

# The New York City Council

*City Hall  
New York, NY 10007*



## Meeting Minutes

Tuesday, November 14, 2017

9:30 AM

250 Broadway - Committee Rm, 16th Fl.

### **Subcommittee on Zoning and Franchises**

*Donovan J. Richards, Chair*

*Members: Daniel R. Garodnick, Jumaane D. Williams,  
Antonio Reynoso, Ritchie J. Torres, Vincent J. Gentile and Barry S. Grodenchik*

Roll Call

**Present:** Richards, Garodnick, Williams, Reynoso, Torres, Gentile and Grodenchik

*Other Council Members Attending: Perkins and Palma*

LU 0784-2017

**Application No. C 170464 ZSM submitted by 449 Broadway, LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-781 of the Zoning Resolution to modify the requirements of Section 42-14(D) (2)(b) to allow Use Group 6 uses (retail uses) on portions of the ground floor and cellar of an existing 5-story building on property located at 449 Broadway (Block 231, Lot 36), in an M1-5B District, Borough of Manhattan, Community District 2, Council District 1.**

**Attachments:** October 17, 2017 - Stated Meeting Agenda with Links to Files, Land Use Calendar - Week of October 23, 2017 - October 27, 2017, REVISED - Land Use Calendar - Week of October 23, 2017 - October 27, 2017, Hearing Transcript - Zoning 10-24-17, Hearing Testimony - Zoning 10-24-17, Hearing Transcript - Stated Meeting 10-17-17, Land Use Calendar - Week of November 13, 2017 - November 17, 2017, Land Use Calendar - November 15, 2017, Hearing Testimony - Zoning 11-14-17, Hearing Transcript - Zoning 11-14-17

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

**Attachments:** October 17, 2017 - Stated Meeting Agenda with Links to Files, Land Use Calendar - Week of October 23, 2017 - October 27, 2017, REVISED - Land Use Calendar - Week of October 23, 2017 - October 27, 2017, Hearing Transcript - Zoning 10-24-17, Hearing Testimony - Zoning 10-24-17, Hearing Transcript - Stated Meeting 10-17-17, Land Use Calendar - Week of November 13, 2017 - November 17, 2017, Land Use Calendar - November 15, 2017, Hearing Testimony - Zoning 11-14-17, Hearing Transcript - Zoning 11-14-17

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

**Affirmative:** 7 - Richards, Garodnick, Williams, Reynoso, Torres, Gentile and Grodenchik

LU 0785-2017

**Application No. C 170413 ZMX submitted by the New York City Department of City Planning pursuant to Sections 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section No. 6a, to expand the existing Special Harlem River Waterfront District (HRW) to encompass two waterfront blocks to the south bounded by Park Avenue, East 135th Street (Exterior Street), Third Avenue Bridge and the Harlem River, and the block bounded by Third Avenue Bridge, Bruckner Boulevard, and Lincoln Avenue. Borough of the Bronx, Community Board 1, Council District 8.**

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

**Attachments:** October 17, 2017 - Stated Meeting Agenda with Links to Files, Land Use Calendar - Week of October 23, 2017 - October 27, 2017, REVISED - Land Use Calendar - Week of October 23, 2017 - October 27, 2017, Hearing Transcript - Zoning 10-24-17, Hearing Testimony - Zoning 10-24-17, Hearing Transcript - Stated Meeting 10-17-17, Land Use Calendar - Week of November 13, 2017 - November 17, 2017, Land Use Calendar - Week of November 20, 2017 - November 24, 2017, Additional Meeting of the Subcommittee on Zoning & Franchises, REVISED - Land Use Calendar - Week of November 20, 2017 - November 24, 2017, Land Use Calendar - November 21, 2017, Hearing Testimony - Zoning 11-14-17, Hearing Transcript - Zoning 11-14-17

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

LU 0786-2017

**Application No. N 170414 ZRX submitted by the New York City Department of City Planning pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, relating to Article VIII, Chapter 7, and related Sections, to modify the text of the Special Harlem River Waterfront District, Borough of the Bronx, Community District 1, Council District 8.**

**Attachments:** October 17, 2017 - Stated Meeting Agenda with Links to Files, Land Use Calendar - Week of October 23, 2017 - October 27, 2017, REVISED - Land Use Calendar - Week of October 23, 2017 - October 27, 2017, Hearing Transcript - Zoning 10-24-17, Hearing Testimony - Zoning 10-24-17, Hearing Transcript - Stated Meeting 10-17-17, Land Use Calendar - Week of November 13, 2017 - November 17, 2017, Land Use Calendar - Week of November 20, 2017 - November 24, 2017, Additional Meeting of the Subcommittee on Zoning & Franchises, REVISED - Land Use Calendar - Week of November 20, 2017 - November 24, 2017, Land Use Calendar - November 21, 2017, Hearing Testimony - Zoning 11-14-17, Hearing Transcript - Zoning 11-14-17

