

# The New York City Council

*City Hall  
New York, NY 10007*



## Meeting Minutes

**Monday, April 13, 2015**

**9:00 AM**

**Council Chambers - City Hall**

### **Subcommittee on Zoning and Franchises**

*Mark S. Weprin, Chair*

*Members: Daniel R. Garodnick, Jumaane D. Williams,  
Donovan J. Richards, Antonio Reynoso, Ritchie J. Torres,  
Vincent M. Ignizio, Vincent J. Gentile and Ruben Wills*

Roll Call

**Present:** Weprin, Garodnick, Richards, Reynoso and Gentile

**Absent:** Williams, Torres, Ignizio and Wills

*Other Council Members Attending: Greenfield, Rodriguez and Public Advocate James*

LU 0189-2015

**Application No. C 140407 ZRM submitted by 1818 Nadlan 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 Article IX, Chapter 6 (Special Clinton District), Borough of Manhattan, Community Board 4, Council District 3.**

**Attachments:** March 11, 2015 - Stated Meeting Agenda with Links to Files, Land Use Calendar - Week of March 23, 2015 - March 27, 2015, Hearing Testimony - Zoning 3-24-15, Hearing Transcript - Zoning 3-24-15, Land Use Calendar - Week of April 13, 2015 - April 17, 2015, Land Use Calendar - April 15, 2015, April 16, 2015 - Stated Meeting Agenda with Links to Files, Hearing Testimony - Zoning 4-13-15, City Planning Commission Approval Letter, Hearing Transcript - Zoning 4-13-15

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

**Attachments:** March 11, 2015 - Stated Meeting Agenda with Links to Files, Land Use Calendar - Week of March 23, 2015 - March 27, 2015, Hearing Testimony - Zoning 3-24-15, Hearing Transcript - Zoning 3-24-15, Land Use Calendar - Week of April 13, 2015 - April 17, 2015, Land Use Calendar - April 15, 2015, April 16, 2015 - Stated Meeting Agenda with Links to Files, Hearing Testimony - Zoning 4-13-15, City Planning Commission Approval Letter, Hearing Transcript - Zoning 4-13-15

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

**Affirmative:** 5 - Weprin, Garodnick, Richards, Reynoso and Gentile

**Absent:** 4 - Williams, Torres, Ignizio and Wills

**LU 0190-2015**      **Application No. C 140408 ZSM submitted by 1818 Nadlan LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-681 of the Zoning Resolution to allow a portion of the railroad or transit right-of-way to be included in the lot area in connection with a proposed residential building on property located at 505-513 West 43rd Street a.k.a. 506-512 West 44th Street within the Special Clinton District, Borough of Manhattan, Community Board 4, Council District 3. This application is subject to review and action by the Land Use Committee only if appealed to the Council pursuant to Charter Section 197-d(b)(2) or called up by vote of the Council pursuant to Charter Section 197-d(b)(3).**

**Attachments:**    March 11, 2015 - Stated Meeting Agenda with Links to Files, Land Use Calendar - Week of March 23, 2015 - March 27, 2015, Hearing Testimony - Zoning 3-24-15, Hearing Transcript - Zoning 3-24-15, Land Use Calendar - Week of April 13, 2015 - April 17, 2015, Land Use Calendar - April 15, 2015, April 16, 2015 - Stated Meeting Agenda with Links to Files, Hearing Testimony - Zoning 4-13-15, City Planning Commission Approval Letter, Hearing Transcript - Zoning 4-13-15

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

**Attachments:**    March 11, 2015 - Stated Meeting Agenda with Links to Files, Land Use Calendar - Week of March 23, 2015 - March 27, 2015, Hearing Testimony - Zoning 3-24-15, Hearing Transcript - Zoning 3-24-15, Land Use Calendar - Week of April 13, 2015 - April 17, 2015, Land Use Calendar - April 15, 2015, April 16, 2015 - Stated Meeting Agenda with Links to Files, Hearing Testimony - Zoning 4-13-15, City Planning Commission Approval Letter, Hearing Transcript - Zoning 4-13-15

