

The New York City Council

*City Hall
New York, NY 10007*



Meeting Minutes

Thursday, May 7, 2015

10:45 AM

Continuation of the May 5, 2015 - Recessed Meeting

Committee Room - 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, Williams, Richards, Reynoso, Torres, Ignizio, Gentile and Wills

Other Council Members Attending: Deutsch and Greenfield.

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, Land Use Calendar - Week of May 4, 2015 - May 8, 2015, Hearing Testimony - Zoning 4-23-15, Hearing Transcript - Zoning 4-23-15, Reconvening of the Recessed Zoning and Franchises Subcommittee Meeting, Land Use Calendar - May 7, 2015, Hearing Testimony - Zoning 5-5-15, May 14, 2015 - Stated Meeting Agenda with Links to Files, Hearing Transcript - Zoning 5-7-15

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, Land Use Calendar - Week of May 4, 2015 - May 8, 2015, Hearing Testimony - Zoning 4-23-15, Hearing Transcript - Zoning 4-23-15, Reconvening of the Recessed Zoning and Franchises Subcommittee Meeting, Land Use Calendar - May 7, 2015, Hearing Testimony - Zoning 5-5-15, May 14, 2015 - Stated Meeting Agenda with Links to Files, Hearing Transcript - Zoning 5-7-15

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

Affirmative: 9 - Weprin, Garodnick, Williams, Richards, Reynoso, Torres, Ignizio, Gentile and Wills

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, Land Use Calendar - Week of May 4, 2015 - May 8, 2015, Hearing Testimony - Zoning 4-23-15, Hearing Transcript - Zoning 4-23-15, Reconvening of the Recessed Zoning and Franchises Subcommittee Meeting, Land Use Calendar - May 7, 2015, Hearing Testimony - Zoning 5-5-15, May 14, 2015 - Stated Meeting Agenda with Links to Files, Hearing Transcript - Zoning 5-7-15

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, Land Use Calendar - Week of May 4, 2015 - May 8, 2015, Hearing Testimony - Zoning 4-23-15, Hearing Transcript - Zoning 4-23-15, Reconvening of the Recessed Zoning and Franchises Subcommittee Meeting, Land Use Calendar - May 7, 2015, Hearing Testimony - Zoning 5-5-15, May 14, 2015 - Stated Meeting Agenda with Links to Files, Hearing Transcript - Zoning 5-7-15

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

Affirmative: 9 - Weprin, Garodnick, Williams, Richards, Reynoso, Torres, Ignizio, Gentile and Wills

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, Land Use Calendar - Week of May 4, 2015 - May 8, 2015, Hearing Testimony - Zoning 4-23-15, Hearing Transcript - Zoning 4-23-15, Reconvening of the Recessed Zoning and Franchises Subcommittee Meeting, Land Use Calendar - May 7, 2015, Hearing Testimony - Zoning 5-5-15, May 14, 2015 - Stated Meeting Agenda with Links to Files, Hearing Transcript - Zoning 5-7-15

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, Land Use Calendar - Week of May 4, 2015 - May 8, 2015, Hearing Testimony - Zoning 4-23-15, Hearing Transcript - Zoning 4-23-15, Reconvening of the Recessed Zoning and Franchises Subcommittee Meeting, Land Use Calendar - May 7, 2015, Hearing Testimony - Zoning 5-5-15, May 14, 2015 - Stated Meeting Agenda with Links to Files, Hearing Transcript - Zoning 5-7-15

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

Affirmative: 9 - Weprin, Garodnick, Williams, Richards, Reynoso, Torres, Ignizio, Gentile and Wills

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, Land Use Calendar - Week of May 4, 2015 - May 8, 2015, Hearing Testimony - Zoning 4-23-15, Hearing Transcript - Zoning 4-23-15, Reconvening of the Recessed Zoning and Franchises Subcommittee Meeting, Land Use Calendar - May 7, 2015, Hearing Testimony - Zoning 5-5-15, May 14, 2015 - Stated Meeting Agenda with Links to Files, Hearing Transcript - Zoning 5-7-15

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, Land Use Calendar - Week of May 4, 2015 - May 8, 2015, Hearing Testimony - Zoning 4-23-15, Hearing Transcript - Zoning 4-23-15, Reconvening of the Recessed Zoning and Franchises Subcommittee Meeting, Land Use Calendar - May 7, 2015, Hearing Testimony - Zoning 5-5-15, May 14, 2015 - Stated Meeting Agenda with Links to Files, Hearing Transcript - Zoning 5-7-15

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

Affirmative: 9 - Weprin, Garodnick, Williams, Richards, Reynoso, Torres, Ignizio, Gentile and Wills

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, Land Use Calendar - Week of May 4, 2015 - May 8, 2015, Hearing Testimony - Zoning 4-23-15, Hearing Transcript - Zoning 4-23-15, Reconvening of the Recessed Zoning and Franchises Subcommittee Meeting, Land Use Calendar - May 7, 2015, Hearing Testimony - Zoning 5-5-15, May 14, 2015 - Stated Meeting Agenda with Links to Files, Hearing Transcript - Zoning 5-7-15

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, Land Use Calendar - Week of May 4, 2015 - May 8, 2015, Hearing Testimony - Zoning 4-23-15, Hearing Transcript - Zoning 4-23-15, Reconvening of the Recessed Zoning and Franchises Subcommittee Meeting, Land Use Calendar - May 7, 2015, Hearing Testimony - Zoning 5-5-15, May 14, 2015 - Stated Meeting Agenda with Links to Files, Hearing Transcript - Zoning 5-7-15

