

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

SUBCOMMITTEE ON ZONING AND
FRANCHISES

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August 18, 2014
Start: 10:00 a.m.
Recess: 11:29 a.m.

HELD AT: 250 Broadway, Committee Room, 16th
Floor

B E F O R E: MARK WEPRIN
Chairperson

COUNCIL MEMBERS:

Margaret Chin
Helen Rosenthal
Ritchie Torres
Daniel Garodnick
David Greenfield
Antonio Reynoso
Ritchie Torres
Donovan Richards
Jumanne Williams

A P P E A R A N C E S (CONTINUED)

Robert S. Bookman, Esq.
Pesetsky and Bookman

Shlomo Steve Wygoda
SWA Architecture, PLLC

Batya Lewton
Coalition for a Livable West Side

Susan Cassidy
President of the Board
The Majestic

Kay Sheehan
Resident of Oliver Cromwell

Jan Levy
Resident of the Majestic

Marin Algaze

Susan Rutner

Richard Bloom

Nina Pinsky

Lewis Boxenbaum

Marion Conti

A P P E A R A N C E S (CONTINUED)

Funsho Owolabi
Legislative Director for State Assembly
Member Linda B. Rosenthal

Josh Cole

Edward Lyons
Douglas Elliman Property Management

Jerry Kahn

David Schwartz

Steven Sinacori
Akerman LLP

2 CHAIRPERSON WEPRIN: Okay we're going to
3 get started. Good morning everyone, my name is Mark
4 Weprin I am the Chair of the Zoning and Franchises
5 Subcommittee and I am joined this morning by the
6 following members of the subcommittee to start,
7 Council Member Ritchie Torres, who was the first one
8 here. Thank you Ritchie. Council Member Dan
9 Garodnick, Council Member Antonio Reynoso, the Chair
10 of the Land Use Committee, David Greenfield is here.
11 We are also joined by two members who have an item in
12 their district on this agenda. Council Member
13 Margaret Chin and Council Member Helen Rosenthal.

14 We have three cafes and one land use
15 application. One of the cafes has a lot of people
16 here to testify and we're going to do that as the
17 last of the cafes, out of the three cafes.

18 The land use item on Woodward Avenue will
19 go on after the cafes. So it might be a little
20 while. Those who are here for Woodward you may want
21 to realize that it may take a little while.

22 So let's get started. We're going to
23 start with Council Member Chin's district, Land Use
24 #104. And that's Sant Ambroeus. Robert Bookman is
25 here on behalf of this applicant, well with his

2 client. Mr. Bookman has been here before so I don't
3 have to tell him to make sure to state your name when
4 you speak and describe your application.

5 ROBERT BOOKMAN: Good morning Mr.
6 Chairman and members of the committee. My name is
7 Robert Bookman from the law firm of Pesetsky and
8 Bookman. I'm here on behalf of the sidewalk café
9 applicant, 265 Lafayette Ristorante LLC d/b/a Sant
10 Ambroeus. With me is Gherardo Guarducci one of the
11 principals of the applicant.

12 CHAIRPERSON WEPRIN: Great. Could you
13 please describe what it is you're asking for?

14 ROBERT BOOKMAN: We're asking for an
15 approval of what's called a small café. It's one row
16 of tables up against the wall. Six tables of two
17 each. We worked closely with Council Member Chin's
18 office to resolve certain issues which came up and
19 with your Land Use staff. I want to thank the staff
20 of both of their offices for working with us so that
21 we were able to clarify there were some plans that
22 needed to be clarified, which we did. As well as a
23 letter of understanding that we have with Council
24 Member Chin concerning a related or unrelated,
25 depending on your position, other location.

2 CHAIRPERSON WEPRIN: Understood. What
3 I'm going to do now then is to call on Council Member
4 Chin who I know has a statement to make. Council
5 Member Chin.

6 COUNCIL MEMBER CHIN: Thank you Chair
7 Weprin. I'm also going to read the letter into the
8 record later. Good morning, my name is Council
9 Member Margaret Chin. While I understand that Sant
10 Ambroeus is applying today for a sidewalk café permit
11 for their 263 Lafayette Street location in my
12 district. Our community has raised concerns about
13 the operators other location at 259 West 4th Street,
14 in part because of the lack of a sidewalk café
15 license there. I'd like to thank the operator for
16 agreeing to cease operation at the other location by
17 the end of this month as a gesture of good faith.
18 The operator has brought a letter, a copy of a letter
19 for us, outlining this promise. And I would like to
20 read it into the record.

21 Dear Council Member Chin. Pursuant to my
22 telephone conversation with your staff, we have
23 agreed to the following: At the collop [sic] of the
24 sidewalk café application for 265 Lafayette
25 Ristorante LLC d/b/a Sant Ambroeus, at 263 Lafayette

2 Street, New York City, currently scheduled for August
3 18, 2014. Your office will withdraw any objection it
4 has for the CA to issue the otherwise approved
5 sidewalk license as soon as possible in consideration
6 of the same my client will, at its other location on
7 259 West 4th Street, New York City, voluntarily and
8 without prejudice to is pursuing an appropriate
9 ruling and or zoning change, discontinue any outdoor
10 seating at that location effective midnight,
11 September 2, 2014 and will not resume any outdoor
12 seating at said West 4th Street location unless and
13 until the City Agency or the courts determine it may
14 lawfully so operate outdoor seating there. Nothing
15 contained here shall be deemed as an admission of
16 wrongdoing by either party. Very truly yours, Robert
17 S. Bookman and Gherardo Guarducci.

18 So, in light of this I would like to say
19 at this point that we will have no objection of a
20 permit being granted at 263 Lafayette Street. And I
21 urge the subcommittee to support that. Thank you
22 very much.

23 CHAIRPERSON WEPRIN: Thank you Council
24 Member Chin. Do any members of the panel have any
25 questions for these gentlemen? I see none so...

2 (Interpose)

3 ROBERT BOOKMAN: I misspoke, its seven
4 tables and fourteen seats. Not six and twelve.

5 CHAIRPERSON WEPRIN: No problem. And we
6 understand that revision. That number was submitted
7 to us and to DCA so we thank you for that. So with
8 that in mind I'm going to close this hearing. And
9 thank you very much for coming.

10 ROBERT BOOKMAN: Thank you very much.

11 CHAIRPERSON WEPRIN: We've also been
12 joined by Council Member Donovan Richards from
13 Queens. Is there anyone else here who is here to
14 testify on this item? I don't see anyone. So we are
15 going to close that hearing and move on. We're going
16 to move onto 106 which is 755 Washington Trattoria.
17 Sebastian Widmann and Mr. Wygoda, Shlomo Wygoda.
18 Does he have a thing? He's here for two of them
19 right. Steve Wygoda is here on behalf of this
20 establishment. Mr. Wygoda you too have been here
21 before so I expect you to know the rules. Just make
22 sure to always state your name when you're speaking
23 if more than one person is speaking, especially so
24 the record can be clear. Um, so Mr. Wygoda whenever
25 you're ready.

2 STEVE WYGODA: Is it on? Yes. Good
3 morning Chair Weprin. Thank you for your time. And
4 committee members. My name is Shlomo Steve Wygoda.
5 I'm an architect. I represented Sebastian Widmann
6 and his restaurant. This is a modification of an
7 existing restaurant sidewalk café that he's had for
8 many years. Um, what we've done is asked to add some
9 seating on Washington Street. He's had seating on
10 Bethune for quite some time. And what he did was
11 modify the storefront on Washington Street. It's a
12 landmark building so that's been completed.

13 So we've worked also with staff, with
14 Peter. And this is Council Member Corey Johnson's
15 district. So we've come to an agreement, um, with
16 this location. And if I may I can read the letter
17 into the record.

18 [Pause]

19 Can I read the letter into the record?

20 CHAIRPERSON WEPRIN: Yes please. I
21 apologize.

22 STEVE WYGODA: Dear Council Member
23 Johnson. This letter should serve as our agreement
24 with the Chair Council Member Mark Weprin and the
25 encompassing members of the Subcommittee on Zoning

2 and Franchises that we will commit to the following:

3 Number 1, reduce the railing height to 30 inches.

4 Number 2, modify size of tables to provide 8 foot

5 clearance for pedestrians to Bethune Street. Number

6 3, no planters will be used on the sidewalk case.

7 And this is signed sincerely by Sebastian

8 Widmann, President of 753 Washington Trattoria Inc.

9 CHAIRPERSON WEPRIN: Thank you. And we

10 are under... we have had conversations with Council

11 Member Johnson's office. I don't know if a member of

12 his staff is here, but that he is also in approval of

13 this matter. I don't see anybody but I know that

14 they've talked to us and talked to staff.

15 So does anyone else on the committee have

16 any questions for this applicant? I see none.

17 Alright, we also have received the

18 revised plans. Again, so good job. Thank you very

19 much. We excuse you. And anyone else here to

20 testify on this matter? There is none. So we're

21 going to close this hearing.

22 STEVE WYGODA: Thank you.

23 CHAIRPERSON WEPRIN: Mr. Wygoda you can

24 stay there. I think you're representing the next

25 item as well.

2 STEVE WYGODA: I am.

3 CHAIRPERSON WEPRIN: Thank you sir, you
4 can go back to work.

5 Um, and now we are going to move onto the
6 next café, which I know there are a number of people
7 here.

8 Mr. Wygoda is here representing Riposo 72
9 and Phil Alotta (Phonetic) and Carlo Zasgorski
10 (Phonetic). Got the names right? Am I missing
11 somebody?

