

**COUNCIL OF THE CITY OF NEW YORK**

**CALENDAR**

**OF**

**THE LAND USE COMMITTEE**

**FOR THE WEEK OF DECEMBER 16 - DECEMBER 20, 2013**

**LEROY G. COMRIE**, *Chair*, Land Use Committee

**MARK WEPRIN**, *Chair*, Subcommittee on Zoning and Franchises

**BRAD LANDER**, *Chair*, Subcommittee on Landmarks, Public Siting  
and Maritime Uses

**STEPHEN LEVIN**, *Chair*, Subcommittee on Planning, Dispositions  
and Concessions

<http://legistar.council.nyc.gov/Calendar.aspx>

## **SUBCOMMITTEE ON ZONING AND FRANCHISES**

The Subcommittee on Zoning and Franchises will hold a public hearing on the following matters in the **Council Committee Room, 250 Broadway, 16<sup>th</sup> Floor**, New York City, New York 10007, commencing at **9:30 A.M. on Tuesday, December 17, 2013:**

### **L.U. No. 987**

*Public Hearing held on December 5, 2013 and laid over from the meeting of the Subcommittee on Zoning and Franchises on December 5, 2013 and December 10, 2013.*

### **NELLO'S**

**MANHATTAN CB - 8**

**20145201 TCM**

Application pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of Madison Global LLC, d/b/a Nello's, for a revocable consent to continue to maintain and operate an unenclosed sidewalk café located at 696 Madison Avenue.

### **L.U. No. 1002**

### **THE RANDOLPH AT BROOME**

**MANHATTAN CB - 2**

**20145155 TCM**

Application pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of Cherry Lane, Inc., d/b/a The Randolph at Broome, for a revocable consent to continue to maintain and operate an unenclosed sidewalk café located at 349 Broome Street.

**L.U. NOS. 994 THROUGH 999 ARE RELATED**

**L.U. No. 994**

**SEASIDE PARK AND COMMUNITY ARTS CENTER**

**BROOKLYN CB - 13**

**C 140063 ZSK**

Application submitted by Coney Island Holdings LLC and the New York City Economic Development Corporation pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 131-60 of the Zoning Resolution to allow an open-air auditorium with a maximum of 5,099 seats for a term no greater than ten (10) years, on property located at 3052-3078 West 21<sup>st</sup> Street (Block 7071, Lots 27, 28, 30, 32, 34, 76, 79, 81, 130, 226, 231, and p/o Lot 142; the bed of former Highland View Avenue; and a portion of the bed of former West 22<sup>nd</sup> Street), in R5 and R7D/C2-4 Districts, within the Special Coney Island District (Coney West Subdistrict, Parcels B and G).

**L.U. No. 995**

**SEASIDE PARK AND COMMUNITY ARTS CENTER**

**BROOKLYN CB - 13**

**N 140064 ZRK**

Application 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 Section 113-00 (Special Coney Island District), 131-60 (Special Permit for Auditoriums), Appendix A (Coney Island District Plan) relating to the development of auditorium use.

Matter in underline is new, to be added;

Matter in ~~strikeout~~ is old, to be deleted;

Matter within # # is defined in Section 12-10;

\* \* \* indicates where unchanged text appears in the Zoning Resolution

**Article XIII: Special Purpose Districts**

\* \* \*

**Chapter 1**

**Special Coney Island District**

\* \* \*

## 131-60

### Special Permit for Auditoriums

The special permit set forth in this Section is established to allow outdoor entertainment #uses# on a limited-term basis in a unique beachfront location within the #Special Coney Island District#. The #development# of such a #use# on a temporary basis pursuant to this special permit provides for the opportunity for a valuable public amenity to exist within an area that, while approved for future #residential development# pursuant to the #Special Coney Island District# plan, is currently underutilized and does not exhibit the characteristics of a well-developed #residential# neighborhood. Any special permit granted under this Section shall be subject to a term of years, in order to ensure that such #use# is consistent with and does not impede the goal of long-term revitalization of the surrounding area, pursuant to the #Special Coney Island District# plan.

In the Coney West Subdistrict, for Parcels B and G, the City Planning Commission may approve, by special permit, open-air auditoriums with greater than 2,000 seats, for a term no greater than ten years from the date a certificate of occupancy, including a temporary certificate of occupancy, has been issued, provided that the proposed auditorium meets the conditions of paragraph (a) and the findings of paragraph (b) of this Section, in addition to the #sign# and parking provisions of paragraphs (c) and (d) of this Section, respectively.

