

# The New York City Council

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



## Meeting Minutes

**Monday, October 20, 2008**

**10:00 AM**

**Committee Room - City Hall**

### **Committee on Land Use**

*Melinda R. Katz, Chair*

*Members: Maria Del Carmen Arroyo, Tony Avella, Maria Baez, Charles Barron,  
Leroy G. Comrie, Inez E. Dickens, Simcha Felder, Daniel R. Garodnick, Eric N. Gioia,  
Sara M. Gonzalez, Vincent M. Ignizio, Robert Jackson, Jessica S. Lappin, John C. Liu,  
Miguel Martinez, Michael E. McMahon, Rosie Mendez, Annabel Palma, Joel Rivera,  
Larry B. Seabrook, Helen Sears, Albert Vann and James Oddo*

## Roll Call

**Present,**

Katz, Avella, Baez, Barron, Comrie Jr., Dickens, Felder, Garodnick, Gonzalez, Ignizio, Jackson, Lappin, Liu, Martinez, McMahon, Oddo, Palma, Rivera, Seabrook, Sears and Vann

**Absent,**

Arroyo, Gioia and Mendez

LU 0916-2008

**Application no. 20095124 HHK submitted by the New York City Health and Hospitals Corporation pursuant to Section 7385(6) of its Enabling Act, respecting the leasing of approximately 14,000 square feet of space on the 5th floor of the "T Building" located on the campus of Kings County Hospital Center located at 451 Clarkson Avenue.**

**Attachments:** Hearing Transcript - Landmarks 10/16/08, Hearing Testimony - Landmarks 10/16/08, Hearing Transcript - Landmarks 10/20/08, Hearing Transcript - Land Use 10/20/08

**This Land Use Application was Hearing on P-C Item by Comm**

**Attachments:** Hearing Transcript - Landmarks 10/16/08, Hearing Testimony - Landmarks 10/16/08, Hearing Transcript - Landmarks 10/20/08, Hearing Transcript - Land Use 10/20/08

**A motion was made that this Land Use Application be P-C Item Approved by Committee with Companion Resolution approved by Roll Call.**

**Affirmative, 21 -**

Katz, Avella, Baez, Barron, Comrie Jr., Dickens, Felder, Garodnick, Gonzalez, Ignizio, Jackson, Lappin, Liu, Martinez, McMahon, Oddo, Palma, Rivera, Seabrook, Sears and Vann

**Absent, 3 -**

Arroyo, Gioia and Mendez

LU 0915-2008

**Application no. 20085366 SCQ, a proposed site selection of Block 1246, Lot 33 for the acquisition of property for the construction of a new, 390-seat Intermediate School Facility and School Yard in Council District 25, Borough of Queens. This matter is subject to Council review and action pursuant Section 1732 of the New York State Public Authorities Law.**

**Attachments:** Hearing Transcript - Landmarks 10/16/08, Hearing Testimony - Landmarks 10/16/08, Hearing Transcript - Landmarks 10/20/08, Hearing Transcript - Land Use 10/20/08

**This Land Use Application was Hearing on P-C Item by Comm**

**Attachments:** Hearing Transcript - Landmarks 10/16/08, Hearing Testimony - Landmarks 10/16/08, Hearing Transcript - Landmarks 10/20/08, Hearing Transcript - Land Use 10/20/08

**A motion was made that this Land Use Application be P-C Item Approved by Committee with Companion Resolution approved by Roll Call.**

**Affirmative,** 21 -

Katz, Avella, Baez, Barron, Comrie Jr., Dickens, Felder, Garodnick, Gonzalez, Ignizio, Jackson, Lappin, Liu, Martinez, McMahon, Oddo, Palma, Rivera, Seabrook, Sears and Vann

**Absent,** 3 -

Arroyo, Gioia and Mendez

LU 0862-2008

**Uniform land use review procedure application no. C 080447 HAK, an Urban Development Action Area Designation and Project, located at 1612 Park Place and 404 A, 408, 414 and 416 Hopkinson Avenue and the disposition of such property, Borough of Brooklyn, Council District no. 41. This matter is subject to Council Review and action pursuant to §197-c and §197-d of the New York City Charter and Article 16 of the General Municipal Law.**