12 [Crosstalk]

13 Those two names Phil and Carlo?

14 STEVE WYGODA: Carlo is here.

15 CHAIRPERSON WEPRIN: Alright.

16 [Crosstalk]

17 STEVE WYGODA: Yes.

18 UNIDENTIFIED FEMALE: Is he one of the
19 representatives?

20 STEVE WYGODA: He is. He's part of our
21 group.

22 CHAIRPERSON WEPRIN: Okay. So, just
23 before you start Mr. Wygoda. So, we have a number of
24 people who are going to be testifying who are here,
25 after these gentleman answer questions and give their

2 statements. Unfortunately, we're going to have to
3 limit people to about two minutes each. And we're
4 going to put you on a clock. So if in your head, and
5 I know a few of you, and two minutes I know is tough
6 for some of you. No, two minutes, if you can try to
7 put in your head to limit it to two minutes and we'll
8 try to keep you to that. It will be disrespectful to
9 let people go much more, any more than that. But
10 we'll put you on a clock. So I just want you to know
11 that ahead of time.

12 Alright, gentlemen, whenever you're
13 ready, could you please describe the application for
14 Reposo 72, Land Use #105.

15 STEVE WYGODA: Good morning again. My
16 name is Shlomo Steve Wygoda. I am an architect. In
17 this situation I am not the architect for the
18 sidewalk café, I'm just assisting Carlo who is the
19 architect for the sidewalk café. With me is Phil
20 Alotta who is the owner. Um, this sidewalk café is
21 located on 20, I'm sorry 50 West 72nd Street and the
22 original application was made for a seating capacity..
23 If I may, yeh, yeh.

24 [Pause]

25

2 The original application was made for a
3 capacity of 16 tables and 30 seats.

4 [Background talk]

5 And yeh, okay. And we've been in
6 discussions. Had community board meeting and have
7 been in discussions with Council Members Helen
8 Rosenthal's office and her staff. And we have come
9 to an agreement as to what we would go forward with.
10 And I also have a letter here that I can read into
11 the record.

12 CHAIRPERSON WEPRIN: Yes please.

13 STEVE WYGODA: Okay. So again this is
14 Reposo, regarding Reposo 72, sidewalk café 50 West
15 72nd Street. Dear Council Members Rosenthal, Weprin
16 and Greenfield: Reposo 72 is applying for a city
17 license to operate an unenclosed sidewalk café at 50
18 West 72nd Street. Proposed hours of operation for
19 Reposo 72 sidewalk café are as follows: Monday to
20 Thursday, 4:00 p.m. to 11:00 p.m., Friday, 4:00 p.m.
21 to 12:00 a.m., Saturday, 11:30 a.m. to 12:00 a.m.,
22 Sunday, 11:30 a.m. to 11:00 p.m.

23 We have reduced the original number of
24 tables and seats from 16 tables and 30 seats to eight
25 tables and 16 seats. And if I just may interject, we

2 removed an outer row of seating so that the width of
3 the café has been reduced in size by two feet in
4 direction towards 72nd. Perpendicular direction.
5 Also the square footage has been reduced from 223
6 square feet to 183 square feet. Please let... This is
7 signed by Phil Alotta. Please let me know if you
8 need any further information. We are more than happy
9 to work with the city council and the community to
10 insure that Reposo 72 continues to be a positive
11 addition to the neighborhood. Thank you.

12 CHAIRPERSON WEPRIN: Okay. Thank you.
13 That last comment I was afraid was going to get a
14 groan. Thank you very much for keeping quite in the
15 audience. I appreciate that. I'd like to call on
16 Council Member Rosenthal who has an initial statement
17 she wants make. And then we'll hear from the
18 community and I know she wants to do that as well.

19 COUNCIL MEMBER ROSENTHAL: Great. Thank
20 you Chair Weprin. Thank you for coming here today.
21 I'm really going to defer my statement to the end
22 after the community has spoken. I just want to make
23 one correction. Our office did not come to an
24 agreement. I think what happened was you agreed to
25 make some changes to the application.

2 STEVE WYGODA: Should I respond?

3 CHAIRPERSON WEPRIN: Thank you.

4 (Background talk)

5 STEVE WYGODA: So noted.

6 CHAIRPERSON WEPRIN: Okay. Thank you.

7 Anybody on the panel have a question for these... the
8 applicant and at the moment we have a number of
9 people from the community who want to testify in this
10 matter.

11 UNIDENTIFIED MALE: Chairman Weprin I
12 have a question.

13 CHAIRPERSON WEPRIN: Yes. Mr. Torres.

14 COUNCIL MEMBER TORRES: What is the
15 Community Board's position on the café? Because I
16 don't have... it doesn't indicate it right here.

17 STEVE WYGODA: My understanding the
18 committee at committee level, approved the
19 application at full...

20 [Crosstalk]

21 Well it's in the record, but the full
22 board I was told is that they ran out of time and
23 there was no vote taken at the full board meeting.
24 So but at committee level was approved 5 to 2.

2 CHAIRPERSON WEPRIN: Thank you. Alright.
3 So, I think I'm going to excuse gentlemen you for
4 now. We have a number of people here to testify and
5 we're going to hear from them and we're going to call
6 them up in groups of four, since we have four chairs.
7 It is in the order they handed to me. So, what I'd
8 like to do is call on the following people. Is it, I
9 can't read the first name, Batya Lewton, is that
10 right? Jan Levy is it? Susan Cassidy and Kay
11 Sheehan. Ladies, thank you.

12 Alright, I want to reiterate, before you
13 speak to please state your name. Because we want the
14 record to be clear who's talking. And if it's
15 written down we can't tell people's voices. So...

16 [Background talk]

17 [Pause]

18 CHAIRPERSON WEPRIN: Alright ladies, you
19 can decide who wants to go first. We're going to put
20 a clock remember. It has a really annoying tone at
21 the end, I want to warn you. So whenever you're
22 ready.

23 BAYTA LEWTON: Batya Lewton, Coalition
24 for a Livable West Side. The Coalition for a Livable
25 West Side formed in 1981 is a west side grass roots

1 all volunteer community based environmental
2 organization whose members care about our community
3 and city. The Coalition also focuses on quality of
4 life issues on the Upper West Side. We believe that
5 sidewalk cafes are inappropriate on residential
6 streets. Especially in our landmark districts. The
7 Coalition supports the disapproval of Reposo
8 application for the sidewalk café. We urge the
9 council to reject this application.

11 CHAIRPERSON WEPRIN: Thank you. We
12 appreciate that. Next, where we started. But please
13 make sure you state your name when you speak. Thank
14 you.

15 SUSAN CASSIDY: Hi my name is Susan
16 Cassidy. I'm President of the Board of the Majestic.
17 Which is 115 Central Park West at 72nd Street. And I
18 come here requesting that the council not vote today
19 on the application for the sidewalk café being made
20 by Reposo for the following reasons.

21 The application was not reviewed and
22 voted on by the full community board. It was on the
23 agenda but because of the location of the meeting,
24 the meeting was adjourned without hearing this item.
25 And more than 30 residents did not have an

1 opportunity to voice their concerns. My
2 understanding is that it is in the agenda for the
3 community board on September 2nd.
4

5 Although the diagrams submitted
6 accurately indicate the presence of the lamppost and
7 muni-meter in front of the wine bar. Nowhere do I
8 see mentioned the fact that three afternoons a week
9 all of the residential garbage from 50 West 72nd is
10 put out on the sidewalk in front of Reposo where it
11 stays until collected by the sanitation department
12 the next day. And it's a substantial amount of
13 trash. Sometimes as high as three or four feet.
14 Reposo is not a good neighbor. They're in violation
15 of their liquor license stipulation that the door be
16 kept closed and the music volume low. There is
17 propped open most days for I guess eight months of
18 the year, whenever the weather is pleasant. And the
19 music can be heard in the street.

20 This application shouldn't be on your
21 agenda today and I'm respectfully requesting that you
22 return it to Community Board 7 and to the Department
23 of Consumer Affairs for them to revisit with all of
24 the pertinent information available and community
25 sentiment represented.

2 I've walked up and down Central Park West
3 and 5th Avenue and all of the major two-way streets.
4 There is not one business that occupies an inch of
5 sidewalk on 72nd, 81st, 86th, and 96th on the West Side
6 and the comparable on the east. There's no reason to
7 have this. Thank you.

8 CHAIRPERSON WEPRIN: Thank you Ms.
9 Cassidy. Who's going to go next? Ladies?

10 KAY SHEEHAN: Good morning. My name is
11 Kay Sheehan (Phonetic) and I live at the Oliver
12 Cromwell which is 12 West 72nd. And have been a
13 resident, happily a resident there for over 10 years
14 and I come today really to have added to the record
15 the petition from our building. We have right about
16 145 separate housing units in our building and we
17 have 105 signatures on our petition in opposition to
18 this sidewalk café. And just speaking personally
19 from my experience on this street. You know we have
20 heavy pedestrian traffic. There is really
21 significant citywide concern on the safety of
22 pedestrians on the street. We have a lot of tourists
23 going to Strawberry Fields. You know, it's just a
24 very busy street and I personally object to taking
25 away space that's supposed to be available to the

2 public for the benefit of a private enterprise.

3 Thank you very much.

4 CHAIRPERSON WEPRIN: You're welcome.

5 Thank you.

6 Ralph, we okay? Yes, one more. Ma'am.

7 JAN LEVY: I'm Jan Levy. I'm a 28 year
8 resident of the landmark Majestic. I'm a former 20
9 year member of Manhattan Community Board 7 and I am
10 the founder of the CB7 Landmarks Committee. And yes
11 I am the Jan Levy who went to the July 2007 State
12 Liquor Authority Hearing at 317 Lennox Avenue to
13 caution the Reposo attorney not to ask for a sidewalk
14 café because our block would oppose the request. So
15 I'm here to voice my unequivocal opposition to the
16 Department of Consumer Affairs approval of a sidewalk
17 café for the Reposo Wine Bar and to urge the
18 subcommittee to disapprove the application.

