

# The New York City Council

*City Hall  
New York, NY 10007*



## Meeting Minutes

Thursday, September 24, 2009

9:45 AM

Continuation of Recessed Meeting of September 22, 2009

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, Rivera, Sears and Vann

**Absent,** Seabrook

*Other Council Members Attending: Gonzalez and James*

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 Subcommittee approved by Roll Call.**

**Affirmative,** 7 -

Felder, Gioia, Jackson, Katz, Rivera, Sears and Vann

**Negative,** 1 -

Avella

**Absent,** 1 -

Seabrook

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 Subcommittee approved by Roll Call.**

**Affirmative,** 7 -

Felder, Gioia, Jackson, Katz, Rivera, Sears and Vann

**Negative,** 1 -

Avella

Absent, 1 -  
Seabrook

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 Subcommittee approved by Roll Call.**

Affirmative, 8 -  
Avella, Felder, Gioia, Jackson, Katz, Rivera, Sears and Vann

Absent, 1 -  
Seabrook

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 Subcommittee approved by Roll Call.**

Affirmative, 8 -  
Avella, Felder, Gioia, Jackson, Katz, Rivera, Sears and Vann

Absent, 1 -  
Seabrook

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 Subcommittee approved by Roll Call.**

**Affirmative, 8 -**

Avella, Felder, Gioia, Jackson, Katz, Rivera, Sears and Vann

**Absent, 1 -**

Seabrook

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 Subcommittee approved by Roll Call.**

**Affirmative, 8 -**

Avella, Felder, Gioia, Jackson, Katz, Rivera, Sears and Vann

**Absent, 1 -**

Seabrook

LU 1213-2009      **Application no. C 060551 ZMQ, submitted by Briarwood Organization LLC, pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment of the Zoning Map, Section No. 11a., by establishing within an existing R4 District a C2-2 District..**

**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

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

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 Subcommittee approved by Roll Call.**

**Affirmative, 8 -**

Avella, Felder, Gioia, Jackson, Katz, Rivera, Sears and Vann

**Absent, 1 -**

Seabrook

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 Subcommittee approved by Roll Call.**

**Affirmative,** 8 -  
Avella, Felder, Gioia, Jackson, Katz, Rivera, Sears and Vann

**Absent,** 1 -  
Seabrook

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 Subcommittee approved by Roll Call.**

**Affirmative,** 8 -  
Avella, Felder, Gioia, Jackson, Katz, Rivera, Sears and Vann

**Absent,** 1 -  
Seabrook