

# The New York City Council

*City Hall  
New York, NY 10007*



## Meeting Minutes

Tuesday, November 17, 2009

9:30 AM

Council Chambers - 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, Seabrook, Sears and Vann  
*Other Council Members Attending: Koppell, Gerson, Palma and Lappin*

**LU 1244-2009      Application no. N 090412 ZRY by the Department of City Planning, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution relating to Article VI, Chapter 3, concerning provisions related to the establishment of FRESH Food Stores.**

**Attachments:** Land Use Calendar - Week of October 26 - October 30, 2009, Land Use Calendar - Week of November 9 - November 20, 2009, Hearing Transcript - Zoning 10/26/09, Hearing Testimony - Zoning 10/26/09

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

**Attachments:** Land Use Calendar - Week of October 26 - October 30, 2009, Land Use Calendar - Week of November 9 - November 20, 2009, Hearing Transcript - Zoning 10/26/09, Hearing Testimony - Zoning 10/26/09

**A motion was made that this Land Use Application be Approved by Subcommittee with Modifications and Referred to CPC approved by Roll Call.**

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

**LU 1251-2009      Application no. 20095546 TCM, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of 212 Lafayette Associates LLC. d/b/a Café Street, to establish maintain and operate an unenclosed sidewalk café located at 212 Lafayette Street, Borough of Manhattan, Council District no. 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 November 9 - November 20, 2009

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

**Attachments:** Land Use Calendar - Week of November 9 - November 20, 2009

**A motion was made that this Land Use Application be Filed by Subcommittee approved by Roll Call.**

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

LU 1252-2009      **Application no. 20105053 TCM, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of 98 Kenmare Restaurant Group LLC. d/b/a Civetta, to establish maintain and operate an unenclosed sidewalk café located at 98 Kenmare Street, Borough of Manhattan, Council District no. 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 November 9 - November 20, 2009

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

**Attachments:** Land Use Calendar - Week of November 9 - November 20, 2009

**A motion was made that this Land Use Application be Filed by Subcommittee approved by Roll Call.**

**Affirmative, 9 -**

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

LU 1253-2009      **Application no. M 770073(A) ZMX submitted by FGP West Street LLC for a modification to Restrictive Declaration D-28 (C 770073 ZMX) involving: property located at 1800 Williamsbridge Road (Block 4200, Lots 35 & 46), in an R4/C1-2 District.**

**Attachments:** Land Use Calendar - Week of November 9 - November 20, 2009

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

**Attachments:** Land Use Calendar - Week of November 9 - November 20, 2009

**A motion was made that this Land Use Application be Approved by Subcommittee approved by Roll Call.**

**Affirmative, 9 -**

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

LU 1254-2009      **Application no. C 090096 ZMK submitted by Tibetan LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 12c, by establishing within an existing R6B District a C2-4 District.**

**Attachments:** Land Use Calendar - Week of November 9 - November 20, 2009

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

**Attachments:** Land Use Calendar - Week of November 9 - November 20, 2009

**A motion was made that this Land Use Application be Approved by Subcommittee approved by Roll Call.**

Affirmative, 8 -

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

Abstain, 1 -

Katz

LU 1255-2009

**Application no. C 080039 ZMM submitted by West 129th Street Realty I LLC and West 129th Street Realty II LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section 6a, changing from an R7-2 District to an R7A District and changing from an M1-1 District to an R7A**

Attachments: Land Use Calendar - Week of November 9 - November 20, 2009

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

Attachments: Land Use Calendar - Week of November 9 - November 20, 2009

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

LU 1256-2009

**Application no. C 090236 MMX submitted by the Economic Development Corporation and Related Retail Armory, LLC pursuant to Sections 197-c and 199 of the New York City Charter, and Section 5-430 et seq. of the New York City Administrative Code, for an amendment to the City Map. 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: Land Use Calendar - Week of November 9 - November 20, 2009

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

Attachments: Land Use Calendar - Week of November 9 - November 20, 2009

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

LU 1257-2009

**Application no. C 090237 MMX submitted by the Economic Development Corporation pursuant to Sections 197-c and 199 of the New York City Charter, and Section 5-430 et seq. of the New York City Administrative Code, for an amendment to the City Map. 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: Land Use Calendar - Week of November 9 - November 20, 2009

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

**Attachments:** Land Use Calendar - Week of November 9 - November 20, 2009

This Land Use Application was Laid Over by Subcommittee

LU 1258-2009      **Application no. C 090437 ZMX submitted by Related Retail Armory, LLC and the Economic Development Corporation pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 3c: changing from an R6 District to a C4-4 District property bounded by West 195th Street\*, Jerome Avenue, West Kingsbridge Road, and Reservoir Avenue.**

**Attachments:** Land Use Calendar - Week of November 9 - November 20, 2009

This Land Use Application was Hearing Held by Committee

**Attachments:** Land Use Calendar - Week of November 9 - November 20, 2009

This Land Use Application was Laid Over by Subcommittee

LU 1259-2009      **Application no. C 090438 PPX submitted by the Department of Citywide Administrative Services (DCAS), pursuant to Section 197-c of New York City Charter, for the disposition of one city-owned property located at 29 West Kingsbridge Road (Block 3247, Lots 10 and p/o 2), pursuant to zoning. 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:** Land Use Calendar - Week of November 9 - November 20, 2009