19 Many years ago, concerned by various
20 proposals for inappropriate or obstructive uses on
21 the West 72nd Street park block the four residential
22 buildings joined together and framed a policy. The
23 buildings include two landmarks, The Dakota, One West
24 and The Majestic. The others are Mayfair Towers, 15
25 West and the Oliver Cromwell, 12 West. Our objective

2 was to protect the residential quality of this
3 principal thoroughfare in the heart of the Central
4 Park West Historic District. Our policy is to refuse
5 all applications for sidewalk cafes or other
6 obstructions thereby assuring that all applications
7 are treated fairly and equally. We remain steadfast
8 to this principal.

9 Today in my remarks, which I've made
10 available with copies. I parse the SLA approval of
11 this license in 2007. I found it interesting that
12 there were two of the three members of the SLA board
13 there and the meeting was held in Canandaigua, which
14 is a very familiar place to West 72nd Street. The
15 SLA rationale could reasonably lead to the conclusion
16 that the advantage is to the applicant regardless of
17 community board or public arguments and opposition.

18 So on the first page of the SLA approval
19 there's a paragraph that says, I'll quote the
20 application, and in that paragraph it says. There
21 will be no sidewalk café. And it goes onto document
22 it's rationale for why it allowed this to happen and
23 there's plenty of wiggle room which comes from the
24 Alcoholic Beverage Commission. You shouldn't do it
25 if there three similar premises within 500 feet of

2 the café. Well I can assure you that we don't lack
3 for restaurants or bars on West 72nd Street, nor does
4 the community lack for those. We're awash in the
5 public benefit of restaurants, delis and multiple
6 sources of take-out and delivered food.

7 CHAIRPERSON WEPRIN: Thank you.

8 JAN LEVY: Just one more and I'll
9 conclude. I know I'm over time. I'm looking at the
10 application that was dated April 9th and signed by
11 Mr. Alotta. And in it, this is the application from
12 the unenclosed sidewalk request for recommendation.
13 And a question on the application is, is your café in
14 a historic district or adjacent to a landmark
15 building or district and it says yes. If yes, have
16 you applied to the Landmark Preservation Commission
17 for approval to operate to your café? He says yes.
18 But if yes, have you received approval from LPC to
19 operate your café? No.

20 Now I don't know if that's current to the
21 amendment here to limit the number of chairs and
22 tables but I would like to know if I may whether or
23 not we can have an answer to whether the Landmark
24 Preservation Commission...

2 CHAIRPERSON WEPRIN: Thank you very much
3 Ms. Levy.

4 JAN LEVY: Thank you.

5 CHAIRPERSON WEPRIN: Ladies. One second
6 ladies. I just want to make sure that no one has any
7 questions for this panel before they leave. Okay.
8 So you can go. Sorry about that. Just want to be
9 sure.

10 I'm now going to call up the next panel.
11 Martin Algaze, Susan Rutner, Richard Bloom and Nina
12 Pinsky.

13 Same rules are going to apply. You want
14 to pass it around or do you want to hold it up?
15 Okay. Alright. You guys are going to have to decide
16 who goes first.

17 [Background talk]

18 MARTIN ALGAZE: Good morning. My name is
19 Marty Algaze and I have to say up front. I work for
20 Assemblyman Dick Gottfried. I just started working
21 for him two weeks ago. I'm not here representing him
22 and this is not a building in his district. Okay.
23 But I'm here as private citizen and a resident of the
24 building where this sidewalk café is being proposed.

25

2 It's a building called the Ruxton. It's
3 one of the few rental buildings still on 72nd Street
4 on the Park block. A lot of us are still rent
5 stabilized tenants. I remember when there used to be
6 a lot of us. On November 1st of this year I will
7 have lived in the Ruxton for 40 years. It's like
8 hard to believe. Anyway. You know, when Reposo
9 first came... I'm going to scan my testimony because I
10 think the Chairman referred to me when he said don't
11 be long winded. You know, when they first proposed
12 this bar in 2007 we basically weren't real happy
13 about it. Because he was going to rent a tiny little
14 store which was a deli and try to make a go of this
15 very little store and make it into a restaurant with
16 a lot of seats and thinking he'd make a lot of money
17 there. It was never a really good idea. But it
18 seems like his business is really hurting from what
19 they've been telling people and now they want to have
20 a sidewalk café. Which essentially is going to cause
21 problems for all of us who live there. Both in my
22 building and on the rest of the block. You know, I
23 really feel bad for the people who live in my
24 building on the lower floors in the front. Because
25 we went out to look at it the other night with

2 Council Member Rosenthal and we looked up and the
3 windows are literally like feet above where all of
4 these people are going to be sitting and drinking and
5 eating and making noise. The wine bar initially
6 opened with a limited menu. And the menu has grown.
7 And so have other problems. Vermin in the building,
8 bugs in the building. There's a problem with their
9 exhaust and it's strange, because the fire department
10 is coming to our building a lot with fire engines
11 blaring and they come down the street and then it's
12 like what's going on, there's no fire here. It's the
13 exhaust in the kitchen. Another big issue is trash.
14 When you put trash out on our building... I'm
15 finishing.

16 [Interpose]

17 CHAIRPERSON WEPRIN: Just don't go too
18 far over.

19 MARTIN ALGAZE: When they put trash out,
20 they put trash out at like 6 o'clock at night before
21 the staff goes home. The other night we went for a
22 tour with Council Member Rosenthal. And we saw there
23 was so many huge mountains of trash in front of the
24 building. This sidewalk is going to be inches away
25 from where that trash is.

2 [Interpose]

3 CHAIRPERSON WEPRIN: Marty I'm going to
4 ask you about this picture when I get to questions.
5 How's that?

6 MARTIN ALGAZE: And basically in closing,
7 this is the wrong place for a sidewalk café. There
8 are no sidewalk cafes on 72nd Street. This will set
9 a bad precedent and we are... well look at how many
10 people are here. All the elected officials are with
11 us. And lastly when the community board held their
12 hearing in July everybody who signed up to speak on
13 this issue was opposed to it. Like 30 to 40 people.
14 There's no support for this in the community.

15 CHAIRPERSON WEPRIN: Okay. Thank you.
16 Thank you Mr. Algaze. Who's going next?

17 Congratulations on your new job by the
18 way.

19 [Background talk]

20 Can we have quiet please in the room?

21 UNIDENTIFIED FEMALE: Now I'm ready to
22 give you my...

23 CHAIRPERSON WEPRIN: Okay. Can we have
24 quiet please, in the room? Whenever you're ready.

25

2 UNIDENTIFIED FEMALE: This is the first,
3 then these two and then this. Okay?

4 CHAIRPERSON WEPRIN: Just speak into the
5 microphone closely. Because it's hard to hear.
6 Okay.

7 [Background talk]

8 UNIDENTIFIED FEMALE: And I don't even
9 take pictures. Okay. Should I wait until they pass
10 it out?

11 [Crosstalk]

12 CHAIRPERSON WEPRIN: That's alright you
13 can start and we'll get it as we go.

14 [Crosstalk]

15 SUSAN RUTNER: The first think that
16 you'll see is a copy of...

17 CHAIRPERSON WEPRIN: Say your name.

18 SUSAN RUTNER: I'm sorry, my name is
19 Susan Rutner. I live at 15 West 72nd Street in
20 Mayfair Towers.

21 CHAIRPERSON WEPRIN: Okay. Keep going.

22 SUSAN RUTNER: Okay. So the first think
23 you're going to be looking at is the SLA application
24 from 2007 that Jan Levy referred to. The other stuff
25 is pretty self-explanatory.

2 [Pause]

3 CHAIRPERSON WEPRIN: I would keep going
4 because your clock is running.

5 SUSAN RUTNER: I'm okay with the clock,
6 but I just want to...

7 I have lived at 15 West 72nd Street since
8 1979. The neighborhood in the 1980's was not what
9 you see today. I used to work at the corner of 72nd
10 Street and Broadway and I remember one particular day
11 that between my office and my home there was seven
12 beggars on the street. The decision in 1985 to allow
13 restaurants to create outdoor cafes was obviously a
14 wise one. Increasing the visibility of law abiding
15 citizens and encouraging them to patronize
16 neighborhood establishments into the evening and that
17 has done the trick.

18 I have been a real estate broker since
19 1983. The fact that the Upper East Side with the
20 exception of certain trophy properties is now far
21 less expensive a local than the Upper West Side is
22 well documented. The corner where my office building
23 stood has apartments that rent for \$9,000 to \$10,000
24 a month for a two-bedroom apartment. Now it's your
25 time to serve the best interest of the many people

2 who live there. You will see the photos of the
3 crowds, local and tourists that walk our block. You
4 have been given petitions from hundreds of residents
5 of our block. What more proof do you need to care
6 about your local citizenry and not just the
7 additional business income of yet another bar?

8 Ladies and gentlemen you represent us,
9 and to allow this incursion on our sidewalks doesn't
10 show representation or even consideration. Thank
11 you.