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

**Attachments:** October 17, 2017 - Stated Meeting Agenda with Links to Files, Land Use Calendar - Week of October 23, 2017 - October 27, 2017, REVISED - Land Use Calendar - Week of October 23, 2017 - October 27, 2017, Hearing Transcript - Zoning 10-24-17, Hearing Testimony - Zoning 10-24-17, Hearing Transcript - Stated Meeting 10-17-17, Land Use Calendar - Week of November 13, 2017 - November 17, 2017, Land Use Calendar - Week of November 20, 2017 - November 24, 2017, Additional Meeting of the Subcommittee on Zoning & Franchises, REVISED - Land Use Calendar - Week of November 20, 2017 - November 24, 2017, Land Use Calendar - November 21, 2017, Hearing Testimony - Zoning 11-14-17, Hearing Transcript - Zoning 11-14-17

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

LU 0787-2017

**Application No. C 170025 ZMK submitted by JMS Realty Corp. pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 13b, to change an M1-1 and M1-2 zoning district to an R7D/C2-4 and an R6A/C2-4 zoning district on portions of three blocks fronting on Myrtle Avenue, between Walworth Street and Nostrand Avenue, Borough of Brooklyn, Community District 3, Council District 33.**

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

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

**Affirmative:** 7 - Richards, Garodnick, Williams, Reynoso, Torres, Gentile and Grodenchik

LU 0788-2017

**Application No. N 170026 ZRK submitted by JMS Realty Corp., pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying Appendix F for the purpose of establishing a Mandatory Inclusionary Housing area, Borough of Brooklyn, Community District 3, Council District 33.**

**Attachments:** October 17, 2017 - Stated Meeting Agenda with Links to Files, Land Use Calendar - Week of October 23, 2017 - October 27, 2017, REVISED - Land Use Calendar - Week of October 23, 2017 - October 27, 2017, Hearing Transcript - Zoning 10-24-17, Hearing Testimony - Zoning 10-24-17, Hearing Transcript - Stated Meeting 10-17-17, Land Use Calendar - Week of November 13, 2017 - November 17, 2017, Land Use Calendar - November 15, 2017, November 16, 2017 - Stated Meeting Agenda with Links to Files, Hearing Testimony - Zoning 11-14-17, Hearing Transcript - Zoning 11-14-17

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

**Affirmative:** 7 - Richards, Garodnick, Williams, Reynoso, Torres, Gentile and Grodenchik

LU 0789-2017

**Application No. 20175287 TCM pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of KioRestaurant, LLC, d/b/a KHE-YO, for a revocable consent to establish, maintain and operate an unenclosed sidewalk café located at 157 Duane Street, Borough of Manhattan, Community Board 1, Council District 1. This application is subject to review and action by the Land Use Committee only if called-up by vote of the Council pursuant to Rule 11.20b of the Council and Section 20-226 of the New York City Administrative Code.**

**Attachments:** October 17, 2017 - Stated Meeting Agenda with Links to Files, Land Use Calendar - Week of October 23, 2017 - October 27, 2017, REVISED - Land Use Calendar - Week of October 23, 2017 - October 27, 2017, Hearing Transcript - Zoning 10-24-17, Hearing Testimony - Zoning 10-24-17, Hearing Transcript - Stated Meeting 10-17-17, Land Use Calendar - Week of November 13, 2017 - November 17, 2017, Land Use Calendar - November 15, 2017, Hearing Testimony - Zoning 11-14-17, Hearing Transcript - Zoning 11-14-17

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

**Affirmative:** 7 - Richards, Garodnick, Williams, Reynoso, Torres, Gentile and Grodenchik

**LU 0800-2017**      **Application No. C 170392 ZMX submitted by submitted by the Park Lane Residence Co. pursuant to Sections 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section No. 7a, changing an R6 district to an R8/C2-4 district on property located on White Plains Road between Turnbull Avenue and Lafayette Avenue, Borough of the Bronx, Community Board 9, Council District 18.**

**Attachments:** October 31, 2017 - Stated Meeting Agenda with Links to Files, Land Use Calendar - Week of November 13, 2017 - November 17, 2017, Hearing Testimony - Zoning 11-14-17, Hearing Transcript - Zoning 11-14-17

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

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

**LU 0801-2017**      **Application No. N 170393 ZRX submitted by submitted by the Park Lane Residence Co. pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, for the purpose of establishing a Mandatory Inclusionary Housing area, Borough of the Bronx, Community Board 9, Council District 18.**