This Land Use Application was Hearing Held by Committee

**Attachments:** Land Use Calendar - Week of November 9 - November 20, 2009

This Land Use Application was Laid Over by Subcommittee

LU 1260-2009      **Application no C 090408 MMM. submitted by the Department of City Planning pursuant to Sections 197-c and 199 of the New York City Charter, for an amendment to the City Map involving a change in grade on West 33rd Street, between Eleventh and Twelfth Avenues. 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:** Land Use Calendar - Week of November 9 - November 20, 2009

This Land Use Application was Hearing Held by Committee

**Attachments:** Land Use Calendar - Week of November 9 - November 20, 2009

This Land Use Application was Laid Over by Subcommittee

LU 1261-2009

**Application no. C 090422 HAM submitted by the Department of Housing Preservation and Development (HPD) pursuant to Article 16 of the General Municipal Law of New York State for: the designation of property located at West 48th and West 49th streets, west of 10th Avenue (Block 1077, part of Lot 29), as an Urban Development Action Area; and an Urban Development Action Area Project for such area; and pursuant to Section 197-c of the New York City Charter for the disposition of such property to a developer to be selected by HPD; to facilitate the development of a mixed-use building, tentatively known as The Westside Rail Yards/DEP Site, with residential and retail space.**

**Attachments:** Land Use Calendar - Week of November 9 - November 20, 2009

This Land Use Application was Hearing Held by Committee

**Attachments:** Land Use Calendar - Week of November 9 - November 20, 2009

This Land Use Application was Laid Over by Subcommittee

LU 1262-2009

**Application no. C 090423 HAM submitted by the Department of Housing Preservation and Development (HPD):1) pursuant to Article 16 of the General Municipal Law of New York State for: a. the designation of property located at 806 Ninth Avenue (Block 1044, p/o Lot 3); as an Urban Development Action Area; and an Urban Development Action Area Project for such area; and pursuant to Section 197-c of the New York City Charter for the disposition of such property to a developer to be selected by HPD; to facilitate the development of a mixed-use building, tentatively known as the Westside Rail Yard/MTA Site, with residential and commercial space.**

**Attachments:** Land Use Calendar - Week of November 9 - November 20, 2009

This Land Use Application was Hearing Held by Committee

**Attachments:** Land Use Calendar - Week of November 9 - November 20, 2009

This Land Use Application was Laid Over by Subcommittee

LU 1263-2009      **Application no. N 090429 ZRM 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, concerning Article IX Chapter 6 (Special Clinton District), Borough of Manhattan, Community District 4.**

**Attachments:**    Land Use Calendar - Week of November 9 - November 20, 2009

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

**Attachments:**    Land Use Calendar - Week of November 9 - November 20, 2009

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

LU 1264-2009      **Application no. C 090430 ZMM submitted by New York City 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. 8c: establishing within an existing R8 District a C1-5 District.**

**Attachments:**    Land Use Calendar - Week of November 9 - November 20, 2009

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

**Attachments:**    Land Use Calendar - Week of November 9 - November 20, 2009

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

LU 1265-2009      **Application no. C 090433 ZMM submitted by RG WRY LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 8b changing from an M2-3 District to a C6-4 District.**

**Attachments:**    Land Use Calendar - Week of November 9 - November 20, 2009

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

**Attachments:**    Land Use Calendar - Week of November 9 - November 20, 2009

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

LU 1266-2009      **Application no. N 090434 ZRM submitted by RG WRY 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 IX, Chapter 3 (Special Hudson Yards District) relating to the addition of Western Rail Yard Subdistrict F and the expansion of the Special Hudson Yards District, Community District 4, Borough of Manhattan.**

**Attachments:** Land Use Calendar - Week of November 9 - November 20, 2009

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

**Attachments:** Land Use Calendar - Week of November 9 - November 20, 2009

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

LU 1267-2009      **Application no. C 090435 ZSM submitted by RG WRY LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Sections 93-052\* and 13-561 of the Zoning Resolution to allow an attended accessory parking garage (North Parking Garage) with a maximum capacity of 1100 spaces on portions of the ground floor and plaza level of a proposed mixed-use development (Block 676, Lot 3), in a C6-4 District, within the Special Hudson Yards District. 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:** Land Use Calendar - Week of November 9 - November 20, 2009

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

**Attachments:** Land Use Calendar - Week of November 9 - November 20, 2009

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



LU 1268-2009      **Application no. C 090436 ZSM submitted by RG WRY LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Sections 93-052\* and 13-561 of the Zoning Resolution to allow an attended accessory parking garage (South Parking Garage) with a maximum capacity of 800 (Block 676, Lot 3), in a C6-4 District within the Special Hudson Yards District. 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:** Land Use Calendar - Week of November 9 - November 20, 2009

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

**Attachments:** Land Use Calendar - Week of November 9 - November 20, 2009

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