For any application for such special permit, the applicant shall provide plans to the Commission including but not limited to a site plan, signage plan, parking and loading plan, lighting plan and operations plan (the “Proposed Plans”).

(a) The Commission may permit open-air auditoriums with a maximum of 5,100 seats, provided the Proposed Plans demonstrate that:

- (1) at all times when the Riegelmann Boardwalk is open to the public, all publically accessible space, as shown on the proposed plans, will remain accessible to the public, except that access may be restricted as necessary during scheduled events, for the setup and takedown for such events, and in connection with maintenance activities; any barriers erected for the purpose of restricting access or visibility during such events shall be completely removed at all other times;

- (2) the height of all structures, temporary or fixed, does not exceed 70 feet in height, as measured from the level of the Riegelmann Boardwalk;
- (3) any roof or structural canopy above the open-air auditorium seating area will be removed prior to the month of November and shall remain removed during the entire off-season period between November through April, as well as in advance of severe weather events;
- (4) the signage plan and parking and loading plan comply with the provisions of paragraphs (c) and (d) of this Section, respectively; and
- (5) the City and applicant will enter into an agreement under which Parcel G will be returned to the City as of the expiration of the term of the special permit in a condition set forth in such agreement appropriate for #use# as a #public park#.

(b) In granting such permit, the Commission shall find that:

- (1) such open-air auditorium will not unduly impair the essential character or the future #use# or #development# of the surrounding area, pursuant to the goals and objectives of the #Special Coney Island District# plan;
- (2) the outdoor lighting for such open-air auditorium is located and arranged so as to minimize any negative effects on nearby #residences# and #community facilities#, and that Proposed Plans include noise attenuation features and measures which serve to reduce the effect of noise from the open-air auditorium on the surrounding area, including nearby #residences# and #community facilities#;
- (3) the construction of a stage as part of any #building# on Parcel B, for the purpose of accommodating an open-air auditorium #use#, will:
  - (i) enable the stage area to be closed to the outdoor portion of the open-air auditorium during the off-season when the open-air auditorium is not in use, so as to be operated for indoor entertainment #uses# with an eating and drinking establishment or other #use# permitted on Parcel B; and

- (ii) allow for such #building# to be operated subsequent to the expiration of the special permit for #uses# permitted on Parcel B, such as eating or drinking establishments with entertainment;
  - (4) appropriate visual and pedestrian connections are maintained in the general area of the former street bed from the termination of West 22st Street to the Riegelmann Boardwalk;
  - (5) the portions of the site not dedicated to stage area or event seating are so designed to serve as a full time park-like resource for the public, and the portions of the site designed for open-air auditorium #use# serve as a high-quality open space resource when not in auditorium use;
  - (6) any roof or structural canopy above the open-air auditorium seating area will be visually unobtrusive, and maximize openness and visibility between the site and the Riegelmann Boardwalk,
  - (7) the operations plan, which shall include a protocol for queuing for concert-goers, demonstrates that there would be no interference with the public use and enjoyment of adjacent public facilities; and
  - (8) the site plan, signage plan and lighting plan incorporate good design, effectively integrate the site with surrounding streets and the Riegelmann Boardwalk, and are consistent with the purposes of the #Special Coney Island District#.
- (c) The Commission may, through approval of the Proposed Plans, permit #signs# notwithstanding the applicable #sign# regulations, except that #flashing signs# shall not be permitted and only #advertising signs# that are oriented toward the interior of the open-air amphitheater and not visible from the Riegelmann Boardwalk or other public area shall be permitted.

In order to permit such #signs#, the Commission shall find that proposed signage is appropriate in connection with the permitted open-air auditorium #use#, is not unduly concentrated within one portion of the site, and will not negatively affect the surrounding area.

(d) The Commission may, through approval of the Proposed Plans, reduce or waive required parking or loading requirements, provided the Commission finds that the open-air auditorium will be adequately served by a combination of surrounding public parking facilities and mass transit. In addition, the Commission shall find that the proposed loading facilities on the site are located so as not to adversely affect the movement of pedestrians or vehicles on the #streets# surrounding the auditorium.

The City Planning Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area. Such conditions and safeguards may include, but are not limited to restrictions on signage or requirements for soundproofing of auditoriums, shielding of floodlights or screening of open #uses#.