12 CHAIRPERSON WEPRIN: Alright. Thank you
13 Ms. Rutner. Mr. Bloom you can go next.

14 RICHARD BLOOM: Yes, I'll go next. I
15 have nothing to distribute so I ask for your
16 undivided attention. We went to the community board
17 about two months ago. The subcommittee of the board.
18 And there was one person who voted against the
19 sidewalk café and that person was the only person who
20 had actually lived on our block. Okay, now what does
21 she know that the rest of the people didn't know.
22 She gave a darn. Now I know that you guys don't live
23 on our block but I don't think it matters because
24 conversations like this are happening all over the

2 city, between boards and tenants and people in the
3 neighborhood.

4 Now, the thing is, if you allow this
5 sidewalk café to happen to our neighborhood. It's
6 going to open the floodgates. We're not just talking
7 about one sidewalk café. Here's what the owner of PJ
8 Clarks who took over Sambuca's said. Not the owner,
9 the broker, the man who brokered the deal. He said,
10 we're expecting great things from this location,
11 great things from this deal. Because it's impossible
12 to duplicate location since that is in a non-
13 commercial block. They're getting lined up and
14 they're getting ready to go.

15 Okay, impossible duplicate, why? Because
16 it's one of the most incredible neighborhoods in the
17 entire world. Where else can you walk down the
18 street and see people, like in the time I've been
19 there, Rudolph Nureyev or Lauren Bacall, John Lennon.
20 It's not just the building, it's the people and it's
21 the culture. So, I have heard that one of the
22 reasons the board might vote against this is because...
23 and I'll close up. You may be afraid of lawsuits. I
24 hope that's not true. Because if it is, where would
25 we have been if George Washington had been afraid to

2 you know stand up for the rights of Americans because
3 he was afraid of lawsuits.

4 CHAIRPERSON WELPRIN: Thank you Mr. Bloom
5 and God Bless America.

6 [Interpose]

7 UNIDENTIFIED FEMALE: May I just make a
8 correction...

9 CHAIRPERSON WELPRIN: Let me just get
10 through Ms. Pinsky first and then I have a question
11 for Mr. Algaze after that.

12 [Background talk]

13 CHAIRPERSON WELPRIN: Just state your
14 name again, just because I say it.

15 RICHARD BLOOM: Okay. Richard Bloom.

16 CHAIRPERSON WELPRIN: Alright that was
17 Richard Bloom before and now we're moving onto...

18 NINA PINSKY: My name is Nina Pinsky.

19 CHAIRPERSON WELPRIN: Perfect.

20 NINA PINSKY: And I am a board member at
21 the Mayfair Towers. I'm really here to endorse the
22 sentiment of everybody who is speaking today.
23 Because we're trying not to repeat each other. But I
24 also want to be here to endorse, to realize that
25 close to 270 residents in our building are here in

2 spirit to voice their opposition. They've written
3 letters and signed a petition. I only brought one
4 copy because I kind of thought we had others. But
5 I'm happy to let you see this. You can have it.

6 CHAIRPERSON WELPRIN: Thank you. Sargent
7 at Arms.

8 NINA PINSKY: We want to convey our
9 frustration that we feel that the various agencies
10 are playing the game who's on first. Nobody is
11 coordinating their efforts. We understand that the
12 landmarks met and approved this based on
13 architectural issues alone and when members of the
14 audience here expressed their opposition. They said
15 those are not our issues. You have to go to the
16 police. You have to go to another agency for that.

17 [Background talk]

18 Okay. Alright.

19 CHAIRPERSON WELPRIN: Ask the audience
20 not to...

21 NINA PINSKY: Thank you. And we were
22 told that the Department of Consumer Affairs weighs
23 in only on, does this application meet the written
24 regulations as stated. It doesn't take into
25 consideration the entire impact of the issue. The

2 quality of life issues, the safety issues, etc. We
3 are hoping that somebody will step up and take a look
4 at the entire picture so that we can have our
5 opposition heard and understood and have it mean
6 something. Because we feel, so far, that everything
7 that members of the community have said fall on deaf
8 ears. Because, not my job.

9 CHAIRPERSON WELPRIN: Thank you.

10 NINA PINSKY: Okay.

11 CHAIRPERSON WELPRIN: Are you done Ms.
12 Pinsky.

13 Right on time there. Okay. Let me start
14 asking questions. I know there are some other
15 panels. David, may I borrow this? Mr. Algaze you
16 had given this picture. I don't know if you fully
17 described what it was. You went to the effort of
18 bringing it and I wanted to just know what this
19 picture describes.

20 MARTIN ALGAZE: Well you know, the city
21 picks up trash three times a week. And then I guess
22 recyclable. So the trash usually..., that's actually
23 not the best picture we have. But I don't know if
24 anybody brought... I think somebody else has a picture
25 I took last week, like on Thursday night. That's

2 just like, one representation. But the other picture
3 you'll see is even worse. They pick up the garbage.
4 The garbage is along the curb. There's a muni-meter
5 there. There's garbage around the muni-meter because
6 there's nowhere else to put it. And the mountains of
7 garbage on Thursday night before we... we sat down with
8 Council Member Rosenthal Thursday night and there was
9 so much garbage that nobody could believe how much
10 garbage was there. And it's just the residential
11 garbage of the building. The other thing that we saw
12 the other night at the same time, was that the front
13 door of the bar is open. They agreed that the door
14 would be closed with their liquor license. Every
15 night the door is opened. We actually closed the
16 door. Council Member Rosenthal actually said to the
17 owner or the manager, you have to close the door,
18 it's illegal to have the door open. Well every night
19 it reopens. I mean they shut the door if somebody
20 complains and then they reopen it a few minutes
21 later. They're not good neighbors. We can't trust
22 them to do what they say in their sidewalk café
23 application, because everything they've ever agreed
24 to they never have lived up to.

2 CHAIRPERSON WEPRIN: Ms. Rutman, just
3 briefly, is there something you wanted to add?
4 Rutner, sorry.

5 SUSAN RUTNER: That's okay. It always
6 happens. Yes I just wanted to correct the record. I
7 believe it was the architect who said that the
8 original request was for 16 tables and 30 chairs.
9 Our understanding has always been that it was 13
10 tables and 30 chairs. And at the community board
11 meeting the owner was asked if he would take fewer
12 than 13. I was present. And he said no.

13 CHAIRPERSON WEPRIN: Okay. Sometimes
14 no's become yes's.

15 UNIDENTIFIED FEMALE: I have a better
16 picture.

17 CHAIRPERSON WEPRIN: Okay. Well that's
18 alright. I got the idea from the garbage. I think
19 the panel would agree.

20 [Interpose]

21 UNIDENTIFIED FEMALE: There is no way for
22 the clearance...

23 CHAIRPERSON WEPRIN: Don't move. Council
24 Member Garodnick has a question.

25

2 COUNCIL MEMBER GARODNICK: Thank you very
3 much Mr. Chairman. I just wanted to straighten out
4 one issue. Really I guess it's the fundamental issue
5 for the committee based on the rules and regs. We
6 appreciate the quality of life and safety issues that
7 you've raised. And seeing the picture, you know it's
8 clear that adding an obstacle with the number of
9 people who are passing by on 72nd Street will be a
10 challenge. But as to the rules, I just wanted to
11 probe on one point because in the information that we
12 have here from Mayfair Towers. It says that the,
13 well we know the minimum clear path would be eight
14 feet and that the clearance here would be seven and
15 change. The plans that we have in front of us from
16 the bar show eight feet and four and a half inches of
17 clearance between the end of the sidewalk café and
18 what I presume is either the muni-meter or the lamp
19 post that is closest to the sidewalk café. What am I
20 missing?

21 NINA PINSKY: Our comments and that
22 illustration was made before the bar agreed to cut
23 back a row and to keep only... well to keep eight
24 tables instead of 13. So that's why our measurements
25 are as they are. But, I have a picture here that

2 shows once the garbage is on the street, there is no
3 8 feet. And...

4 [Interpose]

5 COUNCIL MEMBER GARODNICK: Can I
6 interrupt you for a second. Because the diagram that
7 I have has the 13 tables on it and it has...

8 NINA PINSKY: Well with the eight feet of
9 clearance, there would only be seven feet and change
10 for them to set up 13 tables. We thought that was
11 impossible and subsequently they brought down their
12 number to eight tables and to still maintain the
13 eight feet of clearance. But if you see here with
14 the garbage, there are no eight feet.

15 COUNCIL MEMBER GARODNICK: Okay. So
16 they've taken out the extra row of tables.

17 NINA PINSKY: One row of tables but they
18 still need to allow three feet for the wait staff to
19 pass.

20 COUNCIL MEMBER GARODNICK: Well they had
21 the eight..., with the 13 tables, the initial, they had
22 eight feet... I'm sorry, they had eight feet four and a
23 half inches within the sidewalk cafe...

24 [Interpose]

25

2 NINA PINSKY: Well we took, you know, our
3 measuring tape and we went out and we walked this
4 ourselves.

5 COUNCIL MEMBER GARODNICK: Yes, that's
6 what I'm asking.

7 NINA PINSKY: I don't know. All I know
8 is that we did it. Several of the people here in the
9 room actually walked it and wrote down the
10 measurements. So I'm not an architect, I'm not an
11 artist, all I know is that we took the measurements
12 and came up with these conclusions.

13 COUNCIL MEMBER GARODNICK: Okay. The
14 revised plans looks like it has 10 feet of clearance
15 between the end of the sidewalk café and the street
16 lamp. Is that consistent with what your tape measure
17 showed?

18 NINA PINSKY: I don't know because we
19 never saw the revised plan, number one. And number
20 two, it never took into consideration the fact that
21 if you see the garbage juts out more than two feet
22 beyond the parking meter.

