The New York City Council

New York City Council City Hall New York, NY 10007



Meeting Minutes

Monday, March 9, 2009

9:45 AM

Continuation of the March 4, 2009 Recessed Meeting

Committee Room - City Hall

Subcommittee on Zoning and Franchises

Tony Avella, Chair Members: Simcha Felder, Eric N. Gioia, Robert Jackson, Melinda R. Katz, Joel Rivera, Larry B. Seabrook, Helen Sears and Albert Vann

Roll Call					
	Present, Avella, Felder, Gioia, Jackson, Katz, Seabrook, Sears and Vann				
	Absent, Rivera				
	Other Council	Members Attending: Gerson, de Blasio, Garodnick, Baez and Mendez			
LU 0991-2009	Application no. C 090103 ZRQ, 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, creating the Special Forest Hills Districts in Article VIII, Chapter 6 and amending related sections of the Zoning resolution.				
	<u>Attachments:</u>	Hearing Testimony - Zoning 2/23/09, Hearing Transcript - Zoning 2/23/09, Hearing Testimony - Zoning 3/4/09, Hearing Transcript - Zoning 3/4/09, Hearing Transcript - Zoning 3/9/09, Hearing Transcript - Land Use 3/9/09, Press Release			
	This Land Use	This Land Use Application was Hearing Held by Committee			
	<u>Attachments:</u>	Hearing Testimony - Zoning 2/23/09, Hearing Transcript - Zoning 2/23/09, Hearing Testimony - Zoning 3/4/09, Hearing Transcript - Zoning 3/4/09, Hearing Transcript - Zoning 3/9/09, Hearing Transcript - Land Use 3/9/09, Press Release			
	This Land Use Application was Approved by Subcommittee with Modifications and Referred to CPC				
Afi	firmative, 7 -				
		Avella, Gioia, Jackson, Katz, Seabrook, Sears and Vann			
	Absent, 1 -	Rivera			
LU 0992-2009	-2009 Application no. C 090104 ZMQ, pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment of the Zoning Map, Section No. 14a.				
	<u>Attachments:</u>	Hearing Testimony - Zoning 2/23/09, Hearing Transcript - Zoning 2/23/09, Hearing Testimony - Zoning 3/4/09, Hearing Transcript - Zoning 3/4/09, Hearing Transcript - Zoning 3/9/09, Hearing Transcript - Land Use 3/9/09, Press Release			
	This Land Use Application was Hearing Held by Committee				
	<u>Attachments:</u>	Hearing Testimony - Zoning 2/23/09, Hearing Transcript - Zoning 2/23/09, Hearing Testimony - Zoning 3/4/09, Hearing Transcript - Zoning 3/4/09, Hearing Transcript - Zoning 3/9/09, Hearing Transcript - Land Use 3/9/09, Press Release			
		made that this Land Use Application be Approved by Subcommittee ions and Referred to CPC approved by Roll Call.			
Afi	firmative, 7 -	Avella, Gioia, Jackson, Katz, Seabrook, Sears and Vann			

	Absent, 1 -	Rivera		
LU 0998-2009	Application no. 20085471 TCM, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of Gallo Nero Inc. d/b/a Ciao to continue to maintain and operate an unenclosed sidewalk café located at 185 Bleecker Street, Borough of Manhattan, Council District no. 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 §20-226(g) of the New York City Administrative Code			
	<u>Attachments:</u>	Hearing Testimony - Zoning 2/23/09, Hearing Transcript - Zoning 2/23/09, Hearing Testimony - Zoning 3/4/09, Hearing Transcript - Zoning 3/4/09, Hearing Transcript - Zoning 3/9/09, Hearing Transcript - Zoning 3/11/09, Hearing Transcript - Land Use 3/11/09		
	This Land Use Application was Hearing Held by Committee			
	<u>Attachments:</u>	Hearing Testimony - Zoning 2/23/09, Hearing Transcript - Zoning 2/23/09, Hearing Testimony - Zoning 3/4/09, Hearing Transcript - Zoning 3/4/09, Hearing Transcript - Zoning 3/9/09, Hearing Transcript - Zoning 3/11/09, Hearing Transcript - Land Use 3/11/09		
	This Land Use Application was Laid Over by Subcommittee			
LU 0999-2009	Application no. 20085645 TCM, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of 523 9th Ave., Inc. d/b/a Hell's Kitchen Café to continue to maintain and operate an unenclosed sidewalk café located at 523 9th Avenue, Borough of Manhattan, Council District no. 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 §20-226(g) of the New York City Administrative Code.			
	<u>Attachments:</u>	Hearing Testimony - Zoning 2/23/09, Hearing Transcript - Zoning 2/23/09, Hearing Testimony - Zoning 3/4/09, Hearing Transcript - Zoning 3/4/09, Hearing Transcript - Zoning 3/9/09, Hearing Transcript - Zoning 3/11/09, Hearing Transcript - Land Use 3/11/09		
	This Land Use Application was Hearing Held by Committee			
	<u>Attachments:</u>	Hearing Testimony - Zoning 2/23/09, Hearing Transcript - Zoning 2/23/09, Hearing Testimony - Zoning 3/4/09, Hearing Transcript - Zoning 3/4/09, Hearing Transcript - Zoning 3/9/09, Hearing Transcript - Zoning 3/11/09, Hearing Transcript - Land Use 3/11/09		
	This Land Use	Application was Laid Over by Subcommittee		