**Attachments:** Press Advisory, Hearing Transcript - Planning 10/17/08, Hearing Transcript - Planning 10/7/08, Hearing Testimony - Planning 10/17/08, Hearing Transcript - Planning 10/20/08, Hearing Transcript - Land Use 10/20/08

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

**Attachments:** Press Advisory, Hearing Transcript - Planning 10/17/08, Hearing Transcript - Planning 10/7/08, Hearing Testimony - Planning 10/17/08, Hearing Transcript - Planning 10/20/08, Hearing Transcript - Land Use 10/20/08

**A motion was made that this Land Use Application be Filed by Committee with Companion Resolution approved by Roll Call.**

**Affirmative,** 21 -

Katz, Avella, Baez, Barron, Comrie Jr., Dickens, Felder, Garodnick, Gonzalez, Ignizio, Jackson, Lappin, Liu, Martinez, McMahon, Oddo, Palma, Rivera, Seabrook, Sears and Vann

**Absent,** 3 -

Arroyo, Gioia and Mendez

**LU 0863-2008**      **Uniform land use review procedure application no. C 080492 HAK, an Urban Development Action Area Designation and Project, located at St. Mark's Avenue; 1511, 1505, 1503 and 1501 St. Mark's Avenue; Bergen Street; Saratoga Avenue, and the disposition of such property, Borough of Brooklyn, Council District no. 41. This matter is subject to Council Review and action pursuant to §197-c and §197-d of the New York City Charter and Article 16 of the General Municipal Law.**

**Attachments:** Press Advisory, Hearing Transcript - Planning 10/7/08, Hearing Transcript - Planning 10/17/08, Hearing Testimony - Planning 10/17/08, Hearing Transcript - Land Use 10/20/08

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

**Attachments:** Press Advisory, Hearing Transcript - Planning 10/7/08, Hearing Transcript - Planning 10/17/08, Hearing Testimony - Planning 10/17/08, Hearing Transcript - Land Use 10/20/08

**A motion was made that this Land Use Application be Approved by Committee with Companion Resolution approved by Roll Call.**

**Affirmative,** 21 -

Katz, Avella, Baez, Barron, Comrie Jr., Dickens, Felder, Garodnick, Gonzalez, Ignizio, Jackson, Lappin, Liu, Martinez, McMahon, Oddo, Palma, Rivera, Seabrook, Sears and Vann

**Absent,** 3 -

Arroyo, Gioia and Mendez

**LU 0880-2008**      **Application no. N 080425 ZRQ submitted by the Department of City Planning pursuant to Section 201 of the New York City Charter, for amendment of the Zoning Resolution of the City of New York relating to Article I, Chapters 1, 2, 3, 4, 5 and Article X, Chapter 8 to establish the Special St. George District.**

**Attachments:** Hearing Testimony - Zoning 10/02/08, Hearing Transcript - Zoning 10/2/08, Hearing Transcript - Zoning 10/6/08, Hearing Transcript - Zoning 10/16/08, Hearing Testimony - Zoning 10/16/08, Hearing Transcript - Zoning 10/20/08, Hearing Transcript - Land Use 10/20/08

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

**Attachments:** Hearing Testimony - Zoning 10/02/08, Hearing Transcript - Zoning 10/2/08, Hearing Transcript - Zoning 10/6/08, Hearing Transcript - Zoning 10/16/08, Hearing Testimony - Zoning 10/16/08, Hearing Transcript - Zoning 10/20/08, Hearing Transcript - Land Use 10/20/08

**A motion was made that this Land Use Application be Approved by Committee with Companion Resolution approved by Roll Call.**

**Affirmative,** 21 -

Katz, Avella, Baez, Barron, Comrie Jr., Dickens, Felder, Garodnick, Gonzalez, Ignizio, Jackson, Lappin, Liu, Martinez, McMahon, Oddo, Palma, Rivera, Seabrook, Sears and Vann

**Absent,** 3 -

Arroyo, Gioia and Mendez

LU 0881-2008

**Application no. C 080426 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 No. 21c.**

**Attachments:** Hearing Transcript - Zoning 10/2/08, Hearing Testimony - Zoning 10/2/08, Hearing Transcript - Zoning 10/6/08, Hearing Testimony - Zoning 10/16/08, Hearing Transcript - Zoning 10/16/08, Hearing Transcript - Zoning 10/20/08, Hearing Transcript - Land Use 10/20/08