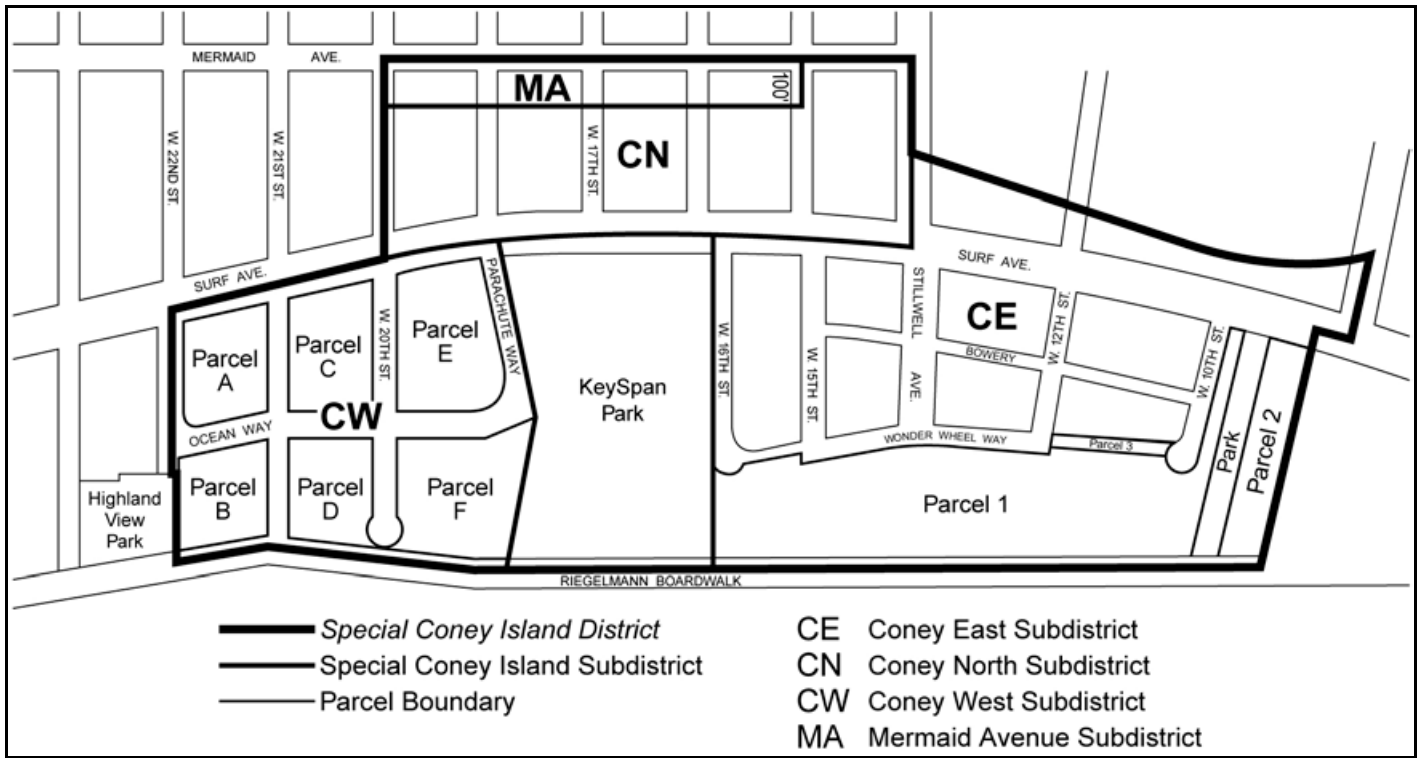
Upon the first issuance of this permit for an open-air auditorium, the effective period of the permit shall be ten years from the date a certificate of occupancy, including a temporary certificate of occupancy, has been issued. To establish the term of years for subsequent applications for this special permit, the Commission shall, in determining whether the finding of paragraph (b)(1) of this Section is met, take into account the existing character of the surrounding area, as well as #residential# and #community facility development# proposed or under construction on surrounding #blocks#, and shall also consider whether continuation of such auditorium #use# within a proposed term of years would be compatible with or may hinder achievement of the goals and objectives of the #Special Coney Island District# plan. Subsequent applications for this special permit shall be filed no later than one year prior to expiration of the term of the permit then in effect.

