

# The New York City Council

*City Hall  
New York, NY 10007*



## Meeting Minutes

**Thursday, September 24, 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, Rosie Mendez, Annabel Palma, Joel Rivera,  
Larry B. Seabrook, Helen Sears and Albert Vann*

## Roll Call

**Present,**

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

**Absent,**

Arroyo, Baez and Liu

LU 1190-2009

**Application no. C 090386 ZRK, 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, relating to Article II, Chapter 3 (Bulk regulations for Residential Buildings in Residence Districts), Section 23-90, relating to the extension of the Inclusionary Housing Program to proposed R7A districts.**

**Attachments:** Land Use Calendar - Week of September 7 - September 11, 2009, Land Use Calendar - Week of September 21 - September 25, 2009

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

**Attachments:** Land Use Calendar - Week of September 7 - September 11, 2009, Land Use Calendar - Week of September 21 - September 25, 2009

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

**Affirmative, 17 -**

Katz, Comrie Jr., Crowley, Dickens, Felder, Garodnick, Gioia, Gonzalez, Ignizio, Jackson, Lappin, Mendez, Rivera, Seabrook, Sears, Vann and Palma

**Negative, 2 -**

Avella and Barron

**Absent, 3 -**

Arroyo, Baez and Liu

LU 1191-2009

**Application no. C 090387 ZMK, 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 Nos. 16b, 16d, 22a and 22c.**

**Attachments:** Land Use Calendar - Week of September 7 - September 11, 2009, Land Use Calendar - Week of September 21 - September 25, 2009

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

**Attachments:** Land Use Calendar - Week of September 7 - September 11, 2009, Land Use Calendar - Week of September 21 - September 25, 2009

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

**Affirmative,** 17 -

Katz, Comrie Jr., Crowley, Dickens, Felder, Garodnick, Gioia, Gonzalez, Ignizio, Jackson, Lappin, Mendez, Rivera, Seabrook, Sears, Vann and Palma

**Negative,** 2 -

Avella and Barron

**Absent,** 3 -

Arroyo, Baez and Liu

**LU 1192-2009      Application no. C 090342 ZMX, submitted by the Department of Housing Preservation and Development, pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment of the Zoning Map, Section No. 3d..**

**Attachments:** Land Use Calendar - Week of September 7 - September 11, 2009, Land Use Calendar - Week of September 21 - September 25, 2009

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

**Attachments:** Land Use Calendar - Week of September 7 - September 11, 2009, Land Use Calendar - Week of September 21 - September 25, 2009

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

**Affirmative,** 19 -

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

**Absent,** 3 -

Arroyo, Baez and Liu

**LU 1193-2009      Uniform Land Use Review Procedure application no. N 090343 HAX, an Urban Development Action Area Designation and Project, located at 906 and 916 East 176th Street and 907 East 175th Street, Borough of the Bronx, Council District no. 15. 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:** Land Use Calendar - Week of September 7 - September 11, 2009, Land Use Calendar - Week of September 21 - September 25, 2009

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

**Attachments:** Land Use Calendar - Week of September 7 - September 11, 2009, Land Use Calendar - Week of September 21 - September 25, 2009

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

**Affirmative,** 19 -

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

**Absent,** 3 -

Arroyo, Baez and Liu

LU 1205-2009

**Application no. N 090364 ZRY, 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, establishing two new zoning districts: C6-3D and R9D and modifying related regulations.**

**Attachments:** Land Use Calendar - Week of September 7 - September 11, 2009, Hearing Transcript - Land Use 9/10/09

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

**Attachments:** Land Use Calendar - Week of September 7 - September 11, 2009, Hearing Transcript - Land Use 9/10/09

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

**Affirmative,** 19 -

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

**Absent,** 3 -

Arroyo, Baez and Liu

LU 1206-2009

**Application no. N 090365 ZMX, 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 of the City of New York, Section Nos. 3b and 6a.**

**Attachments:** Hearing Transcript - Land Use 9/10/09

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

**Attachments:** Hearing Transcript - Land Use 9/10/09

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

**Affirmative,** 19 -

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

**Absent,** 3 -

Arroyo, Baez and Liu

**LU 1208-2009**      **Application no. 20105020 HKM (N 10001 HKM), pursuant to §3020 of the Charter of the City of New York, concerning the designation (List No.414, LP-2218) by the Landmarks Preservation Commission of 94 Greenwich Street (aka 14-18 Rector Street), (Block 53, Lot 41) as an historic landmark, Council District no. 1.**