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

Affirmative: 9 - Weprin, Garodnick, Williams, Richards, Reynoso, Torres, Ignizio, Gentile and Wills

LU 0209-2015 **Application No. C 140404 ZSM submitted by 39 West 23rd Street, LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-711 of the Zoning Resolution to allow residential use and modify the bulk regulations in connection with the development of mixed use building with a 10-story segment and a 24-story segment on property located at 39-41 West 23rd Street a.k.a. 20-22 West 24th Street, within the Ladies' Mile Historic District, Borough of Manhattan, Community Board 5, 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: April 16, 2015 - Stated Meeting Agenda with Links to Files, Land Use Calendar - Week of April 20, 2015 - April 24, 2015, Land Use Calendar - Week of May 4, 2015 - May 8, 2015, Hearing Testimony - Zoning 4-23-15, Hearing Transcript - Zoning 4-23-15, Reconvening of the Recessed Zoning and Franchises Subcommittee Meeting, Land Use Calendar - May 7, 2015, Hearing Testimony - Zoning 5-5-15, May 14, 2015 - Stated Meeting Agenda with Links to Files, Hearing Transcript - Zoning 5-7-15

This Land Use Application was Hearing Held by Committee

Attachments: April 16, 2015 - Stated Meeting Agenda with Links to Files, Land Use Calendar - Week of April 20, 2015 - April 24, 2015, Land Use Calendar - Week of May 4, 2015 - May 8, 2015, Hearing Testimony - Zoning 4-23-15, Hearing Transcript - Zoning 4-23-15, Reconvening of the Recessed Zoning and Franchises Subcommittee Meeting, Land Use Calendar - May 7, 2015, Hearing Testimony - Zoning 5-5-15, May 14, 2015 - Stated Meeting Agenda with Links to Files, Hearing Transcript - Zoning 5-7-15

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

Affirmative: 8 - Weprin, Garodnick, Richards, Reynoso, Torres, Ignizio, Gentile and Wills

Abstain: 1 - Williams

LU 0210-2015 **Application No. C 140405 ZSM submitted by 39 West 23rd Street, LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 13-45 and 13-451 of the Zoning Resolution to allow an automated accessory parking facility with a maximum capacity of 50 spaces on portions of the ground floor and sub cellar of a proposed mixed use building on property located at 39-41 West 23rd Street a.k.a. 20-22 West 24th Street, Borough of Manhattan, Community Board 5, 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: April 16, 2015 - Stated Meeting Agenda with Links to Files, Land Use Calendar - Week of April 20, 2015 - April 24, 2015, Land Use Calendar - Week of May 4, 2015 - May 8, 2015, Hearing Testimony - Zoning 4-23-15, Hearing Transcript - Zoning 4-23-15, Reconvening of the Recessed Zoning and Franchises Subcommittee Meeting, Land Use Calendar - May 7, 2015, Hearing Testimony - Zoning 5-5-15, May 14, 2015 - Stated Meeting Agenda with Links to Files, Hearing Transcript - Zoning 5-7-15

This Land Use Application was Hearing Held by Committee

Attachments: April 16, 2015 - Stated Meeting Agenda with Links to Files, Land Use Calendar - Week of April 20, 2015 - April 24, 2015, Land Use Calendar - Week of May 4, 2015 - May 8, 2015, Hearing Testimony - Zoning 4-23-15, Hearing Transcript - Zoning 4-23-15, Reconvening of the Recessed Zoning and Franchises Subcommittee Meeting, Land Use Calendar - May 7, 2015, Hearing Testimony - Zoning 5-5-15, May 14, 2015 - Stated Meeting Agenda with Links to Files, Hearing Transcript - Zoning 5-7-15

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

Affirmative: 8 - Weprin, Garodnick, Richards, Reynoso, Torres, Ignizio, Gentile and Wills

Abstain: 1 - Williams

LU 0211-2015

Application No. N 150109 ZRK submitted by the Cherry Hill Gourmet Market 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 4 (Special Sheepshead Bay District), Borough of Brooklyn, Community Board 15, Council District 48.

Attachments: April 16, 2015 - Stated Meeting Agenda with Links to Files, Land Use Calendar - Week of April 20, 2015 - April 24, 2015, Land Use Calendar - Week of May 4, 2015 - May 8, 2015, Hearing Testimony - Zoning 4-23-15, Hearing Transcript - Zoning 4-23-15, Reconvening of the Recessed Zoning and Franchises Subcommittee Meeting, Land Use Calendar - May 7, 2015, Hearing Testimony - Zoning 5-5-15, May 14, 2015 - Stated Meeting Agenda with Links to Files, Hearing Transcript - Zoning 5-7-15

This Land Use Application was Hearing Held by Committee

Attachments: April 16, 2015 - Stated Meeting Agenda with Links to Files, Land Use Calendar - Week of April 20, 2015 - April 24, 2015, Land Use Calendar - Week of May 4, 2015 - May 8, 2015, Hearing Testimony - Zoning 4-23-15, Hearing Transcript - Zoning 4-23-15, Reconvening of the Recessed Zoning and Franchises Subcommittee Meeting, Land Use Calendar - May 7, 2015, Hearing Testimony - Zoning 5-5-15, May 14, 2015 - Stated Meeting Agenda with Links to Files, Hearing Transcript - Zoning 5-7-15

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

Affirmative: 8 - Weprin, Garodnick, Williams, Richards, Reynoso, Torres, Ignizio and Gentile

Non-voting: 1 - Wills