## **Appendix A**

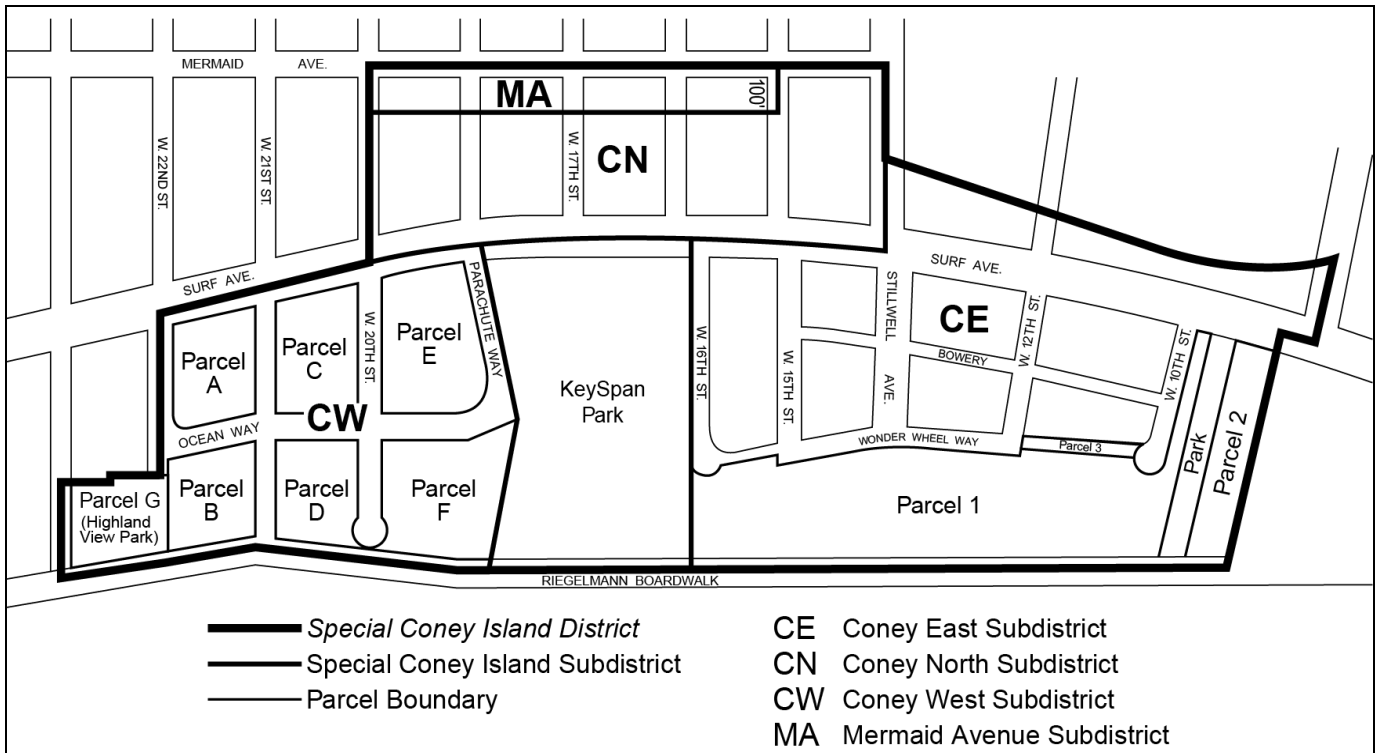
### **Coney Island District Plan**

Map 1 - Special Coney Island District and Subdistricts

[MAP TO BE DELETED]



[MAP TO BE INSERTED]





## Map 2 - Mandatory Ground Floor Use Requirements

[EXISTING MAP TO BE UPDATED WITH REVISED DISTRICT BOUNDARY]