	Application no. C 090120 ZMM submitted by Dermot BMB, LLC and the NYC Economic Development Corporation pursuant to Section 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No 12b.		
<u>A</u>	<u>ttachments:</u>	Hearing Testimony - Zoning 3/4/09, Hearing Transcript - Zoning 3/4/09, Hearing Transcript - Zoning 3/9/09, Hearing Transcript - Land Use 3/9/09	
This Land Use		Application was Hearing Held by Committee	
A	<u>ttachments:</u>	Hearing Testimony - Zoning 3/4/09, Hearing Transcript - Zoning 3/4/09, Hearing Transcript - Zoning 3/9/09, Hearing Transcript - Land Use 3/9/09	
	a motion was approved by F	made that this Land Use Application be Approved by Subcommittee Roll Call.	
Affirr	mative, 6-	Gioia, Jackson, Katz, Seabrook, Sears and Vann	
Ne	gative, 1 -	Avella	
A	Absent, 1 -	Rivera	
LU 1001-2009 Application no. C 090197 ZMK submitted by the Department of City Planning pursuant to Section 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section Nos. 16d, 22c.			
<u>A</u>	ttachments:	Hearing Testimony - Zoning 3/4/09, Hearing Transcript - Zoning 3/4/09, Hearing Transcript - Zoning 3/9/09, Hearing Transcript - Land Use 3/9/09	
т	This Land Use Application was Hearing Held by Committee		
A	<u>ttachments:</u>	Hearing Testimony - Zoning 3/4/09, Hearing Transcript - Zoning 3/4/09, Hearing Transcript - Zoning 3/9/09, Hearing Transcript - Land Use 3/9/09	
	a motion was pproved by F	made that this Land Use Application be Approved by Subcommittee Roll Call.	
Affirr	native, 7 -	Avella, Gioia, Jackson, Katz, Seabrook, Sears and Vann	
A	Absent, 1 -	Rivera	

LU 1002-2009	Application no. C 090121 PPM submitted by the department of Small Business Services pursuant to Section 197-c of the New York City Charter for the disposition of one city owned property, located at the Battery maritime Building, 10 South Street (Block 2, lot 1), Borough of Manhattan.		
	<u>Attachments:</u>		Hearing Testimony - Zoning 3/4/09, Hearing Transcript - Zoning 3/4/09, Hearing Transcript - Zoning 3/9/09, Hearing Transcript - Land Use 3/9/09
	This Land Us		Application was Hearing Held by Committee
	<u>Attachmer</u>	<u>nts:</u>	Hearing Testimony - Zoning 3/4/09, Hearing Transcript - Zoning 3/4/09, Hearing Transcript - Zoning 3/9/09, Hearing Transcript - Land Use 3/9/09
A motion was approved by			made that this Land Use Application be Approved by Subcommittee coll Call.
Affi	irmative,	6 -	Gioia, Jackson, Katz, Seabrook, Sears and Vann
Ν	legative,	1 -	Avella
	Absent,	1 -	Rivera
LU 1003-2009 Application no. C 090047 ZMK submitted by Toll Brooklyn, L.P. pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 16c.			
	<u>Attachmer</u>	<u>nts:</u>	Hearing Testimony - Zoning 3/4/09, Hearing Transcript - Zoning 3/4/09, Hearing Testimony - Zoning 3/9/09, Hearing Transcript - Zoning 3/9/09, Hearing Transcript - Land Use 3/9/09
This Land Use Application was Hearing Held by Committee		Application was Hearing Held by Committee	
	<u>Attachmer</u>	<u>nts:</u>	Hearing Testimony - Zoning 3/4/09, Hearing Transcript - Zoning 3/4/09, Hearing Testimony - Zoning 3/9/09, Hearing Transcript - Zoning 3/9/09, Hearing Transcript - Land Use 3/9/09
A motion was made that this Land Use Application be Approved by Subcommittee approved by Roll Call.			
Aff	irmative,	6 -	Gioia, Jackson, Katz, Seabrook, Sears and Vann
Ν	legative,	1 -	Avella
	Absent,	1 -	Rivera

