Thank you, Chair
15 Weprin. Good morning. I want to thank the Community
16 Board, the Borough President and MC, the applicant
17 for working through all of these issues to get to
18 this point today. I also want to thank the Land Use
19 staff, particular Ann McCoy for her guidance and
20 input throughout the process. As per our discussion
21 with the applicant, we have two letters, a letter
22 from the applicant and from the Department of
23 Transportation outlining their commitment to the
24 community.

2 On the largest-- On the biggest issue,
3 the size of the retail, the applicant has agreed to
4 limit retail to second floor and below, and have
5 withdrawn their application for large scale retail in
6 that building. That's the Land Use No. 117. The
7 applicant has further committed to widening the
8 sidewalk by three feet, exploring the feasibility of
9 a larger neck down at Broadway and East Houston, and
10 a new neckdown at Houston and Crosby, which the
11 applicant will pay for to design and construct. And
12 a commitment to bring their tenants to the Community
13 Board should elimination issues arise. The
14 Department of Transportation has agreed to work with
15 the applicant on these issues. Also, designate
16 loading zone Crosby Street, and work with the
17 applicant to explore a crosswalk across Houston and
18 Crosby.

19 I would like to enter these letters into
20 the record today and with that, I have no opposition
21 to the remaining application before us. And lastly,
22 I would also like to thank my Chief of Staff Yumae
23 Okitasae [sp?] on her first bill. Thank

24 CHAIRPERSON WEPRIN: Okay.
25 Congratulations Yumae and thank you Council Member

2 Chin. So in order to reflect the agreement that
3 Council Member Chin has reached with this developer,
4 I would like to describe the action before the
5 subcommittee. On Land Use No. 117, the applicant has
6 submitted a letter to the City Planning Commission
7 withdrawing the Special Permit Application to allow a
8 large retail establishment with no limitation as to
9 floor area. And it is no longer needed. It is no
10 longer needed given the developer's agreement to
11 limit the retail to the second floor and below. We
12 have a copy of the letter to the City Planning
13 Commission withdrawing the application dated
14 September 29, 2014, and we accept that for the
15 record. Therefore, for Land Use No. 117, I a making
16 a motion to file this action pursuant to a letter of
17 withdrawal.

18 With regards to Land Use Nos. 115 and
19 116, these applications and the associated UDAPP
20 drawings are being modified to UDAAP [sic] drawings
21 are being modified to reflect the applicant's removal
22 of the third floor retail space. And the withdrawal
23 of the special permit under Land Use 117 for a large
24 retail establishment within the development.

2 I will now call on Ann McCoy to call the
3 roll, and approve number one, a motion to file Land
4 Use No. 117 pursuant to withdrawal. And two, a
5 motion to approve the remainder of the applications
6 for Land Use Nos. 115, 116 and 118 with the
7 modifications I have just described. Ann McCoy.

8 COUNSEL MCCOY: Chair Weprin.

9 CHAIRPERSON WEPRIN: Aye.

10 COUNSEL MCCOY: Council Member Garodnick

11 COUNCIL MEMBER GARODNICK: [off mic] Aye.

12 COUNSEL MCCOY: Council Member Williams.

13 COUNCIL MEMBER WILLIAMS: [off mic] Aye.

14 COUNSEL MCCOY: Council Member Richards.

15 COUNCIL MEMBER RICHARDS: Aye.

16 COUNSEL MCCOY: Council Member Torres.

17 COUNCIL MEMBER TORRES: [off mic] I vote
18 aye.

19 COUNSEL MCCOY: Council Member Ignizio.

20 COUNCIL MEMBER IGNIZIO: Aye.

21 COUNSEL MCCOY: And on all previously
22 approved items by a vote of 6 in the affirmative, 0
23 abstentions and no negatives Motion to File Land Use
24 No. 117 is approved. And Land Use Nos. 115, 116, and
25

2 118 are approved as modified, and all are referred to
3 the Full Land Use Committee.

4 [Pause]

5 CHAIRPERSON WEPRIN: We are joined by
6 Council Member Will as well. Council Member Wills,
7 if you get settled for a second we would like to call
8 your name in order to vote on two cafes, which had a
9 full agreement and an agreement that was made in
10 Council Member Chin's district on 19 East Houston
11 Street. Ann.

12 COUNCIL MEMBER WILLS: Aye on all.

13 COUNSEL MCCOY: Council Member Wills.

14 COUNCIL MEMBER WILLS: Aye on all.

15 CHAIRPERSON WEPRIN: Council Member Wills
16 votes aye on all. Do you want to announce the new
17 results?

18 COUNSEL MCCOY: [off mic] Do you want to
19 vote now, or are you going to wait until the next
20 one?

21 COUNCIL MEMBER WILLS: [off mic] I leave
22 it open also. [sic]

23 COUNSEL MCCOY: The vote now stands 7 in
24 the affirmative, 0 abstentions, and 0 negatives.

2 CHAIRPERSON WEPRIN: Excellent. Well all
3 right, with that in mind, we are going to leave the
4 rolls open for 15 minutes, and with that in mind, the
5 meeting of the Subcommittee on Zoning and Franchises
6 is now adjourned. [gavel]

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C E R T I F I C A T E

World Wide Dictation certifies that the foregoing transcript is a true and accurate record of the proceedings. We further certify that there is no relation to any of the parties to this action by blood or marriage, and that there is interest in the outcome of this matter.



Date October 6, 2014