

# **The New York City Council**

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



## **Meeting Minutes**

**Monday, October 20, 2008**

**9:45 AM**

**Continuation of Recessed Meeting of October 16, 2008**

**Committee Room - City Hall**

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

*Tony Avella, Chair*

*Members: Simcha Felder, Eric N. Gioia, Robert Jackson,  
Melinda R. Katz, Michael E. McMahon, Joel Rivera, Larry B. Seabrook,  
Helen Sears and Albert Vann*

Continuation of Recessed Meeting of October 16, 2008

Roll Call

**Present,** Avella, Felder, Jackson, Katz, McMahon, Rivera, Seabrook, Sears and Vann

**Absent,** Gioia

LU 0917-2008

**Application no. C 080362 ZMQ submitted by the New York Economic Development Corporation pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment to the Zoning Map, Section No. 8d.**

**Attachments:** Hearing Testimony - Zoning 10/16/08, Hearing Transcript - Zoning 10/16/08, Hearing Transcript - Zoning 10/20/08, Hearing Transcript - Zoning 10/24/08, Hearing Testimony - Zoning 10/24/08, Hearing Transcript - Zoning 11/13/08, Hearing Transcript - Land Use 11/13/08

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

**Attachments:** Hearing Testimony - Zoning 10/16/08, Hearing Transcript - Zoning 10/16/08, Hearing Transcript - Zoning 10/20/08, Hearing Transcript - Zoning 10/24/08, Hearing Testimony - Zoning 10/24/08, Hearing Transcript - Zoning 11/13/08, Hearing Transcript - Land Use 11/13/08

**This Land Use Application was P-C Item Laid Over by Comm**

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 Subcommittee approved by Roll Call.**

**Affirmative,** 9 -

Avella, Felder, Jackson, Katz, McMahon, Rivera, Seabrook, Sears and Vann

**Absent,** 1 -

Gioia

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 Subcommittee approved by Roll Call.**

**Affirmative,**    9 -

Avella, Felder, Jackson, Katz, McMahon, Rivera, Seabrook, Sears and Vann

**Absent,**        1 -

Gioia

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 Subcommittee approved by Roll Call.**

**Affirmative,**    9 -

Avella, Felder, Jackson, Katz, McMahon, Rivera, Seabrook, Sears and Vann

Absent, 1 - Gioia

**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 Subcommittee approved by Roll Call.**

Affirmative, 9 - Avella, Felder, Jackson, Katz, McMahon, Rivera, Seabrook, Sears and Vann

Absent, 1 - Gioia

**LU 0906-2008 Application no. N 080363 ZRQ submitted by the Department of City Planning pursuant to Section 201 of the New York City Charter, for amendment to the Zoning Resolution of the City of New York concerning the addition Article XII, Chapter 5, (Special Southern Hunters Point District), to establish a special district and modify related regulations.**

**Attachments:** Hearing Testimony - Zoning 10/16/08, Hearing Transcript - Zoning 10/16/08, Hearing Transcript - Zoning 10/20/08, Hearing Transcript - Zoning 10/24/08, Hearing Testimony - Zoning 10/24/08, Hearing Transcript - Zoning 11/13/08, Hearing Transcript - Land Use 11/13/08

**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 - Zoning 10/24/08, Hearing Testimony - Zoning 10/24/08, Hearing Transcript - Zoning 11/13/08, Hearing Transcript - Land Use 11/13/08

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

**LU 0907-2008**      **Application no. C 080364 PPQ, pursuant to §197-c of the New York City Charter, for the acquisition of property located at 2nd Street (Block1, Lots 1 and 10; Block 5, lot 1; Block 6, Lots 1,2 and 14); the bed of 54th Avenue between 2nd Street and the East River; and the bed of 55th Avenue between 2nd Street and the East River.**

**Attachments:**    Hearing Testimony - Zoning 10/16/08, Hearing Transcript - Zoning 10/16/08, Hearing Transcript - Zoning 10/20/08, Hearing Transcript - Zoning 10/24/08, Hearing Testimony - Zoning 10/24/08, Hearing Transcript - Zoning 11/13/08, Hearing Transcript - Land Use 11/13/08

**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 - Zoning 10/24/08, Hearing Testimony - Zoning 10/24/08, Hearing Transcript - Zoning 11/13/08, Hearing Transcript - Land Use 11/13/08

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

**LU 0908-2008**      **Application no. C 080365 HAQ, an Urban Development Action Area Designation and Project known as Hunter’s Point South and the disposition of city owned property, Community Board 2, Borough of Queens, Council District no. 26. 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:**    Hearing Testimony - Zoning 10/16/08, Hearing Transcript - Zoning 10/16/08, Hearing Transcript - Zoning 10/20/08, Hearing Transcript - Zoning 10/24/08, Hearing Testimony - Zoning 10/24/08, Hearing Transcript - Zoning 11/13/08, Hearing Transcript - Land Use 11/13/08

**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 - Zoning 10/24/08, Hearing Testimony - Zoning 10/24/08, Hearing Transcript - Zoning 11/13/08, Hearing Transcript - Land Use 11/13/08

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

**LU 0909-2008**      **Application no. C 080276 MMQ submitted by the New York City Economic Development Corporation, pursuant to §197-c and 199 of the New York City Charter and Section 5-430 of the Administrative Code an amendment of the City Map, Community Board 2, Borough of Queens, Council District 26.**

**Attachments:**    Hearing Testimony - Zoning 10/16/08, Hearing Transcript - Zoning 10/16/08, Hearing Transcript - Zoning 10/20/08, Hearing Transcript - Zoning 10/24/08, Hearing Testimony - Zoning 10/24/08, Hearing Transcript - Zoning 11/13/08, Hearing Transcript - Land Use 11/13/08

**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 - Zoning 10/24/08, Hearing Testimony - Zoning 10/24/08, Hearing Transcript - Zoning 11/13/08, Hearing Transcript - Land Use 11/13/08

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

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 Subcommittee approved by Roll Call.**

**Affirmative, 7 -**

Avella, Felder, Jackson, Katz, McMahon, Rivera and Seabrook

**Negative, 1 -**

Sears

**Absent, 1 -**

Gioia

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 Subcommittee approved by Roll Call.**

**Affirmative,** 9 -

Avella, Felder, Jackson, Katz, McMahon, Rivera, Seabrook, Sears and  
Vann

**Absent,** 1 -

Gioia