23 COUNCIL MEMBER GARODNICK: Okay, there it
24 is for whatever it's worth. There's an extra copy
25 for you. Well let's just talk about that garbage

2 issue for a second. Because that's a mess and
3 obviously if you had a sidewalk café out there you
4 would not be able to get eight feet of clearance.
5 Also, presumably if they were to put a sidewalk café
6 out there they probably be a little more careful
7 about their garbage.

8 [Crosstalk]

9 COUNCIL MEMBER GARODNICK: Ahh, it's the
10 building's garbage. I misunderstood okay.

11 SUSAN CASSIDY: It's the building's
12 garbage because their location is right next door to
13 the service entrance so that...

14 [Crosstalk]

15 SUSAN CASSIDY: So presumably their
16 barrier would go flush with the service entrance door
17 or within inches and its other side, its east side
18 barrier is right at the lobby. So what you're asking
19 is that people don't come out and join the flow of
20 traffic on an angle which is what most people do.
21 But they would have to come out and join the flow of
22 traffic or come out and... especially if it's a safety
23 issue. Which one of my other neighbors is going to
24 talk about, if there's a fire and multiple numbers of
25 people are coming out the service entrance which is

2 the second fire exit, they're running into barriers
3 and tables.

4 COUNCIL MEMBER GARODNICK: And that is
5 the designated spot for that building by the
6 Department of Sanitation to place the garbage?

7 SUSAN CASSIDY: Yes.

8 COUNCIL MEMBER GARODNICK: Okay.

9 SUSAN CASSIDY: And just as an aside,
10 when the Community Board 7 subcommittee met, I wasn't
11 there at the meeting. But I went to the full board
12 meeting. And when it was clear that our issue was
13 going to be tabled because there was no time to hear
14 it. I heard several of the members say, well I guess
15 we better go look at the site. So they made a
16 decision without ever having seen the site. Which is
17 really egregious.

18 [Interpose]

19 MARTIN ALGAZE: And can I add to...

20 CHAIRPERSON WEPRIN: Mr. Algaze. Um, I
21 have to not let you add to that right now because I'm
22 just afraid all heck will break loose as they say.

23 MARTIN ALGAZE: No, no, I was just going
24 to say that if you went over there to see it like
25

2 Council Member Rosenthal did, you won't believe how...
3 there's no way they can do this.

4 CHAIRPERSON WEPRIN: Well we can get a
5 sense of that from the pictures. Anyone else have a
6 question for this panel?

7 COUNCIL MEMBER GARODNICK: Thank you I'm
8 done.

9 CHAIRPERSON WEPRIN: Do you have more?
10 Are you done?

11 Okay. Thank you very much panel. I
12 appreciate it. We have seven more people to speak.
13 I know you're wondering. We'll be taking them up in
14 two panels. Okay, so again. With two minute limits
15 on each person. Um, Lewis Boxenbaum (Phonetic),
16 Funsho Owolabi, Marion Conti, is it? Okay. And
17 Steven Heller. And I apologize for butchering names.

18 Mr. Heller is not speaking but shares the
19 opposition. Are you Mr. Heller?

20 Okay. Thank you Mr. Heller.

21 [Background talk]

22 CHAIRPERSON WEPRIN: Okay. We're going
23 to do the six now, three and three. So the last
24 three will go in the next panel.

Whenever you ready sir. You seem ready to go, so.

Now you're ready.

LEWIS BOXENBAUM: My name is Lewis Boxenbaum. I've been a resident of Mayfair Towers at 15 West 72nd for 16 years. The single issue I want to focus on is safety which is much broader even than the impact of Il Riposo. We already have a safety problem. Let me describe it. 72nd Street is not a quiet residential street in the good weather. We have busloads of tourists coming down. We have tourists gathering in front of the Dakota where John Lennon was assassinated before they go into the park. We have special events in the park, as you all know, where 72nd Street is either a starting point or a finishing point. With huge crowds on the sidewalks. The street is already restricted. We have a safety problem now. For example. So many tourists gather in front of the Dakota, taking pictures where John Lennon was assassinated that when I walk to the subway I have to walk out in to the street to get passed them. Because courtesy to tourists and the benefit to the city of New York dictates that we don't say anything to them. We have the same problem

2 towards Columbus Avenue where the Dakota Bar was
3 allowed to build... extend the building and restrict
4 the sidewalk which is almost opposite from Il Riposo.
5 We also have crowds in front of the Dallas BBQ,
6 tourists, waiting to get in, that restrict sidewalk
7 movement. So 72nd Street doesn't have free walking
8 path right now without Il Riposo. And I submit that
9 more people will be forced to go out into the street
10 to get passed this restriction raising the issue of
11 potential safety. Thank you.

12 CHAIRPERSON WEPRIN: Thank you sir.
13 Who's going next now?

14 MARION CONTI: Hi. My name is Marion
15 Conte. I'm a resident of Mayfair Towers and a member
16 of the board. You've been given... we are a building
17 of close to 500 apartments and you've been given the
18 application... the petitions and the letters that
19 people have written. We have been, and I wanted to
20 reiterate what Nina Pinsky has been saying. We have
21 been going to meetings and have heard summaries from
22 the CB7, the LPC, possibly the DLB, the DCA, the SLA,
23 today it's the subcommittee, tomorrow it's the full
24 committee of the Zoning. It appears that each
25 committee has only a focus on its area of expertise.

2 It's very discouraging because it doesn't seem as
3 though anyone is... of these committees is looking at
4 the big picture. So we gave you the big picture and
5 we want to give you a feeling of what our street is
6 about. The first picture. This was grandfathered
7 in. This is the Dakota Bar at the northeast side of
8 the street. Right now, people, this is a Sunday
9 morning... People are going... you can't... you have to
10 wait online to get to the end of the street. Like
11 Lou and other people walk in the street just to avoid
12 the lines or across the street with the Riposo 72 is.
13 And you can see here, if you look at the next... it's
14 congested here. And you can see how... if you look at
15 the other one. This is on Columbus. We have plenty
16 of cafes on Columbus Avenue. We don't need any more.
17 And you can see how it encroaches the way we
18 communicate. If you look at the next one, this is
19 what we want to preserve. There are families
20 talking... sorry. We want space to meet our neighbors,
21 share our thoughts, walk our dogs, enjoy our families
22 and be able to dodge any skateboards that come our
23 way.

24 CHAIRPERSON WEPRIN: Thank you Ms. Conti.

25 MARION CONTI: Now I do just...

2 CHAIRPERSON WEPRIN: I have to cut you
3 off there, I'm sorry.

4 MARION CONTI: But I just want to say my
5 last thing. We hope that you are the subcommittee
6 that looks at the big picture that takes the
7 responsibility that puts our well-being and helps us
8 keep the wonderful character of 72nd Street. Thank
9 you.

10 CHAIRPERSON WEPRIN: You're welcome Ms.
11 Conti. Ms. Rosenthal told me I have to be nice to
12 you. So I let you go on.

13 [Laughter]

14 CHAIRPERSON WEPRIN: Okay sir. I'm sorry
15 I butchered your name.

16 FUNSHO OWOLABI: It's alright.

17 CHAIRPERSON WEPRIN: I'm not going to do
18 it again.

19 FUNSHO OWOLABI: I will introduce myself.
20 Good morning. My name is Funsho Owolabi. I am the
21 Legislative Director for State Assembly Member Linda
22 B. Rosenthal. And she thanks you for giving us this
23 opportunity to speak. I will probably truncate my
24 testimony to save time. So let me start. I am
25 Assembly Member Linda B. Rosenthal and I represent

1 the 67th Assembly District which includes the Upper
2 West Side, and parts of Clinton, Hell's Kitchen
3 neighborhood in Manhattan. I am testifying today in
4 opposition to the application to operate an
5 unenclosed sidewalk café at 50 West 72nd Street. The
6 community has been is in opposition to the proposed
7 unenclosed sidewalk café and I share their concerns.
8 The full length of 72nd Street which particularly the
9 Grand block between Central Park West and Columbus
10 Avenue is one of the main pedestrian thoroughfares
11 between Central Park and the 123 subway lines and
12 it's always congested at all times. Allowing the
13 addition of a sidewalk café on this heavily
14 treacherous street would be more overcrowding on an
15 already over-burdened residential side street. The
16 Upper West Side Central Park West art district
17 include 72nd Street where both the Dakota, on the
18 north side and the Majestic on the south side of the
19 street and individual city landmarks. The park block
20 is also the site of other architecturally north
21 buildings are other densely populated and close
22 proximity to the proposed sidewalk café. Central
23 Park and Strawberry Fields also lure visitors... and
24 we'll skip to the back.

1 When the applicant first granted its
2 liquor license to the New York State Liquor Authority
3 in 2007, the applicant stated repeatedly its
4 intention not to operate a sidewalk café and any
5 other kind of location. Also, the original liquor
6 license was granted subject to three specific
7 stipulations. One of which required the applicant
8 and I quote, an effort to keep the sidewalk clear of
9 smokers and noise. Keeping the door closed at all
10 times was another stipulation. And it's often
11 violated. Clearly the presence of an unenclosed
12 sidewalk café and its patrons will create additional
13 noise and flies in the face of those stipulations.
14 It has come to my attention that SLA in granting
15 applicant a condition approval for an alteration to
16 its existing liquor license to operate the unenclosed
17 sidewalk café the subject of which is today's hearing
18 did not consider those stipulations in its final
19 decision. I have raised this issues with SLA which
20 has agreed to investigate its approval of the
21 alteration in light of this new information.
22

23 In conclusion, the New York City Council
24 is not responsible for enforcing those stipulations
25 on the liquor licenses. I believe it would be

2 inappropriate for this body to act before the
3 community as well as my office have had an ample
4 opportunity to explore this new information. To that
5 end the community and I respectfully request that
6 this subcommittee reserve its judgment until all
7 facts have been brought to light. Thank you.