LU 1005-2009	pursua amend concer Article	int to mer ning II, S	n no. N 090049 ZRK submitted by Toll Brooklyn, L.P. o Section 201 of the New York City Charter, for an at of the Zoning Resolution of the City of New York g Article XII, Section 3 (Special Mixed Use Districts) and section 3 (Bulk Regulations for residential Buildings in Districts), in the Borough of Brooklyn.	
	<u>Attachmen</u>	<u>its:</u>	Hearing Testimony - Zoning 3/4/09, Hearing Transcript - Zoning 3/4/09, Hearing Testimony - Zoning 3/9/09, Hearing Transcript - Zoning 3/9/09, Hearing Transcript - Land Use 3/9/09	
	This Land Use Application was Hearing Held by Committee			
	<u>Attachmen</u>	its:	Hearing Testimony - Zoning 3/4/09, Hearing Transcript - Zoning 3/4/09, Hearing Testimony - Zoning 3/9/09, Hearing Transcript - Zoning 3/9/09, Hearing Transcript - Land Use 3/9/09	
A motion was made that this Land Use Application be Approved by Subcommittee approved by Roll Call.				
Affir	rmative,	6 -		
			Gioia, Jackson, Katz, Seabrook, Sears and Vann	
N	egative,	1 -	Avella	
		1		
	Absent,	1 -	Rivera	
LU 1006-2009 Application no. N 090122 ZAM submitted by Dermot BMB, LLC, and the Economic Development Corporation for the grant of an authorization pursuant to Section 62-722 (a) of the Zoning Resolution, to modify the waterfront public access requirements of Section 62-40 and in conjunction therewith, Section 62-332 to facilitate a partial conversion and enlargement of an existing building, on property located at 10 South Street (Block 2, p/o Lot 1).				
•	Attachmen	<u>its:</u>	Hearing Testimony - Zoning 3/4/09, Hearing Transcript - Zoning 3/4/09, Hearing Transcript - Zoning 3/9/09, Hearing Transcript - Land Use 3/9/09	
This Land Use Application was Hearing Held by Committee				
	Attachmen	<u>its:</u>	Hearing Testimony - Zoning 3/4/09, Hearing Transcript - Zoning 3/4/09, Hearing Transcript - Zoning 3/9/09, Hearing Transcript - Land Use 3/9/09	
A motion was made that this Land Use Application be Approved by Subcommittee approved by Roll Call.				
Affir	rmative,	6 -	Gioia, Jackson, Katz, Seabrook, Sears and Vann	
N	egative,	1 -	Avella	
	Absent,	1 -	Rivera	

LU 1024-2009	⁰⁹ Uniform land use review procedure application no. C 090048 ZS pursuant to §197-c and §197-d of the Charter of the City of New York concerning a special permit under the Zoning Resolution the Borough of Brooklyn, Council District no. 39 to facilitate a mixed-use development. This application is subject to review a action by the Land Use Committee only if appealed to the Cour pursuant to §197-d (b)(2) of the Charter or called up by vote of a Council pursuant to §197-d (b)(3) of the Charter.		
	<u>Attachmer</u>	<u>nts:</u>	Hearing Testimony - Zoning 3/4/09, Hearing Transcript - Zoning 3/4/09, Hearing Testimony - Zoning 3/9/09, Hearing Transcript - Zoning 3/9/09, Hearing Transcript - Land Use 3/9/09
	This Land	d Use	Application was Hearing on P-C Item by Comm
	<u>Attachments:</u>		Hearing Testimony - Zoning 3/4/09, Hearing Transcript - Zoning 3/4/09, Hearing Testimony - Zoning 3/9/09, Hearing Transcript - Zoning 3/9/09, Hearing Transcript - Land Use 3/9/09
			made that this Land Use Application be P-C Item Approved by with Companion Resolution approved by Roll Call.
Affi	rmative,	6 -	Gioia, Jackson, Katz, Seabrook, Sears and Vann
Ν	legative,	1 -	Avella
	Absent,	1 -	Rivera