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

**Attachments:** Hearing Transcript - Zoning 10/2/08, Hearing Testimony - Zoning 10/2/08, Hearing Transcript - Zoning 10/6/08, Hearing Testimony - Zoning 10/16/08, Hearing Transcript - Zoning 10/16/08, Hearing Transcript - Zoning 10/20/08, Hearing Transcript - Land Use 10/20/08

**A motion was made that this Land Use Application be Approved by Committee with Companion Resolution approved by Roll Call.**

**Affirmative,** 21 -

Katz, Avella, Baez, Barron, Comrie Jr., Dickens, Felder, Garodnick, Gonzalez, Ignizio, Jackson, Lappin, Liu, Martinez, McMahon, Oddo, Palma, Rivera, Seabrook, Sears and Vann

**Absent,** 3 -

Arroyo, Gioia and Mendez

LU 0884-2008

**Application no. 20095027 (N 090044 HKM) pursuant to Section 3020 of the Charter of the City of New York, concerning the designation (List No. 404, L P- 2302) by the Landmarks Preservation Commission of the West Chelsea Historic District, Council District no. 3 .**

**Attachments:** Hearing Testimony - Landmarks 10/2/08, Hearing Testimony - Landmarks Con't 10/2/08, Hearing Transcript - Landmarks 10/2/08, Hearing Transcript - Landmarks 10/20/08, Hearing Transcript - Land Use 10/20/08

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

**Attachments:** Hearing Testimony - Landmarks 10/2/08, Hearing Testimony - Landmarks Con't 10/2/08, Hearing Transcript - Landmarks 10/2/08, Hearing Transcript - Landmarks 10/20/08, Hearing Transcript - Land Use 10/20/08

**A motion was made that this Land Use Application be Approved by Committee with Companion Resolution approved by Roll Call.**

**Affirmative,** 19 -

Katz, Avella, Baez, Comrie Jr., Dickens, Felder, Garodnick, Gonzalez, Ignizio, Jackson, Lappin, Liu, Martinez, McMahon, Oddo, Rivera, Seabrook, Sears and Vann

**Negative,** 2 -

Barron and Palma

**Absent,** 3 -

Arroyo, Gioia and Mendez

LU 0892-2008

**Application no. 20095029 HKM (N 090045 HKM), pursuant to §3020 of the Charter of the City of New York, concerning the designation (List No. 404, LP-2254) by the Landmarks Preservation Commission of the Morningside Park Scenic Landmark, Borough of Manhattan, Council District no. 9.**

**Attachments:** Hearing Transcript - Landmarks 10/2/08, Hearing Testimony - Landmarks 10/2/08, Hearing Transcript - Landmarks 10/16/08, Hearing Testimony - Landmarks 10/16/08, Hearing Transcript - Landmarks 10/20/08, Hearing Transcript - Land Use 10/20/08

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

**Attachments:** Hearing Transcript - Landmarks 10/2/08, Hearing Testimony - Landmarks 10/2/08, Hearing Transcript - Landmarks 10/16/08, Hearing Testimony - Landmarks 10/16/08, Hearing Transcript - Landmarks 10/20/08, Hearing Transcript - Land Use 10/20/08

**A motion was made that this Land Use Application be Approved by Committee with Companion Resolution approved by Roll Call.**

**Affirmative,** 21 -

Katz, Avella, Baez, Barron, Comrie Jr., Dickens, Felder, Garodnick, Gonzalez, Ignizio, Jackson, Lappin, Liu, Martinez, McMahon, Oddo, Palma, Rivera, Seabrook, Sears and Vann

**Absent,** 3 -

Arroyo, Gioia and Mendez

LU 0904-2008

**Application no. C 070261 ZSM submitted by AG West 22nd Street Realty, LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Sections 13-562 and 74-52 of the Zoning Resolution to allow an attended public parking garage with a maximum capacity of 137 spaces located at 133-145 West 22nd Street (Block 798, Lots 19, 21, 23, 24 and 25). This application is subject to review and action by the Land Use Committee only if appealed to the Council pursuant to §197-d (b)(2) of the Charter or called up by vote of the Council pursuant to §197-d (b)(3) of the Charter.**