\* \* \*

## Map 4 - Street Wall Location

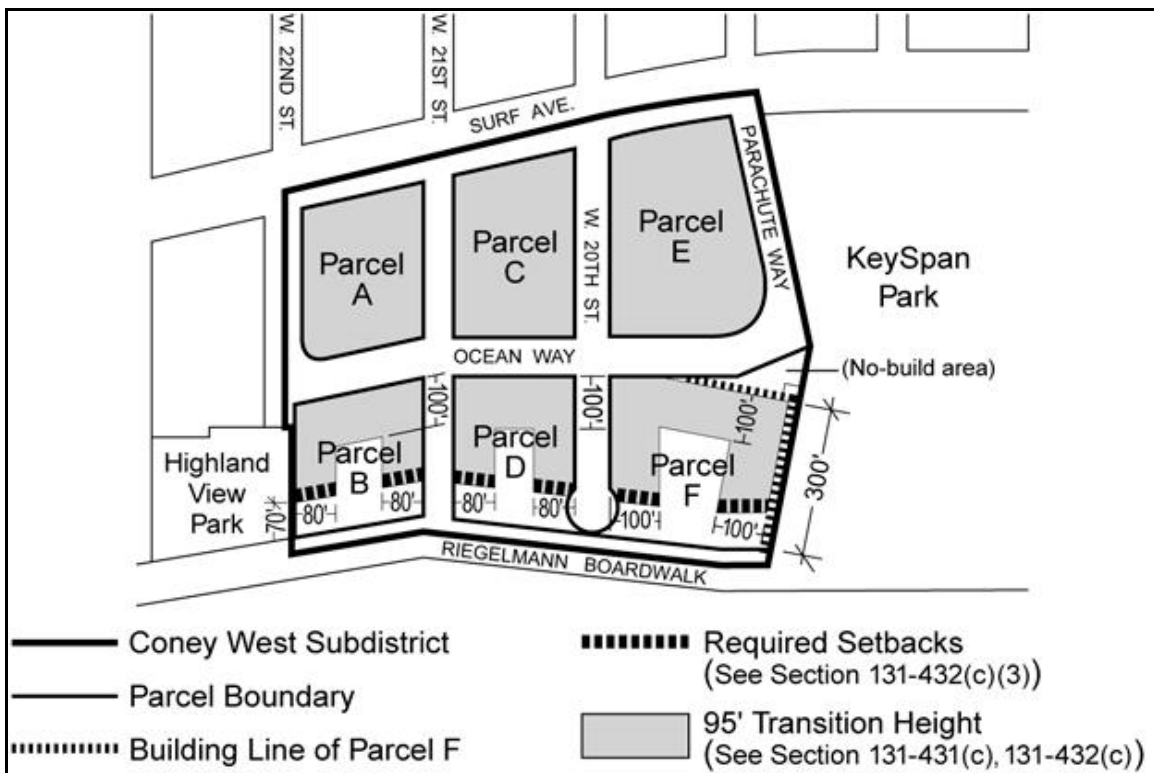
[EXISTING MAP TO BE UPDATED WITH REVISED DISTRICT BOUNDARY]

## Map 5 - Minimum and Maximum Base Heights

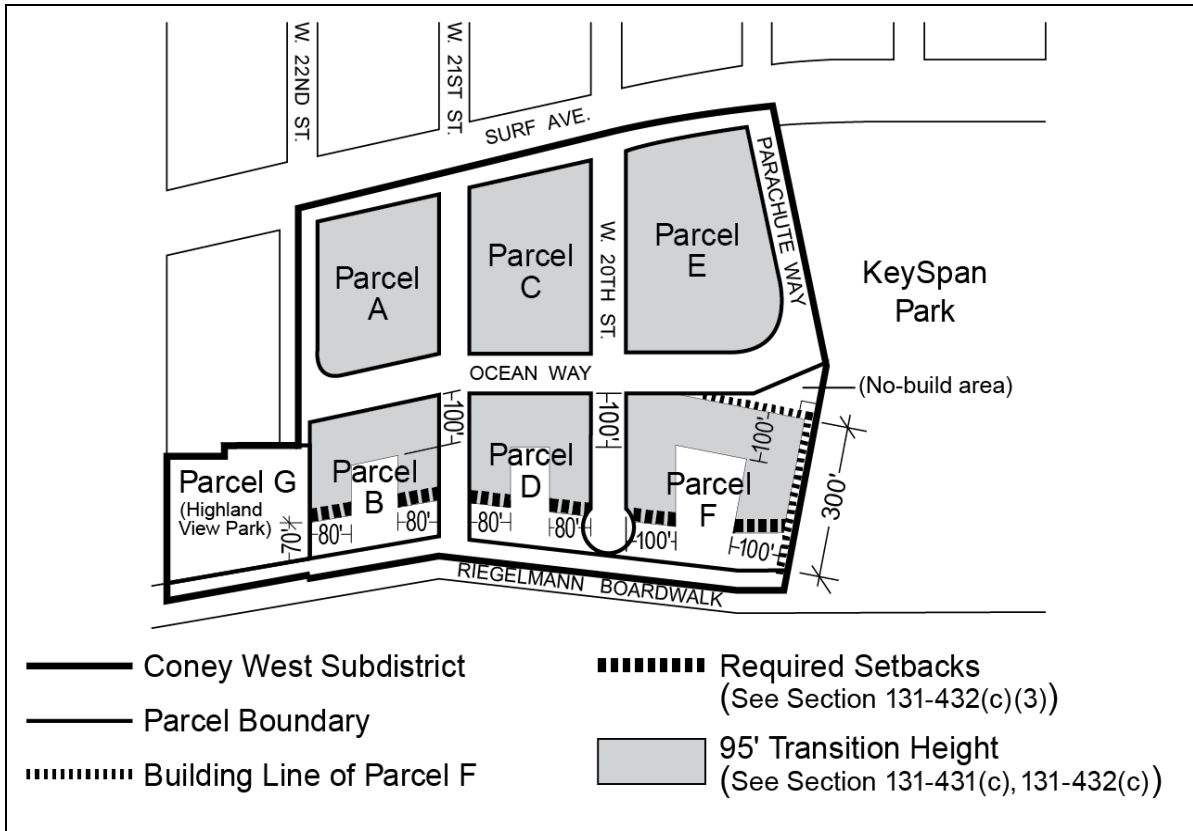
[EXISTING MAP TO BE UPDATED WITH REVISED DISTRICT BOUNDARY]

