

# The New York City Council

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



## Meeting Minutes

**Thursday, May 14, 2009**

**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, Elizabeth Crowley, 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, Rosie Mendez, Annabel Palma, Joel Rivera,  
Larry B. Seabrook, Helen Sears and Albert Vann*

## Roll Call

**Present,**

Katz, Arroyo, Avella, Baez, Barron, Comrie Jr., Crowley, Dickens, Felder, Garodnick, Gioia, Gonzalez, Ignizio, Lappin, Liu, Martinez, Mendez, Palma, Rivera, Seabrook, Sears and Vann

**Absent,**

Jackson

*Other Council Members Attending: Recchia and Mark-Viverito*

LU 1066-2009

**Uniform Land Use Review Procedure application no. C 090250 ZMK pursuant to §197-c and §197-d of the New York City Charter, concerning changes to the zoning map, Section 28d, Borough of Brooklyn, Council District no. 47**

**Attachments:** Hearing Transcript - Planning 4/20/09, Hearing Testimony - Planning 4/20/09, Hearing Testimony - Planning 4/30/09, Hearing Transcript - Planning 4/30/09, Hearing Transcript - Planning 5/14/09, Hearing Transcript - Land Use 5/14/09

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

**Attachments:** Hearing Transcript - Planning 4/20/09, Hearing Testimony - Planning 4/20/09, Hearing Testimony - Planning 4/30/09, Hearing Transcript - Planning 4/30/09, Hearing Transcript - Planning 5/14/09, Hearing Transcript - Land Use 5/14/09

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

**Affirmative,** 22 -

Katz, Arroyo, Avella, Baez, Barron, Comrie Jr., Crowley, Dickens, Felder, Garodnick, Gioia, Gonzalez, Ignizio, Lappin, Liu, Martinez, Mendez, Palma, Rivera, Seabrook, Sears and Vann

**Absent,** 1 -

Jackson

LU 1067-2009

**Uniform land use review procedure application no. C 090251 HAK, an Urban Development Action Area Designation and Project, located on property generally bounded by Surf Avenue, West 29th Street, P.S. 329 and West 30th Street, and the disposition of such property, Borough of Brooklyn, Council District no. 47. 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 Transcript - Planning 4/20/09, Hearing Testimony - Planning 4/20/09, Hearing Testimony - Planning 4/30/09, Hearing Transcript - Planning 4/30/09, Hearing Transcript - Planning 5/14/09, Hearing Transcript - Land Use 5/14/09

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

**Attachments:** Hearing Transcript - Planning 4/20/09, Hearing Testimony - Planning 4/20/09, Hearing Testimony - Planning 4/30/09, Hearing Transcript - Planning 4/30/09, Hearing Transcript - Planning 5/14/09, Hearing Transcript - Land Use 5/14/09

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

**Affirmative,** 22 -

Katz, Arroyo, Avella, Baez, Barron, Comrie Jr., Crowley, Dickens, Felder, Garodnick, Gioia, Gonzalez, Ignizio, Lappin, Liu, Martinez, Mendez, Palma, Rivera, Seabrook, Sears and Vann

**Absent,** 1 -

Jackson

LU 1068-2009

**Application no. 20095281 TCM, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition for BM Café , Inc. to establish, maintain and operate an unenclosed sidewalk café located at 768 Ninth 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.**

**Attachments:** Hearing Transcript - Zoning 5/12/09, Hearing Transcript - Land Use 5/14/09, Hearing Testimony - Zoning 5/12/09

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

**Attachments:** Hearing Transcript - Zoning 5/12/09, Hearing Transcript - Land Use 5/14/09, Hearing Testimony - Zoning 5/12/09

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

**Affirmative,** 22 -

Katz, Arroyo, Avella, Baez, Barron, Comrie Jr., Crowley, Dickens, Felder, Garodnick, Gioia, Gonzalez, Ignizio, Lappin, Liu, Martinez, Mendez, Palma, Rivera, Seabrook, Sears and Vann

**Absent,** 1 -

Jackson

**LU 1069-2009**      **Application no. 20095085 TCM, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition for the Shoreham LLC., to establish, maintain and operate an unenclosed sidewalk café located at 39 West 55th Street, Borough of Manhattan, Council District no. 4. 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 Transcript - Zoning 5/12/09, Hearing Transcript - Land Use 5/14/09,  
Hearing Testimony - Zoning 5/12/09

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

**Attachments:**    Hearing Transcript - Zoning 5/12/09, Hearing Transcript - Land Use 5/14/09,  
Hearing Testimony - Zoning 5/12/09

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

**Affirmative, 22 -**

Katz, Arroyo, Avella, Baez, Barron, Comrie Jr., Crowley, Dickens, Felder, Garodnick, Gioia, Gonzalez, Ignizio, Lappin, Liu, Martinez, Mendez, Palma, Rivera, Seabrook, Sears and Vann