8 CHAIRPERSON WEPRIN: Thank you very much.
9 And I didn't realize that you were here earlier, but
10 I did speak to Assembly Member Rosenthal last week.
11 She called me on this, to express her concerns and we
12 do appreciate you coming down and testifying on her
13 behalf. And please send her our regards and mine in
14 particular, later on.

15 Does anyone have any questions for this
16 panel?

17 Okay. Not now. So thank you very much.
18 This is the last panel, I believe, unless.. and if I
19 haven't called your name after I read these last
20 three names and you want to testify, please raise
21 your hand.

22 Josh Cole, Gerald Kahn, the problem is
23 the K got mixed in with the please print part here,
24 and then the letter E. Lyons. Got them all. Is

2 there anyone else who is here to testify whose name I
3 have not called?

4 Good. Alright.

5 [Background talk]

6 CHAIRPERSON WEPRIN: We didn't purposely
7 leave the gentleman for last, but... maybe I'll just
8 keep my mouth shut.

9 Alright, whenever you're ready gentleman.

10 JOSH COLE: Hello, my name is Josh Cole.
11 I'm here on behalf of State Senator Brad Hoylman.
12 Thank you for the opportunity to submit testimony to
13 the subcommittee regarding this application here
14 today. Senator Hoylman represents the 27th State
15 Senate District within which this establishment is
16 located and he urges the subcommittee to deny this
17 application. While sidewalk café's themselves are
18 not inherently problematic, we've heard from numerous
19 constituents who've lived on West 72nd Street between
20 Central Park West and Columbus Avenue for many years
21 and in some decades. That it is not an appropriate
22 location for such usage. This largely residential
23 block has relatively few commercial establishments
24 and in an effort to preserve its residential nature,
25 sidewalk cafes have historically absent. Residents

2 rightly fear that the establishment of one sidewalk
3 café could lead to multiple others on their block
4 further deteriorating the character of the street.
5 Increasing sidewalk crowding and elevating levels of
6 noise pollution. These constituents note that the
7 residential nature of their block has recently faced
8 threats from commercial and tourist interests. The
9 block has long been burdened by foot traffic from the
10 subway station on the eastern end. Neighbors say
11 that in recent years with the rise of several
12 establishments targeted to tourists and New Yorker's
13 from outside neighborhood, it's traditional character
14 has begun to erode and overcrowding of the streets
15 and sidewalks has become a significant concern. Any
16 benefits of a sidewalk café here would be far
17 outweighed by the cost to our constituents in
18 diminished quality of life and sidewalk congestion.
19 As such, we urge this subcommittee to deny this
20 application. Thank you again for the opportunity to
21 submit testimony and for your consideration of
22 Senator Hoylman's comments.

23 CHAIRPERSON WEPRIN: Thank you, Mr. Cole.

24 And please thank the Senator for us as well.

EDWARD LYONS: My name is Ed Lyons. I'm from Douglas Elliman, I represent the Dakota, a property we manage, in opposition to the sidewalk café. I'll read a quick... and I also have for distribution a quick statement from the board of directors.

The Dakota mindful of thousands from throughout the world would come to West 72nd Street block to photograph our iconic building and visit Strawberry Fields has worked with neighbors in Mayfair Towers, The Majestic and the Oliver Cromwell to preserve the residential character of the block. We were active participants in discussions resulting in the decision to refuse requests for sidewalk cafes of other obstructions and appreciated the support of our neighbors to squash a proposal to remain the street John Lennon Way. Residents and neighbors know the Dakota, a major tourism attraction and an equally important contributor to the city's economy. Consequently, anything that detracts from our efforts to protect the special status of the block presents a significant challenge. Therefore, we join the many residents of West 72nd Street park block who are opposed to the Riposo application for a sidewalk

2 café. It can only add clutter to the already heavily
3 trafficked area while affording no improvement or
4 benefits to residents. We request that the Zoning
5 and Franchises Committee disapprove the Riposo
6 sidewalk café application. Thank you.

7 CHAIRPERSON WEPRIN: Thank you Mr. Lyons.

8 JERRY KAHN: My name is Jerry Kahn. I am
9 a resident of the Majestic. I've lived there for 42
10 years, since 1972. I'm here today in that capacity.
11 My neighbors have fully stated all pertinent
12 objections to the permission to grant sidewalk café
13 application to the Riposo. There's just one other
14 thing that I'd like to say. I've taken a look at the
15 Department of Consumer Affairs sidewalk café street
16 guide. And I note that on East 72nd Street, from the
17 East River to 5th Avenue no sidewalk cafés are
18 permitted. And I would suggest that what the city
19 council does is just extend that an additional block
20 on the West Side of Central Park and extend it from
21 Central Park West to Columbus Avenue. Thank you.

22 CHAIRPERSON WEPRIN: Thank you. Does
23 anyone have any questions for this panel? I see
24 none.

2 By the way, we've been joined by Council
3 Member Jumanne Williams, who is sitting at the end of
4 the table over here. Anybody else have any
5 questions? I see none. Thank you very much
6 gentleman.

7 Okay. I know Council Member Rosenthal
8 has comments she wants to make. I first want to call
9 on Council Member David Greenfield, the Chair of the
10 Land Use Committee who has some comments he wants to
11 make on this item.

12 COUNCIL MEMBER GREENFIELD: First of all
13 I want to thank you all for coming out here today.
14 We certainly appreciate it and we take all of the
15 comments and suggestions very seriously. When you
16 sees us chatting we're not talking about the weather
17 or the sports score, we're actually having private
18 conversations about the issues that you brought up in
19 front of us and we're going back and forth in terms
20 of the legality of those issues and what is, in fact,
21 appropriate and inappropriate. I think that the part
22 of the challenge of what we have here today is that
23 clearly the community does not support this. Right?
24 I think that's very obvious and I think we understand
25 that and we appreciate that. The council member

1 doesn't support it, the other local elected officials
2 don't support it. The problem is, and this is really
3 the crux of a lot of the items that we have in the
4 Land Use world and I'm just trying to sort of explain
5 in terms of our decision making process. Which is
6 that, we in fact, are, and I know some folks would
7 wish that we wouldn't be, but we in fact, are
8 constrained by the zoning regulations. And when we
9 make decisions we need to make decisions based on
10 those set of rules and regulations that we must
11 follow. And I know somebody here mentioned that, you
12 know George Washington wasn't worried about lawyers.
13 I don't think they had very active lawyers when
14 George Washington was president, but seriously
15 speaking, we do have a responsibility to insure that
16 we are enforcing the law correctly across the board
17 regardless of individual circumstances. And that's I
18 think part of what makes this very challenging here
19 today. And specifically, I just want to address some
20 of the issues. Because issues were addressed and we
21 were, in fact, researching and discussing it while
22 you were up there. Someone had mentioned, in fact,
23 that the Landmark Preservation Commission did not
24 sign off on this. It's actually not correct. We
25

2 researched it, we have confirmation from the
3 Landmarks Preservation Commission that the Landmark
4 Preservation Commission did, in fact, sign off on
5 that. It's an important point. And once again we
6 were having a sidebar, because if that was the case
7 we would stop the application. We're certainly
8 trying to work with you in terms of the issues that
9 you mentioned.

10 The issue of the garbage. The garbage is
11 not an issue where it's not counted as part of the
12 clearance. Because obviously, as you can imagine,
13 garbage is a temporary manufactured situation. It's
14 not like it's something that's there permanently but
15 as a matter of law which we have looked into, that
16 becomes something that, while we're sympathetic, just
17 so you understand, in terms of a very specific legal
18 rubric, right. That doesn't count for the eight feet
19 which many folks have mentioned. We looked into that
20 as well. My point is that we're taking all of these
21 issues very seriously. In fact, we have a letter
22 here from the owner of 50 West 72nd Street, Ruxton
23 Tower Limited Partnership, who actually promises in
24 writing to resolve the garbage issue. To move the
25 garbage if necessary and to change the hours of when

2 the garbage will be deposited to prevent that
3 situation from happening.

4 The final issue just that you mentioned.
5 I just wanted you to understand that we are
6 addressing the issues that you brought before us was,
7 someone mentioned an issue about the tables in terms
8 of whether in fact they did take less tables. So the
9 answer is that there was originally an application
10 for 16 tables and 30 seats. Consumer Affairs
11 actually approved 13 tables and 26 seats. And in
12 fact the applicant has agreed to, in fact, reduce
13 that to eight tables and 16 seats. So there has in
14 fact been a reduction. I understand, obviously, that
15 doesn't make you happy. But I do believe that's
16 because of the advocacy of your Council Member who
17 made it very clear that she was not in favor of this,
18 as she's made it clear before. That, in fact, you
19 literally have cut the number of tables and seats by
20 half which is progress. Although obviously not
21 exactly what you wanted.