## Map 6 - Coney West Subdistrict Transition Heights

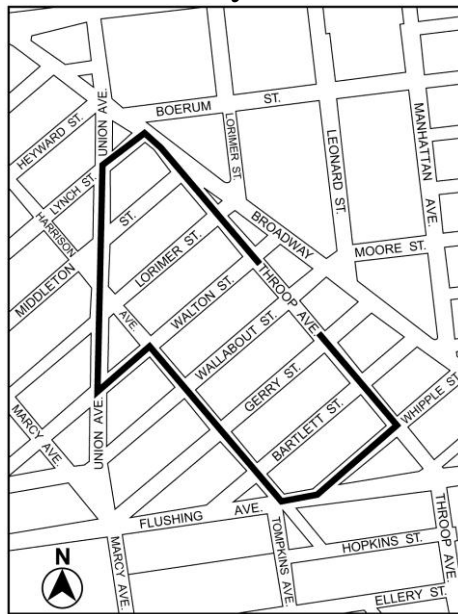
[MAP TO BE DELETED]



[MAP TO BE INSERTED]



**EXISTING**  
**(TO BE DELETED)**  
 Map 4 (12/21/09)  
 Portion of Community District 1, Brooklyn



**PROPOSED**

**(TO REPLACE EXISTING)**

Map 4 (xx/xx/xx)



Portion of Community District 1, Brooklyn

\* \* \*

**L.U. No. 996**

**SEASIDE PARK AND COMMUNITY ARTS CENTER**

**BROOKLYN CB - 13**

**C 140065 ZMK**

Application submitted by Coney Island Holdings, LLC and the New York City Economic Development Corporation pursuant to Sections 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section No. 28d, establishing a Special Coney Island District (CI) bounded by a line perpendicular to the easterly street line of West 23<sup>rd</sup> Street distant 245 feet northerly (as measured along the street line) from the point of intersection of the easterly street line of West 23<sup>rd</sup> Street and northerly boundary line of Riegelmann Boardwalk, a line 110 feet easterly of West 23<sup>rd</sup> Street, a line 150 feet northerly of former Highland View Avenue and its easterly prolongation, the easterly street line of former West 22<sup>nd</sup> Street, the northerly boundary line of Riegelmann Boardwalk, and West 23<sup>rd</sup> Street, as shown on a diagram (for illustrative purposes only), dated September 9, 2013.

**L.U. No. 997**

**SEASIDE PARK AND COMMUNITY ARTS CENTER**  
**BROOKLYN CB - 13** **C 140066 PPK**

Application submitted by the Department of Citywide Administrative Services (DCAS), pursuant to Section 197-c of the New York City Charter, for disposition, by lease agreement, to the New York City Land Development Corporation (NYCLDC) of city-owned property located on Block 7071, Lots 27, 28, 30, 32, 34, 76, 130, 142 and 226, restricted to the conditions pursuant to NYC Zoning Resolution (ZR) Section 131-60 (Special Permit for Auditoriums).