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

**Affirmative:**    5 -    Weprin, Garodnick, Richards, Reynoso and Gentile

**Absent:**        4 -    Williams, Torres, Ignizio and Wills

**LU 0191-2015**      **Application No. C 140409 ZSM submitted by 1818 Nadlan LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 96-32(c) of the Zoning Resolution to modify the requirements for height, setback, permitted obstructions and planting in connection with a proposed residential building on property located at 505-513 West 43rd Street a.k.a. 506-512 West 44th Street within the Special Clinton District, Borough of Manhattan, Community Board 4, Council District 3. This application is subject to review and action by the Land Use Committee only if appealed to the Council pursuant to Charter Section 197-d(b)(2) or called up by vote of the Council pursuant to Charter Section 197-d(b)(3).**

**Attachments:**    March 11, 2015 - Stated Meeting Agenda with Links to Files, Land Use Calendar - Week of March 23, 2015 - March 27, 2015, Hearing Testimony - Zoning 3-24-15, Hearing Transcript - Zoning 3-24-15, Land Use Calendar - Week of April 13, 2015 - April 17, 2015, Land Use Calendar - April 15, 2015, April 16, 2015 - Stated Meeting Agenda with Links to Files, Hearing Testimony - Zoning 4-13-15, City Planning Commission Approval Letter, Hearing Transcript - Zoning 4-13-15

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

**Attachments:**    March 11, 2015 - Stated Meeting Agenda with Links to Files, Land Use Calendar - Week of March 23, 2015 - March 27, 2015, Hearing Testimony - Zoning 3-24-15, Hearing Transcript - Zoning 3-24-15, Land Use Calendar - Week of April 13, 2015 - April 17, 2015, Land Use Calendar - April 15, 2015, April 16, 2015 - Stated Meeting Agenda with Links to Files, Hearing Testimony - Zoning 4-13-15, City Planning Commission Approval Letter, Hearing Transcript - Zoning 4-13-15

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

**Affirmative:**    5 -    Weprin, Garodnick, Richards, Reynoso and Gentile

**Absent:**        4 -    Williams, Torres, Ignizio and Wills

**LU 0195-2015**      **Application No. 20155355 TCM pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of 002 Mercury Tacos, LLC, d/b/a Otto's Tacos, for a revocable consent to establish, maintain and operate an unenclosed sidewalk café located at 131 Seventh Avenue South, Borough of Manhattan, Community Board 2, 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 Section 20-226 of the New York City Administrative Code.**

**Attachments:**    March 31, 2015 - Stated Meeting Agenda with Links to Files, Land Use Calendar - Week of April 13, 2015 - April 17, 2015, Land Use Calendar - April 15, 2015, April 16, 2015 - Stated Meeting Agenda with Links to Files, Hearing Testimony - Zoning 4-13-15, Committee Report, Resolution, Hearing Transcript - Zoning 4-13-15

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

**Attachments:**    March 31, 2015 - Stated Meeting Agenda with Links to Files, Land Use Calendar - Week of April 13, 2015 - April 17, 2015, Land Use Calendar - April 15, 2015, April 16, 2015 - Stated Meeting Agenda with Links to Files, Hearing Testimony - Zoning 4-13-15, Committee Report, Resolution, Hearing Transcript - Zoning 4-13-15

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

**Affirmative:**    5 -    Weprin, Garodnick, Richards, Reynoso and Gentile

**Absent:**        4 -    Williams, Torres, Ignizio and Wills

**LU 0196-2015**      **Application No. 20155377 TCM pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of Innovation Kitchens LLC., d/b/a Dominique Ansel Kitchen, for a revocable consent to establish, maintain and operate an unenclosed sidewalk café located at 137 Seventh Avenue South, Borough of Manhattan, Community Board 2, 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 Section 20-226 of the New York City Administrative Code.**

**Attachments:**    March 31, 2015 - Stated Meeting Agenda with Links to Files, Land Use Calendar - Week of April 13, 2015 - April 17, 2015, Land Use Calendar - April 15, 2015, April 16, 2015 - Stated Meeting Agenda with Links to Files, Hearing Testimony - Zoning 4-13-15, Committee Report, Resolution, Hearing Transcript - Zoning 4-13-15

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

**Attachments:** March 31, 2015 - Stated Meeting Agenda with Links to Files, Land Use Calendar - Week of April 13, 2015 - April 17, 2015, Land Use Calendar - April 15, 2015, April 16, 2015 - Stated Meeting Agenda with Links to Files, Hearing Testimony - Zoning 4-13-15, Committee Report, Resolution, Hearing Transcript - Zoning 4-13-15