22 So I just wanted to address those issues
23 because those are the issues that folks mentioned.
24 We took notes. We researched it with staff. We've
25 had the conversations. Just to let you know we do

2 take your concerns very seriously and certainly we
3 think that there are many legitimate concerns. But
4 we don't just have, as the last panelist mentioned,
5 simply the ability on our own to change the zoning
6 regulations. It doesn't work that way. Even if we
7 wanted to do that, we can't. There has to be
8 processes, there's hearings. We don't simply have
9 the ability to say we can ignore the law and that's
10 really why we have a challenging situation here
11 today. Because based on everything that we've seen
12 and the research that we've done, it appears that the
13 law, and just so you know our staff actually does go
14 out there. We take it very seriously, with a tape
15 measure, where it Pete, right over here. He goes out
16 there with the tape measure. We look at every issue.
17 We meet to discuss this in advance. We certainly
18 take the responsibility very seriously. It does
19 appear however, based on after all the testimony, and
20 all the information and all the research, that it
21 does seem like the restaurant still would be within
22 its legal rights to, in fact, have a sidewalk café
23 under the law as it's currently written and just to
24 be clear we are not empowered at this meeting to
25 change that law.

2 And so I just wanted to share that with
3 you just as background information just so you
4 understand what exactly has transpired here today.
5 I've been on the other side before. I understand the
6 frustrations, but I feel at least hopefully if you
7 get an explanation you'll have an understanding.
8 This is not a Q&A session. I apologize. I'm just
9 going to hand it over now to Council Member.

10 CHAIRPERSON WEPRIN: So let me call on
11 Council Member Rosenthal. By the way we have closed
12 this public hearing now and I note you have a
13 statement you want to make so, whenever you're ready
14 Council Member Rosenthal.

15 COUNCIL MEMBER ROSENTHAL: Thank you very
16 much. My name is Council Member Helen Rosenthal.
17 And as a new member to the council, I want to thank
18 the chairs and this committee and the City Council
19 for its procedure of giving the individual council
20 members the opportunity for a call-up. I know this
21 isn't... we approve hundreds of sidewalk cafés across
22 the year. I know you don't listen to every situation
23 and I'm very appreciative that we spent the last hour
24 and a half talking about this café in particular.
25 It's incredibly important to my community that they

2 be heard about this. I want to be clear that I'm
3 firmly opposed to this sidewalk café. This is, I'm
4 going to repeat some of the facts. They're
5 incredibly salient. It's a historic district. It's
6 the entrance to the park. It suffers from idling
7 tour busses which my office is trying to deal with
8 day after day without a lot of help from DEP.
9 Unfortunately or the NYPD. It's an extremely crowded
10 block and there's absolutely no support for it in my
11 community. I want you to know that I've worked very
12 closely with this applicant and we have come to the
13 following revisions to the initial application, as
14 you mentioned. But I want to expand on a few more.

15 In addition to reducing the seating by
16 half, they have agree to keep all of... and I want this
17 to be on the record. They have agreed to keep all of
18 the two top tables close together so that they will
19 serve as four person tables. So that there will be
20 four, four person tables along... crushed up against
21 the building. They have agreed to the reduced hours
22 so that on no night will it be open beyond midnight.
23 So neither Friday night, nor Saturday. They have
24 agreed to... well, the building has agreed to the

1 garbage removal and we will attach that letter to
2 whatever the finding is today.

3
4 I do want to reiterate to what Council
5 Member Greenfield said. The internal city council
6 conversations that I have had prior to this hearing.
7 Peter Janosik, as council member mentioned, we have
8 explored every legal opportunity to reject this
9 application. I will say that eight years ago, there
10 was an opportunity for the council to take away this
11 block from being one that could have a sidewalk café.
12 And eight years ago this block was not entered into
13 the list of blocks that could not have commercial
14 activity. Now, if the community would like me to
15 start an ULURP Proceeding, I am delighted to work
16 with you on this. It would have to be a full ULURP
17 which would mean it would require an EIS and it would
18 be a big headache. But I know this community and I
19 know you'd be willing to go through it. And I will
20 walk you through it. I'm committed to walking you
21 through it every step of the way. To add this block,
22 72nd Street between Central Park West and Columbus as
23 one of the blocks that could not have commercial
24 outdoor activity. I will stand with you every step
25 of the way.

2 Let's see. Okay. We are still waiting
3 to hear. We did have a meeting last week.
4 Apparently we are still waiting to hear from Assembly
5 Woman Rosenthal as to whether or not they will have a
6 problem getting their liquor license for the sidewalk
7 café component. So just so everyone is clear. As of
8 today, if the sidewalk café is approved, they may not
9 serve liquor in that sidewalk café until they get
10 approval from the SLA.

11 So I want to reiterate that I firmly
12 oppose this application. And I am counting on the
13 community as we discussed to be the eyes and ears of
14 the Upper West Side. To put as much energy as you
15 put up to this point, collecting the signatures of
16 hundreds of your residents in your buildings to call
17 in 311 complaints and to report all violations
18 immediately. Upon getting those complaint numbers
19 from 311, please send them to my office. We will be
20 following up on them. So if they're door is open, if
21 they serve liquor which they're not allowed to do at
22 the outdoor café, and any other of the violations
23 having to do with noise and smoking call them in. I
24 have assurances from... and well the garbage is on the
25 building. Right. So you can call in those

2 violations as well, but just be clear call them in
3 about 50 as opposed to... about the building. They
4 will get violations as well.

5 So, I... you know, as I said, as I was
6 about today. I will work with Peter. As the number
7 of violations grows, right, that they get against
8 them, working with the counsel here, the lawyers here
9 at the city council. I will pursue enforcement of
10 these violations and if it is the case that the
11 violations stack up, we may... we can padlock the
12 restaurant. So, I firmly oppose this and I will work
13 with you steadfast to keep a clear record of all the
14 violations against this restaurant, should they not
15 abide by their sidewalk café rules and by the liquor
16 license rules. And I will work with you to close it
17 down should there be numerous violations.

18 I want to thank the committee for taking
19 all of this time about this sidewalk café. I do
20 think it's indicative, I don't, you know I don't sit
21 on the committee, but as many times as you have
22 meetings such as this, it does raise the specter that
23 perhaps there are other blocks, not just this one
24 that would like their block to be exempted from those
25 that can have commercial activity. Now it's been

2 eight years. I don't know how often the council does
3 this, but perhaps the council could take it up and
4 will see that there are other side streets that want
5 not to have commercial activity.

6 Thank you very much.

7 CHAIRPERSON WEPRIN: Great. Thank you
8 Council Member Rosenthal. I just want to reiterate a
9 little bit about what Council Member Greenfield said
10 about the law. It is a frustrating thing for us
11 because we could change the law in the future, it's
12 possible. But at the time that this application was
13 brought, this is a legal café as far as the DCA is
14 concerned. It was mentioned about us being afraid of
15 lawyers. We're not afraid of lawsuits but if we were
16 to reject this and our Article 78 is brought then the
17 owner is then allowed to go along with what was
18 originally was approved by the Department of Consumer
19 Affairs which was 13 tables and 26 chairs.

20 [Background talk]

21 Hours, right. Ten in the morning till
22 midnight during the week and ten in the morning till
23 one a.m. on the weekends. That is the fear here, is
24 that in an effort to make a statement that we don't
25 like this, we end up making it worse.

2 I see that people want to talk about
3 things. They can grab their council member later on.
4 I know we have been speaking to the assembly member
5 and the senator as well as Helen, who has been
6 working very hard on this issue, and working with
7 you. Anyone else have any comment or questions? No?

8 Alright, we are going to move on. We've
9 closed this public hearing. We're going to move onto
10 our next item on our agenda, which is the Woodward
11 Avenue rezoning. I appreciate everyone's patience as
12 well as their very good behavior. I know this is a
13 sensitive issue for a lot of people and we do
14 appreciate that.

15 So I am now going to call up the
16 following people. David Schwartz, Steven Sinacori
17 and Ariel Ofgong (Phonetic). Sorry.

18 [Pause]

19 [Background talk]

20 CHAIRPERSON WEPRIN: Gentlemen, when
21 you're ready. Again, remember when you speak, state
22 your name. And when you speak again state your name.
23 And we appreciate that. I ask for quiet in the room
24 and whenever you're ready Mr. Schwartz.

25

2 DAVID SCHWARTZ: Good morning. David
3 Schwartz, representing Woodward Avenue owner. Good
4 morning Mr. Chairman, Mr. Chairman Greenfield,
5 Councilman Reynoso and other members of the
6 committee. I'm happy that we're doing something
7 simple like a rezoning and not a sidewalk café here
8 this morning. So it should be a little bit quicker.
9 We're here to talk about rezoning of in Ridgewood,
10 Queens. We are rezoning properties from M1-1 to R6B
11 and R5B. It's really one lot and mostly small
12 houses. We've been working at length with the
13 various members of the community. We had a positive
14 vote from the Community Board and the Borough
15 President and then we had a vote at City Planning in
16 favor and we've been working closely with Councilman
17 Reynoso's office over the past several months, almost
18 daily as of recent. And I'll let Steven Sinacori go
19 through the specifics of the rezoning. Thank you.

20 CHAIRPERSON WEPRIN: Thank you Mr.
21 Schwartz.

22 STEVEN SINACORI: Good morning Chairman.
23 Good morning Council Member Greenfield, Council
24 Member Reynoso and members of the committee. My name
25 is Steven Sinacori. I'm a partner with the firm of

Akerman LLP appearing on behalf of 176 Woodward Owner LLC the applicant in this matter. This application requests approval of a zoning map amendment to the project area from an M1-1 district to an R6B, R5B in a C2-3 district in order to construct a mixed-use 88-unit building.