**Absent, 1 -**

Jackson

**LU 1070-2009**      **Application no. C 090125 ZMM submitted by the New York City Housing Authority and Phipps Houses and Urban Builders Collaborative, LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No.6b, changing from R7A District to a R8A District.**

**Attachments:**    Hearing Transcript - Zoning 5/12/09, Hearing Transcript - Land Use 5/14/09,  
Hearing Testimony - Zoning 5/12/09

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

**Attachments:**    Hearing Transcript - Zoning 5/12/09, Hearing Transcript - Land Use 5/14/09,  
Hearing Testimony - Zoning 5/12/09

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

**Affirmative, 22 -**

Katz, Arroyo, Avella, Baez, Barron, Comrie Jr., Crowley, Dickens, Felder, Garodnick, Gioia, Gonzalez, Ignizio, Lappin, Liu, Martinez, Mendez, Palma, Rivera, Seabrook, Sears and Vann

**Absent, 1 -**

Jackson

**LU 1076-2009**      **Application no. N 090165 ZRM submitted by Maz Mezcal Restaurant 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 I, Chapter 4 (Sidewalk Café Regulations), relating to Section 14-43 to Application no. N 090165 ZRM submitted by Maz Mezcal Restaurant 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 I, Chapter 4 (Sidewalk Café Regulations), relating to Section 14-43 to permit small sidewalk cafes on the south side of East 86th Street from First Avenue to a line 125 feet east of Second Avenue.**

**Attachments:**    Hearing Transcript - Zoning 5/12/09, Hearing Transcript - Land Use 5/14/09, Hearing Testimony - Zoning 5/12/09

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

**Attachments:**    Hearing Transcript - Zoning 5/12/09, Hearing Transcript - Land Use 5/14/09, Hearing Testimony - Zoning 5/12/09

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

**Affirmative, 22 -**

Katz, Arroyo, Avella, Baez, Barron, Comrie Jr., Crowley, Dickens, Felder, Garodnick, Gioia, Gonzalez, Ignizio, Lappin, Liu, Martinez, Mendez, Palma, Rivera, Seabrook, Sears and Vann

**Absent, 1 -**

Jackson

**LU 1087-2009**      **Application no. 20085608 TCM, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of Smorgas Chef West Village, LLC, to continue to maintain and operate an unenclosed sidewalk café located at 283 West 12th 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.**

**Attachments:**    Hearing Transcript - Zoning 5/12/09, Hearing Transcript - Land Use 5/14/09, Hearing Testimony - Zoning 5/12/09

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

**Attachments:**    Hearing Transcript - Zoning 5/12/09, Hearing Transcript - Land Use 5/14/09, Hearing Testimony - Zoning 5/12/09

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

**Affirmative, 22 -**

Katz, Arroyo, Avella, Baez, Barron, Comrie Jr., Crowley, Dickens, Felder, Garodnick, Gioia, Gonzalez, Ignizio, Lappin, Liu, Martinez, Mendez, Palma, Rivera, Seabrook, Sears and Vann

**Absent, 1 -**

Jackson

LU 1088-2009

**Application no. 20095337 TCM, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of NYCMF Inc., to establish, maintain and operate an unenclosed sidewalk café located at 10 Downing 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.**

**Attachments:** Hearing Transcript - Zoning 5/12/09, Hearing Transcript - Land Use 5/14/09, Hearing Testimony - Zoning 5/12/09

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

**Attachments:** Hearing Transcript - Zoning 5/12/09, Hearing Transcript - Land Use 5/14/09, Hearing Testimony - Zoning 5/12/09

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

**Affirmative, 22 -**

Katz, Arroyo, Avella, Baez, Barron, Comrie Jr., Crowley, Dickens, Felder, Garodnick, Gioia, Gonzalez, Ignizio, Lappin, Liu, Martinez, Mendez, Palma, Rivera, Seabrook, Sears and Vann

**Absent, 1 -**

Jackson

LU 1103-2009

**Uniform Land Use Review Procedure application no. M 090312 ZMK pursuant to §197-c and §197-d of the New York City Charter, concerning modification to a restrictive declaration for property located at 783 Eldert Land, Borough of Brooklyn, Council District no. 42**

**Attachments:** Hearing Transcript - Zoning 5/12/09, Hearing Transcript - Land Use 5/14/09, Hearing Testimony - Zoning 5/12/09

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

**Attachments:** Hearing Transcript - Zoning 5/12/09, Hearing Transcript - Land Use 5/14/09, Hearing Testimony - Zoning 5/12/09

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

**Affirmative,** 22 -

Katz, Arroyo, Avella, Baez, Barron, Comrie Jr., Crowley, Dickens, Felder, Garodnick, Gioia, Gonzalez, Ignizio, Lappin, Liu, Martinez, Mendez, Palma, Rivera, Seabrook, Sears and Vann

**Absent,** 1 -

Jackson