**L.U. No. 998**

**SEASIDE PARK AND COMMUNITY ARTS CENTER**  
**BROOKLYN CB - 13** **C 140067 PPK**

Application submitted by the Department of Citywide Administrative Services, pursuant to Section 197-c of the New York City Charter, for the acquisition of property generally bounded by West 21<sup>st</sup> Street, West 22<sup>nd</sup> Street and the Riegelmann Boardwalk (Block 7071, Lots 27, 28, 30, 32, 34, 76, 130, 226, and 231).

**L.U. No. 999**

**SEASIDE PARK AND COMMUNITY ARTS CENTER**  
**BROOKLYN CB - 13** **M090107(B)MMK**

Application submitted by the New York City Economic Development for a modification of the resolution adopted by the City Planning Commission on June 17, 2009 (Calendar No. 14) approving an application (C 090107 MMK) for an amendment to the City Map involving, *inter alia*, the elimination of streets within an area bounded by West 22<sup>nd</sup> Street, West 23<sup>rd</sup> Street, and Public Beach in accordance with Map Nos. X-2711 dated January 14, 2009, revised June 17, 2009 and August 16, 2013 and X-2739 dated August 16, 2013 and signed by the Borough President.

**L.U. NOS. 961 THROUGH 963 ARE RELATED**

**L.U. No. 961**

**77 COMMERCIAL STREET**

**BROOKLYN CB - 1**

**C 140047 ZSK**

Application submitted by Waterview at Greenpoint, LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 62-836 of the Zoning Resolution to modify the height and setback requirements of Section 62-341 (Developments on land and platforms) and Section 62-354 (Special height and setback regulations) in connection with a proposed mixed-use development on property located at 77 Commercial Street (Block 2472, Lot 410), in R6 and R6/C2-4 Districts.

**L.U. No. 962**

**77 COMMERCIAL STREET**

**BROOKLYN CB - 1**

**N 140046 ZRK**

Application 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 Section 11-13 (Public Parks) and Section 62-35 (Special Bulk Regulations in Certain Areas Within Community District 1, Brooklyn), relating to the development of parkland.

Matter in underline is new, to be added;

Matter in ~~strikeout~~ is old, to be deleted;

Matter within # # is defined in Section 12-10;

\* \* \* indicates where unchanged text appears in the Zoning Resolution

**Article 1**

**Chapter 1**

**Title, Establishment of Controls and Interpretation of Regulations**

\* \* \*

# DISTRICTS, AND INCORPORATION OF MAPS

\* \* \*

11-13

## Public Parks

District designations indicated on #zoning maps# do not apply to #public parks#, except as set forth in Section 105-91 (Special District Designation on Public Parks) and in paragraph (c) of Section 62-351 (Special floor area regulations). In the event that a #public park# or portion thereof is sold, transferred, exchanged, or in any other manner relinquished from the control of the Commissioner of Parks and Recreation, no building permit shall be issued, nor shall any #use# be permitted on such former #public park# or portion thereof, until a zoning amendment designating a zoning district therefore has been adopted by the City Planning Commission and has become effective after submission to the City Council in accordance with the provisions of Section 71-10 (PROCEDURE FOR AMENDMENTS).

\* \* \*

## Article IV

### Chapter 2

#### Special Regulations Applying in the Waterfront Area

\* \* \*

62-35

## Special Bulk Regulations in Certain Areas Within Community District 1, Brooklyn

On #waterfront blocks# in #Inclusionary Housing designated areas# in Community District 1, Borough of Brooklyn, the special #bulk# regulations of this Chapter are further modified as set forth in this Section, inclusive.

62-351

## Special floor area regulations

\* \* \*

(c) Special regulations for Parcel 5e within Waterfront Access Plan BK-1

On Parcel 4 within Waterfront Access Plan BK-1, in the event that a property is #developed# as a #public park#, such property shall continue to be considered part of a #zoning lot# for the purposes of generating #residential floor area# based on the #residential floor area ratio# applicable to the property prior to its #development# as a #public park#. In no event shall the #floor area# generated by the property #developed# as a #public park# be utilized within the #public park#, but may be utilized pursuant to Section 62-353 (Special floor area, lot coverage and residential density distribution regulations). Floor space within any structure constructed pursuant to an agreement with the Department of Parks and Recreation within such #public park# shall be exempt from the definition of #floor area#.