The site is located at 176 Woodward Avenue. It is a regular block bounded by Starr Street to the east, Woodward Avenue to the north, Troutman Street and Onderdonk Avenue to the south. The site which is located on lot 16 has a total of approximately 45,000 square feet. The site is current vacant of buildings other than a small shed that is used for the storage of motor vehicles and is a contractor's yard. The truck storage and dumping of construction materials has caused noise, dust, and fumes to pollute the project area to the detriment and protest of its residents. By rezoning the area, so as to permit the proposed building, will vastly improve condition in the area. Moreover, the proposed development will create 88 units of new housing of which approximately 45 units will be affordable. Further it should be noted that although the predominant active use in the project area is

2 residential, the area with in the project area is
3 entirely residential even though it's within an M1-1
4 district.

5 Working with Council Member Reynoso,
6 we've come together to provide 45 units of affordable
7 out of an 88 unit project. We've proposed a
8 permanent space as an incubator for local artists in
9 the community. At the same time we've amended the
10 original proposal which was to have a C1-3 zoning
11 district to allow for a C2-3 zoning district. And
12 what the C2-3 zoning district does, it allows use
13 groups within 6 through 9, but 7, 8 and 9 allow
14 somewhat more industrial type uses. Like light
15 industrial uses. So together with the councilman,
16 we've accomplished something that we believe is a
17 good project that has the support at many different
18 facets of the community and we're very happy at the
19 outcome. And we look forward to the support of the
20 city council. And again we thank you for the
21 opportunity to speak here this morning. And thank
22 you Council Member Reynoso for your leadership and
23 your assistance is working with us.

24 DAVIS SCHWARTZ: David Schwartz. Just
25 one thing I wanted to add. I learned this time. The

2 other thing to add is that we're also rezoning a
3 large, not a large, but a couple of blocks that are
4 predominantly houses and 1-2 family houses as well as
5 some 6 family houses. That's also part, they're
6 already built. We don't anticipate that they'll be
7 any major changed on any of them, but this legalizes
8 houses that are currently, you know, not legalized.

9 STEVEN SINACORI: One more point on those
10 houses.

11 CHAIRPERSON WEPRIN: He didn't learn.

12 STEVEN SINACORI: Steve Sinacori.
13 Currently those houses that are within the
14 manufacturing district but are existing residential
15 houses. The owners of those houses, in a sense, have
16 a problem in obtaining home equity loans and
17 refinances. We've heard from some of them that it's
18 very difficult because when the bank does the
19 background check and an appraisal is done, they find
20 well you're in a manufacturing district but your
21 house is residential so you're really non-conforming.
22 So this will bring those into conformity and will
23 allow those homeowners the opportunity just like
24 every other similarly situated homeowner to obtain
25 financing and obtain a home equity loan and will

2 allow them to upgrade the houses and remain in those
3 homes.

4 So we appreciate the support of this
5 committee.

6 CHAIRPERSON WEPRIN: Thank you Mr.
7 Sinacori. I'm going to call on now, Council Member
8 Antonio Reynoso who has a statement to make as well
9 as maybe possibly questions.

10 COUNCIL MEMBER REYNOSO: Thank you for
11 being here. Thank you Chair for this opportunity. I
12 want to speak to the history of the project more so
13 than anything else in my statement. The project was
14 approved under, what I consider a narrow scope.
15 Making it very difficult to be creative as we move
16 forward to maximize the benefits and resources
17 available to our community. The original plan had no
18 affordable housing and did not do what I thought was
19 necessary for manufacturing. I've been a strong
20 proponent for our industrial businesses and believe
21 that this development would encroach in a zone that
22 would be more conducive to providing and maintaining
23 jobs.

24 There is a mandate set forth by the 34th
25 District and the city overall to build affordable

1 housing. Any project that runs through a ULURP
2 process will need to meet demands of real
3 affordability. Luckily we met with developers, Slate
4 Property Group, that understood the issues and
5 concerns of our residents and were ready to figure
6 out what would be best for all even under the limited
7 scope.

9 We were able to convert the commercial
10 portions of the project from C1 to C2 which would
11 allow for a light manufacturing field as to not
12 disrupt the character of the industrial business
13 zone. The community space would be rented at no cost
14 to arts groups in the district that will maintain it
15 and allow for affordable studios and meeting space in
16 the 3,000 square foot multi-purpose community space.
17 They will still have to maintain it. We understand
18 that. Space for artists to display their work or
19 develop their art has been hard to come by, in and
20 around this area. This project will provide much
21 needed assistance to a vibrant and strong portion of
22 the community.

23 Next the affordable housing portion.
24 Working with developers we were able to achieve about
25 50% affordable housing. About 33% of the housing

1 would be, what I and Council Member Williams, would
2 call real affordable housing. With apartments
3 available to a diverse wide range of constituents.
4 There are units set up at or below 40, 50, 60 and
5 100% AMI. About 17% of the project is at 125% AMI
6 allowing for the growth of the middle-class that has
7 been traditionally left out of affordable housing
8 opportunities and also move away from a pocket of
9 poverty perception or situation that we've had very
10 specifically.
11

12 I truly want to thank Amy, Raju and the
13 rest of the Land Use team for their support. My
14 staff, Kevin Worthington and the Slate Group, the
15 Queens Borough President, the residents of Ridgewood
16 and our Chairs of this committee for being
17 supportive. And I am looking for a yes vote on this
18 project. I'm extremely excited about it and I think
19 we've done something great here and it is what I
20 consider the first step to getting to where I really
21 want us to go in the future of affordable housing.
22 And I'm glad that you guys are partners with us in
23 that. Thank you.

24 CHAIRPERSON WEPRIN: Thank you. Council
25 Member Greenfield has a comment.

1 COUNCIL MEMBER GREENFIELD: We're find,
2
3 thank you very much. I did just want to congratulate
4 Council Member Reynoso for a terrific achievement. I
5 think that this is a great example of what we do here
6 in the Land Use Committee. Which is we reflect the
7 needs of the individual council members. This
8 project has changed drastically over the last few
9 months. I want to thank the developers to being
10 amenable as well to those changes. You know, I like
11 to say elections have consequences. He's our great
12 new council member and we need to make sure that he
13 and his community are happy. And when you look at
14 the achievements. It's really been spectacular. The
15 community space, the light manufacturing which is
16 very important to that community. And of course, the
17 50% affordable housing is just really terrific all
18 around. So I want to congratulate the council
19 member. He was very principled. Stuck to his guns.
20 Achieved a terrify result for his community. And I
21 want to thank the developers for appreciating the
22 fact that things do change and for being
23 accommodating. And of course, to our Land Use staff.
24 They don't get paid overtime, but they certainly were

2 working overtime on this project. So we're very
3 grateful for that as well. Thank you very much.

4 CHAIRPERSON WEPRIN: Thank you very much.
5 Anybody else have a question or comment on this. Mr.
6 Torres.

7 COUNCIL MEMBER TORRES: Can I have a
8 breakdown of the development again?

9 DAVID SCHWARTZ: David Schwartz. Its 6
10 unites at 40% AMI, 6 units at 50% AMI, 10 units at
11 60% AMI, 6 unites at 100% AMI, 17 unites at 125% AMI.

12 CHAIRPERSON WEPRIN: Okay. Any other
13 questions or comments? I see none. Is anyone else
14 here to testify on this matter? No, I see none.

15 So gentleman thank you very much. We're
16 going to close this hearing. We are now going to
17 move to a vote on the items we heard today.

18 I just want to acknowledge that we are
19 going to couple the following items into one vote.
20 These are the three sidewalk cafés that we had. Land
21 Use #104, the Sant Ambroeus, Land Use #105, Reposo 72
22 which we heard extensively about, and Land Use #106,
23 755 Washington Trattoria. As well as the Land Use
24 item we heard, which is Land Use #107, the Woodward
25 Avenue rezoning, we're going to couple all of those

2 items and we are going to wait for one council member
3 to enter the room and then I'm going to call on Ann
4 McCoy to call the roll.

5 Okay, I'd like to call on Ann McCoy to
6 please call the roll.

7 ANN MCCOY: Chair Weprin.

8 CHAIRPERSON WEPRIN: I vote Aye on all.

9 ANN MCCOY: Council Member Garodnick.

10 COUNCIL MEMBER GARODNICK: Thank you,
11 Aye.

12 ANN MCCOY: Council Member Richards.

13 COUNCIL MEMBER RICHARDS: Aye on all.

14 ANN MCCOY: Council Member Reynoso.

15 COUNCIL MEMBER REYNOSO: Aye on all.

16 ANN MCCOY: Council Member Torres.

17 COUNCIL MEMBER TORRES: Aye on all.

18 ANN MCCOY: Council Member Williams.

19 COUNCIL MEMBER WILLIAMS: First I want to
20 congratulate Council Member Reynoso on a great
21 project with income targeted units and a wonderful
22 spread and array of incomes that will be in the
23 building. I vote Aye on all with the exception of
24 Land Use #105 which I abstain.

2 ANN MCCOY: By a vote of 6 in the
3 affirmative, no abstentions and no negatives. All
4 items are adopted and referred to the full Land Use
5 Committee with the exception of LU #105 which is
6 adopted by a vote of 5 in the affirmative, zero
7 negatives and 1 abstention, is likewise referred to
8 the full Land Use Committee.

9 CHAIRPERSON WEPRIN: That is great. We
10 thank you all very much. I want to remind the
11 members of the committee that the Land Use full
12 committee will be meeting tomorrow at 11:00 a.m. in
13 City Hall in the Committee Room. 11:00 a.m.
14 tomorrow. With that in mind the Subcommittee on
15 Zoning and Franchises is now adjourned.

16 [Gavel]

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C E R T I F I C A T E

World Wide Dictation certifies that the foregoing transcript is a true and accurate record of the proceedings. We further certify that there is no relation to any of the parties to this action by blood or marriage, and that there is interest in the outcome of this matter.



Date AUGUST 23, 2014