**Attachments:** Hearing Testimony - Zoning 10/16/08, Hearing Transcript - Zoning 10/16/08, Hearing Transcript - Zoning 10/20/08, Hearing Transcript - Land Use 10/20/08

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

**Attachments:** Hearing Testimony - Zoning 10/16/08, Hearing Transcript - Zoning 10/16/08, Hearing Transcript - Zoning 10/20/08, Hearing Transcript - Land Use 10/20/08

**A motion was made that this Land Use Application be Approved by Committee with Companion Resolution approved by Roll Call.**

**Affirmative,** 21 -

Katz, Avella, Baez, Barron, Comrie Jr., Dickens, Felder, Garodnick, Gonzalez, Ignizio, Jackson, Lappin, Liu, Martinez, McMahon, Oddo, Palma, Rivera, Seabrook, Sears and Vann

**Absent,** 3 -

Arroyo, Gioia and Mendez

LU 0905-2008

**Application no. N 080297 ZRM submitted by the Department of City Planning pursuant to Section 201 of the New York City Charter, for amendment of the Zoning Resolution of the City of New York, concerning Section 111-104 relating to the Special Tribeca Mixed Use District.**

**Attachments:** Hearing Testimony - Zoning 10/16/08, Hearing Transcript - Zoning 10/16/08, Hearing Transcript - Zoning 10/20/08, Hearing Transcript - Land Use 10/20/08

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

**Attachments:** Hearing Testimony - Zoning 10/16/08, Hearing Transcript - Zoning 10/16/08, Hearing Transcript - Zoning 10/20/08, Hearing Transcript - Land Use 10/20/08

**A motion was made that this Land Use Application be Approved by Committee with Companion Resolution approved by Roll Call.**

**Affirmative,** 21 -

Katz, Avella, Baez, Barron, Comrie Jr., Dickens, Felder, Garodnick, Gonzalez, Ignizio, Jackson, Lappin, Liu, Martinez, McMahon, Oddo, Palma, Rivera, Seabrook, Sears and Vann

**Absent,** 3 -

Arroyo, Gioia and Mendez

LU 0911-2008

**Application no. 20095159 TCQ, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of Delano Café Corp, to establish, maintain and operate an unenclosed sidewalk café at 29-02A Francis Lewis Boulevard, Borough of Queens, Council District no. 19.**

**Attachments:** Hearing Transcript - Zoning 10/20/08, Hearing Transcript - Land Use 10/20/08

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

**Attachments:** Hearing Transcript - Zoning 10/20/08, Hearing Transcript - Land Use 10/20/08

**A motion was made that this Land Use Application be Disapproved by Committee with Companion Resolution approved by Roll Call.**

**Affirmative,** 20 -

Katz, Avella, Baez, Barron, Comrie Jr., Dickens, Felder, Garodnick, Gonzalez, Ignizio, Jackson, Lappin, Liu, Martinez, McMahon, Oddo, Palma, Rivera, Seabrook and Vann

**Negative,** 1 -  
Sears

**Absent,** 3 -  
Arroyo, Gioia and Mendez

**LU 0912-2008**      **Application no. 20095043 TCQ, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of Cherry Café and Restaurant, Inc., to establish, maintain and operate an unenclosed sidewalk café at 34-02 Broadway, Borough of Queens, Council District no. 22. 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 10/16/08, Hearing Transcript - Zoning 10/16/08, Hearing Transcript - Zoning 10/20/08, Hearing Transcript - Land Use 10/20/08

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

**Attachments:** Hearing Testimony - Zoning 10/16/08, Hearing Transcript - Zoning 10/16/08, Hearing Transcript - Zoning 10/20/08, Hearing Transcript - Land Use 10/20/08

**A motion was made that this Land Use Application be Approved by Committee with Companion Resolution approved by Roll Call.**

**Affirmative,** 21 -  
Katz, Avella, Baez, Barron, Comrie Jr., Dickens, Felder, Garodnick, Gonzalez, Ignizio, Jackson, Lappin, Liu, Martinez, McMahon, Oddo, Palma, Rivera, Seabrook, Sears and Vann

**Absent,** 3 -  
Arroyo, Gioia and Mendez