**Attachments:**    Land Use Calendar - Week of September 7 - September 11, 2009, Land Use Calendar - Week of September 21 - September 25, 2009

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

**Attachments:**    Land Use Calendar - Week of September 7 - September 11, 2009, Land Use Calendar - Week of September 21 - September 25, 2009

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

**Affirmative,**    17 -

Katz, Avella, Comrie Jr., Crowley, Dickens, Felder, Garodnick, Gioia, Gonzalez, Jackson, Lappin, Mendez, Rivera, Seabrook, Sears, Vann and Palma

**Negative,**      2 -

Barron and Ignizio

**Absent,**        3 -

Arroyo, Baez and Liu

**LU 1209-2009**      **Application no. 20095528 TCX, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of Jasper's Pizza & More, LLC d/b/a Jasper's Italian Cuisine, to establish, maintain and operate an unenclosed sidewalk café at 3535 Riverdale Avenue, Borough of the Bronx, Council District no. 11. 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:**    Land Use Calendar - Week of September 21 - September 25, 2009

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

**Attachments:**    Land Use Calendar - Week of September 21 - September 25, 2009

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

**Affirmative,**    19 -

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

**Absent,**        3 -

Arroyo, Baez and Liu

**LU 1210-2009      Application no. C 090441 ZMK, submitted by Atara Vanderbilt, LLC, pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment of the Zoning Map, Section No. 16c.**

**Attachments:**    Land Use Calendar - Week of September 21 - September 25, 2009

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

**Attachments:**    Land Use Calendar - Week of September 21 - September 25, 2009

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

**Affirmative, 19 -**

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

**Absent, 3 -**

Arroyo, Baez and Liu

**LU 1211-2009      Application no. N 090442 ZRK, submitted by Atara Vanderbilt, LLC, 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 II, Chapter 3 (Bulk regulations for Residential Buildings in Residence Districts), Section 23-90, relating to the application of the Inclusionary Housing Program to R9A districts.**

**Attachments:**    Land Use Calendar - Week of September 21 - September 25, 2009

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

**Attachments:**    Land Use Calendar - Week of September 21 - September 25, 2009

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

**Affirmative, 19 -**

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

**Absent, 3 -**

Arroyo, Baez and Liu

**LU 1212-2009**      **Application no. C 090443 ZSK, submitted by Atara Vanderbilt, LLC, pursuant to Sections 197-c and 201 of the New York City Charter, for a special permit pursuant to Section 74-743 (a) of the Zoning Resolution to modify requirements of Section 23-145, Section 23-852 and Section 35-24 to facilitate a mixed use development on property located at 470 Vanderbilt Avenue (Block 2009, Lots 1, 19, 20, 23, 26, 31-44). 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:**    Land Use Calendar - Week of September 21 - September 25, 2009

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

**Attachments:**    Land Use Calendar - Week of September 21 - September 25, 2009

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

**Affirmative,**    19 -

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

**Absent,**        3 -

Arroyo, Baez and Liu

**LU 1214-2009**      **Application no. N 090444 ZMK, submitted by the Department of Housing Preservation and Development pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment of the Zoning Map of the City of New York, Section No 12d.**

**Attachments:**    Land Use Calendar - Week of September 21 - September 25, 2009

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

**Attachments:**    Land Use Calendar - Week of September 21 - September 25, 2009

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

**Affirmative,**    19 -

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

**Absent,**        3 -

Arroyo, Baez and Liu

**LU 1215-2009**      **Application no. C 090445 ZSK, submitted by the Department of Housing Preservation and Development, pursuant to Sections 197-c and 201 of the New York City Charter, for a special permit pursuant to Section 78-312 (d) of the Zoning Resolution to modify requirements of Section 23-632 to facilitate construction of a mixed use development on property located at 136-50 Flushing Avenue(Block 2033, Lot 1). 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:**    Land Use Calendar - Week of September 21 - September 25, 2009

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

**Attachments:**    Land Use Calendar - Week of September 21 - September 25, 2009

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

**Affirmative,**    19 -

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

**Absent,**        3 -

Arroyo, Baez and Liu

**LU 1216-2009**      **Uniform Land Use Review Procedure application no. N 090446 HAK, submitted by the Department of Housing Preservation and Development, an Urban Development Action Area Designation and Project, located at 136-50 Flushing Ave, Borough of Brooklyn, Council District no. 35. 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:**    Land Use Calendar - Week of September 21 - September 25, 2009

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

**Attachments:**    Land Use Calendar - Week of September 21 - September 25, 2009

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

**Affirmative,**    19 -

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

**Absent,**        3 -

Arroyo, Baez and Liu