

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

SUBCOMMITTEE ON ZONING AND FRANCHISES

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November 20, 2014
Start: 11:10 a.m.
Recess: 11:18 a.m.

HELD AT: Committee Room - City Hall

B E F O R E:

MARK S. WEPRIN
Chairperson

COUNCIL MEMBERS:

ANTONIO REYNOSO
DANIEL R. GARODNICK
DONOVAN J. RICHARDS
JUMAANE D. WILLIAMS
RITCHIE J. TORRES
RUBEN WILLS
VINCENT IGNIZIO
VINCENT J. GENTILE

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

[gavel]

CHAIRPERSON WEPRIN: Good morning. My name is Mark Weprin. I am chair of the Zoning and Franchises Subcommittee. I am joined by the following members of the subcommittee who are here; Council Member Gentile, Council Member Garodnick, Council Member Wills who gets the gold star today, Council Member Donovan Richards, Council Member Ritchie Torres, and Council Member Vincent Ignizio. We are also joined by the Chair of the Land Use Committee, David Greenfield and number of members of the Land Use Committee who are here but they'll get introduced later on and just in case I miss anybody who are here at the moment because the Land Use Committee will follow this meeting immediately. Yesterday or the other day we had hearings on a number of items. One was Land Use number 146 the auto showroom text amendment in Council Member Johnson's district which was widely supported by everybody. That's number one. The other one was a withdraw that we had, Lantern Café, Land Use number 143 so there'll be a motion to file pursuant to withdraw by DCA. And the third item was the Barchetta Café also in Council Member Johnson's

1 district. And I'd like to call on Council Member
2 Johnson to make a statement on this matter. And
3 we're also joined by Jumaane Williams. Council
4 Member Johnson.
5

6 COUNCIL MEMBER JOHNSON: Thank you Mr.
7 Chairman for the opportunity to speak today on this
8 application before the Zoning and Franchises
9 subcommittee. As folks know the proposed unenclosed
10 café is located in R8 residential zoning district
11 which does not permit commercial uses outside the
12 C25 commercial overlay extending 100 feet from 10th
13 Avenue. This is a residential block which to my
14 knowledge has never had an unenclosed sidewalk
15 café. The applicant's reliance on the split lot
16 zoning lot provisions of the New York City zoning
17 resolution to locate this unenclosed sidewalk café
18 directly adjacent to and below ground floor
19 apartments in a large residential building, London
20 Terrace, I believe is misplaced. While the
21 application of the split lot rules may make sense
22 to apply to uses located within enclosed buildings
23 it is not appropriate to extend these provisions to
24 a public sidewalk. An unenclosed sidewalk café is
25 by definition an outdoor use that has materially

1
2 different impacts on a residential neighborhood
3 which is why sidewalk cafés are not permitted in
4 residential zoning districts. For these reasons I
5 cannot in good conscience support this application
6 today. I am very much opposed and I ask my
7 colleagues to vote against it as well. Thank you
8 very much.

9 CHAIRPERSON WEPRIN: Thank you Mr.

10 Johnson. I, I want to just say that according to
11 Council the zoning resolution split lot provisions
12 allows the extension of the C25 overlay district to
13 apply in this café. The applicant has met the
14 conditions of the Community Board which would close
15 every night by 9:00 p.m., no planters or dividers
16 will be used, and the tables will just be two,
17 it'll be two tables and up to eight chairs. It is
18 our desire to, and I'm sure Council, Council will
19 be monitoring this situation just, and we'll hear
20 from the community to make sure the applicant
21 complies with these conditions. So the
22 recommendation is going to be a yes vote on this
23 according to the law in our opinion. So what I'm
24 going to do is couple each of the items, all three
25 items as Land Use number 134 which is Barchetta

1 Café that Council Member Johnson spoke about, Land
2 Use number 134 that is, Land Use number 143 is the,
3 is the withdraw, and Land Use number 146 which is
4 the auto showroom text amendment. I'm going to
5 couple them. An aye vote would mean to vote yes on
6 all three. And I'm going to ask Anne McCoy to
7 please call the roll.

9 COMMITTEE CLERK MCCOY: Chair Weprin.

10 CHAIRPERSON WEPRIN: I vote aye.

11 COMMITTEE CLERK MCCOY: Council Member
12 Gentile.

13 COUNCIL MEMBER GENTILE: I vote no.

14 CHAIRPERSON WEPRIN: Just to specify Mr.
15 Gentile we have three items; Land Use number 134 is
16 Barchetta Café, the one controversial item.

17 COUNCIL MEMBER GENTILE: I vote no on
18 item number 134 and yes on the other two.

19 COMMITTEE CLERK MCCOY: Council Member
20 Garodnick.

21 COUNCIL MEMBER GARODNICK: No on 134 and
22 aye on the rest.

23 COMMITTEE CLERK MCCOY: Council Member
24 Williams.

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2 COUNCIL MEMBER WILLIAMS: No on 134, aye
3 on all the rest.

4 COMMITTEE CLERK MCCOY: Council Member
5 Wills.

6 COUNCIL MEMBER WILLS: Aye on all.

7 COMMITTEE CLERK MCCOY: Council Member
8 Richards.

9 COUNCIL MEMBER RICHARDS: Aye on all.

10 COMMITTEE CLERK MCCOY: Council Member
11 Torres.

12 COUNCIL MEMBER TORRES: I vote aye on
13 all.

14 COMMITTEE CLERK MCCOY: Council Member
15 Ignizio.

16 COUNCIL MEMBER IGNIZIO: I vote aye.

17 COMMITTEE CLERK MCCOY: By a vote of
18 eight in the affirmative, no abstentions, and no
19 negatives all items are approved and referred to
20 the full Land Use Committee with the exception of
21 Land Use 134 which is approved and referred to the
22 full Land Use Committee by a vote of five in the
23 affirmative, three in the negative, and no
24 abstentions.

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2 CHAIRPERSON WEPRIN: Thank you Anne.
3 Thank you all very much. There is the Land Use
4 Committee immediately following this one. Do we
5 have anyone here? We will hold the rolls open until
6 the Land Use meeting begins as we wait for one
7 other member. Thank you very much and with that in
8 mind the Zoning and Franchises Subcommittee is now
9 adjourned.

10 [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 November 25, 2014