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

**Affirmative:** 5 - Weprin, Garodnick, Richards, Reynoso and Gentile

**Absent:** 4 - Williams, Torres, Ignizio and Wills

LU 0197-2015

**Application No. N 150127 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 VIII, Chapter 1 (Special Midtown District), Borough of Manhattan, Community Districts 5 and 6, Council District 4.**

**Attachments:** March 31, 2015 - Stated Meeting Agenda with Links to Files, Land Use Calendar - Week of April 13, 2015 - April 17, 2015, Hearing Testimony - Zoning 4-13-15, Land Use Calendar - Week of April 20, 2015 - April 24, 2015, Hearing Transcript - Zoning 4-13-15

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

**Attachments:** March 31, 2015 - Stated Meeting Agenda with Links to Files, Land Use Calendar - Week of April 13, 2015 - April 17, 2015, Hearing Testimony - Zoning 4-13-15, Land Use Calendar - Week of April 20, 2015 - April 24, 2015, Hearing Transcript - Zoning 4-13-15

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

**LU 0198-2015**      **Application No. C 140440 MMM submitted by the New York City Department of City Planning, pursuant to Sections 197-c and 199 of the New York City Charter, and Section 5-430 et seq. of the New York City Administrative Code for an amendment to the City Map involving: the elimination, discontinuance and closing of Vanderbilt Avenue between East 42nd Street and East 43rd Street, including authorization for any acquisition or disposition of real property related thereto, Community Districts 5, Council District 4. This application is subject to review and action by the Land Use Committee only if appealed to the Council pursuant to Charter Section 197-d(b)(2) or called up by vote of the Council pursuant to Charter Section 197-d(b)(3).**

**Attachments:**    March 31, 2015 - Stated Meeting Agenda with Links to Files, Land Use Calendar - Week of April 13, 2015 - April 17, 2015, Hearing Testimony - Zoning 4-13-15, Land Use Calendar - Week of April 20, 2015 - April 24, 2015, Hearing Transcript - Zoning 4-13-15

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

**Attachments:**    March 31, 2015 - Stated Meeting Agenda with Links to Files, Land Use Calendar - Week of April 13, 2015 - April 17, 2015, Hearing Testimony - Zoning 4-13-15, Land Use Calendar - Week of April 20, 2015 - April 24, 2015, Hearing Transcript - Zoning 4-13-15

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

**LU 0199-2015**      **Application No. C 150128 ZSM submitted by Green 317 Madison LLC and Green 110 East 42nd LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to proposed Section 81-635 of the Zoning Resolution to allow the transfer of floor area from property located at 110 East 42nd Street, a landmark building (Bowery Savings Bank Building) to property bounded by 42nd Street, Madison Avenue, 43rd Street, and Vanderbilt Avenue to facilitate the development of a commercial building, in a C5-3 District, within the Special Midtown District (Grand Central Subdistrict) Community Districts 5 and 6, Council District 4. This application is subject to review and action by the Land Use Committee only if appealed to the Council pursuant to Charter Section 197-d(b)(2) or called up by vote of the Council pursuant to Charter Section 197-d(b)(3).**

**Attachments:**    March 31, 2015 - Stated Meeting Agenda with Links to Files, Land Use Calendar - Week of April 13, 2015 - April 17, 2015, Hearing Testimony - Zoning 4-13-15, Land Use Calendar - Week of April 20, 2015 - April 24, 2015, Hearing Transcript - Zoning 4-13-15

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

**Attachments:** March 31, 2015 - Stated Meeting Agenda with Links to Files, Land Use Calendar - Week of April 13, 2015 - April 17, 2015, Hearing Testimony - Zoning 4-13-15, Land Use Calendar - Week of April 20, 2015 - April 24, 2015, Hearing Transcript - Zoning 4-13-15

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

LU 0200-2015

**Application No. C 150129 ZSM submitted by Green 317 Madison LLC and Green 110 East 42nd LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to proposed Section 81-641 of the Zoning Resolution to allow an increase in floor area to facilitate the development of a commercial building on property bounded by 42nd Street, Madison Avenue, 43rd Street, and Vanderbilt Avenue, in a C5-3 District, within the Special Midtown District (Grand Central Subdistrict), Community Districts 5 and 6, Council District 4. This application is subject to review and action by the Land Use Committee only if appealed to the Council pursuant to Charter Section 197-d(b)(2) or called up by vote of the Council pursuant to Charter Section 197-d(b)(3).**