\* \* \*

**L.U. No. 963**

**77 COMMERCIAL STREET**

**BROOKLYN CB - 1**

**N 140048 ZAK**

Application submitted by Waterview at Greenpoint, LLC for the grant of an authorization pursuant to Section 62-822(a) of the Zoning Resolution to modify the location requirements of Section 62-50 (GENERAL REQUIREMENTS FOR VISUAL CORRIDORS AND WATERFRONT PUBLIC ACCESS AREAS), and in conjunction therewith the requirements of Section 62-332 (Rear yards and waterfront yards), in connection with a proposed mixed-use development on property located at 77 Commercial Street (Block 2472, Lot 410), in R6 and R6/C2-4 Districts, within the Greenpoint-Williamsburg Waterfront Access Plan (Parcel 3).



## **SUBCOMMITTEE ON LANDMARKS, PUBLIC SITING AND MARITIME USES**

The Subcommittee on Landmarks, Public Siting and Maritime Uses public hearing scheduled for Monday, December 16, 2013 in the **Council Committee Room, 250 Broadway, 16<sup>th</sup> Floor**, New York City, New York 10007, commencing at **11:00 A.M.** has been **DEFERRED**.

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## **SUBCOMMITTEE ON PLANNING, DISPOSITIONS AND CONCESSIONS**

The Subcommittee on Planning, Dispositions and Concessions will hold a public hearing on the following matters in the **Council Committee Room, 250 Broadway, 16<sup>th</sup> Floor**, New York City, New York 10007, commencing at **11:00 A.M. on Monday, December 16, 2013:**

### **L.U. No. 1000**

#### **LANDS END II/A.K.A. CHERRY STREET**

**MANHATTAN CB - 3**

**20145224 HAM**

Application submitted by the New York City Department of Housing Preservation and Development (HPD) for approval of a new exemption from real property taxation, the termination of the existing tax exemption and voluntary dissolution of the current owner for the property located on Block 247, Lot 1, in the Borough of the Manhattan, Community Board 3, Council District 1. This matter is subject to Council review and action at the request of HPD and pursuant to Sections 123(4), 125 and 577 of the Private Housing Finance Law.

### **L.U. No. 1001**



## 127<sup>TH</sup> STREET CLUSTER

**MANHATTAN CB - 11**

**20145225 HAM**

Application submitted by the New York City Department of Housing Preservation and Development (HPD) for approval of a real property tax exemption pursuant to Section 577 of the Private Housing Finance Law (PHFL) for the property located on Block 1749, Lots 60 and 66; Block 1750, Lots 65 and 104; Block 1751, Lots 14, 57, 63 and 156; Block 1752, Lots 10 and 70; Block 1755, Lot 22; and Block 1756, Lot 8, in the Borough of the Manhattan, Community Board 11, Council District 9. This matter is subject to Council review and action at the request of HPD and pursuant to Section 577 of the PHFL.

### **L.U. No. 989**

*Public Hearing held on December 5, 2013 and laid over from the meeting of the Subcommittee on Planning, Dispositions and Concessions on December 5, 2013.*

## **LONG ISLAND UNIVERSITY**

**BROOKLYN CB - 2**

**C 130040 MMK**

Application submitted by Long Island University 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 involving:

- the narrowing by elimination, discontinuance and closing of Willoughby Street between Fleet Place and Ashland Place;
- the narrowing by elimination, discontinuance and closing of Ashland Place between Willoughby Street and DeKalb Avenue;
- the elimination of Public Place between Willoughby Street, Fleet Street, and Fleet Place;
- the delineation of public access easements in Willoughby Street and Ashland Place;
- the adjustment of grades necessitated thereby;

including authorization for any acquisition or disposition of real property related thereto, in accordance with Map Nos. X-<sub>16</sub>2737 and X-2738 dated June 26, 2013 and

signed by the Borough President.



## **LAND USE COMMITTEE**

The Land Use Committee will hold a meeting in the **Committee Room, City Hall**, New York City, New York 10007, commencing at **10:00 A.M. on Wednesday, December 18, 2013**, and will consider all items reported out of the Subcommittees at the meetings held on Monday, December 16, 2013 and Tuesday, December 17, 2013, and conduct such other business as may be necessary.