**Attachments:** March 31, 2015 - Stated Meeting Agenda with Links to Files, Land Use Calendar - Week of April 13, 2015 - April 17, 2015, Hearing Testimony - Zoning 4-13-15, Land Use Calendar - Week of April 20, 2015 - April 24, 2015, Hearing Transcript - Zoning 4-13-15

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

**Attachments:** March 31, 2015 - Stated Meeting Agenda with Links to Files, Land Use Calendar - Week of April 13, 2015 - April 17, 2015, Hearing Testimony - Zoning 4-13-15, Land Use Calendar - Week of April 20, 2015 - April 24, 2015, Hearing Transcript - Zoning 4-13-15

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



LU 0201-2015      **Application No. C 150130(A) ZSM submitted by Green 317 Madison LLC and Green 110 East 42nd LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to proposed Section 81-642 of the Zoning Resolution to modify, in conjunction with the special permit pursuant to proposed Section 81-641 (Additional floor area for the provisional of public realm improvements), street wall requirements, height and setback requirements and the mandatory district plan elements of Retail Continuity along Designated Streets, Pedestrian Circulation Space, Major Building Entrances, Building lobby entrance requirements, and Curb cut restrictions and loading requirements to facilitate the development of a commercial building on property bounded by 42nd Street, Madison Avenue, 43rd Street, and Vanderbilt Avenue (Block 1277, Lots 20, 27, 46, and 52), in a C5-3 District, within the Special Midtown District (Grand Central Subdistrict). Community Districts 5 and 6, Council District 4. This application is subject to review and action by the Land Use Committee only if appealed to the Council pursuant to Charter Section 197-d(b)(2) or called up by vote of the Council pursuant to Charter Section 197-d(b)(3).**

**Attachments:**    March 31, 2015 - Stated Meeting Agenda with Links to Files, Land Use Calendar - Week of April 13, 2015 - April 17, 2015, Hearing Testimony - Zoning 4-13-15, Land Use Calendar - Week of April 20, 2015 - April 24, 2015, Hearing Transcript - Zoning 4-13-15

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

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

LU 0202-2015      **Application No. C 140209 ZSK submitted by SO Development Enterprises, LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 106-32(a) and (c) of the Zoning Resolution to allow commercial use and modify yard regulations in connection with the development of a 3-story commercial warehouse building on property located 2702 West 15th Street within the Special Coney Island Mixed Use District, 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 Charter Section 197-d(b)(2) or called up by vote of the Council pursuant to Charter Section 197-d(b)(3). This application is subject to review and action by the Land Use Committee only if appealed to the Council pursuant to Charter Section 197-d(b)(2) or called up by vote of the Council pursuant to Charter Section 197-d(b)(3).**

**Attachments:**    March 31, 2015 - Stated Meeting Agenda with Links to Files, Land Use Calendar - Week of April 13, 2015 - April 17, 2015, Land Use Calendar - April 15, 2015, April 16, 2015 - Stated Meeting Agenda with Links to Files, Hearing Testimony - Zoning 4-13-15, Committee Report, Resolution, Hearing Transcript - Zoning 4-13-15

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

**Affirmative:**    5 -    Weprin, Garodnick, Richards, Reynoso and Gentile

**Absent:**        4 -    Williams, Torres, Ignizio and Wills

LU 0205-2015      **Application No. N 150167 ZRY submitted by the Department of City Planning pursuant to Section 200 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, pertaining to exempting floor space occupied by additional safety measures required by 2014 NYC Building Code from counting towards zoning floor area, Citywide, Council Districts 1-51.**

**Attachments:**    March 31, 2015 - Stated Meeting Agenda with Links to Files, Land Use Calendar - Week of April 13, 2015 - April 17, 2015, Hearing Testimony - Zoning 4-13-15, Land Use Calendar - Week of April 20, 2015 - April 24, 2015, Land Use Calendar - April 27, 2015, Hearing Transcript - Zoning 4-13-15

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

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