**Attachments:** October 31, 2017 - Stated Meeting Agenda with Links to Files, Land Use Calendar - Week of November 13, 2017 - November 17, 2017, Hearing Testimony - Zoning 11-14-17, Hearing Transcript - Zoning 11-14-17

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

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

**LU 0802-2017**      **Application No. C 170445 ZMX submitted by submitted by 1776 Eastchester Realty LLC, Hutch 34 Industrial Street, LLC and Hutch 35 LLC pursuant to Sections 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section No. 4a and 4b, changing an M1-1 district to R5, C4-2 and C4-2A districts on property located at 1776 Eastchester Road, Borough of the Bronx, Community Board 11, Council District 13.**

**Attachments:** October 31, 2017 - Stated Meeting Agenda with Links to Files, Land Use Calendar - Week of November 13, 2017 - November 17, 2017, Hearing Testimony - Zoning 11-14-17, Hearing Transcript - Zoning 11-14-17

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

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

LU 0803-2017

**Application No. N 170446 ZRX submitted by submitted by 1776 Eastchester Realty LLC, Hutch 34 Industrial Street, LLC and Hutch 35 LLC pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, for the purpose of establishing a Mandatory Inclusionary Housing area, Borough of the Bronx, Community Board 11, Council District 13.**

**Attachments:** October 31, 2017 - Stated Meeting Agenda with Links to Files, Land Use Calendar - Week of November 13, 2017 - November 17, 2017, Hearing Testimony - Zoning 11-14-17, Hearing Transcript - Zoning 11-14-17

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

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

LU 0804-2017

**Application No. C 170447 ZSX submitted by submitted by 1776 Eastchester Realty LLC, Hutch 34 Industrial Street, LLC and Hutch 35 LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-70(a)(2) of the Zoning Resolution to allow for a non-profit hospital staff dwelling to be located on property at 1776 Eastchester Road, Borough of the Bronx, Community Board 11, Council District 13. This application is subject to review and action by the Land Use Committee only if appealed to the Council pursuant to Charter Section 197-d(b)(2) or called up by vote of the Council pursuant to Charter Section 197-d(b)(3).**

**Attachments:** October 31, 2017 - Stated Meeting Agenda with Links to Files, Land Use Calendar - Week of November 13, 2017 - November 17, 2017, Hearing Testimony - Zoning 11-14-17, Hearing Transcript - Zoning 11-14-17

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



LU 0805-2017

**Application No. N 170442 ZMM submitted by submitted by NBT Victory Development LLC pursuant to Sections 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section No. 6a, changing a C4-4A district to a C4-7 district on property located 5th Avenue between Dr. Martin Luther King Boulevard and East 126th Street, Borough of the Manhattan, Community Board 11, Council District 9.**

**Attachments:** October 31, 2017 - Stated Meeting Agenda with Links to Files, Land Use Calendar - Week of November 13, 2017 - November 17, 2017, Land Use Calendar - Week of November 20, 2017 - November 24, 2017, Additional Meeting of the Subcommittee on Zoning & Franchises, REVISED - Land Use Calendar - Week of November 20, 2017 - November 24, 2017, Land Use Calendar - November 21, 2017, Hearing Testimony - Zoning 11-14-17, Hearing Transcript - Zoning 11-14-17

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

LU 0806-2017

**Application No. N 170443 ZRM submitted by submitted by NBT Victory Development LLC pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, concerning Article IX, Chapter 7 (Special 125th Street District) to establish regulations for the proposed C4-7 district and for the purpose of establishing a Mandatory Inclusionary Housing area, Borough of the Manhattan, Community Board 11, Council District 9.**

**Attachments:** October 31, 2017 - Stated Meeting Agenda with Links to Files, Land Use Calendar - Week of November 13, 2017 - November 17, 2017, Land Use Calendar - Week of November 20, 2017 - November 24, 2017, Additional Meeting of the Subcommittee on Zoning & Franchises, REVISED - Land Use Calendar - Week of November 20, 2017 - November 24, 2017, Land Use Calendar - November 21, 2017, Hearing Testimony - Zoning 11-14-17, Hearing Transcript - Zoning 11-14-17

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

LU 0807-2017

**Application No. C 170444 ZSM submitted by submitted by NBT Victory Development LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-533 of the Zoning Resolution to waive 72 required off-street parking spaces for a proposed development on property located 5th Avenue between Dr. Martin Luther King Boulevard and East 126th Street, Borough of the Manhattan, Community Board 11, Council District 9. This application is subject to review and action by the Land Use Committee only if appealed to the Council pursuant to Charter Section 197-d(b)(2) or called up by vote of the Council pursuant to Charter Section 197-d(b)(3).**

**Attachments:** October 31, 2017 - Stated Meeting Agenda with Links to Files, Land Use Calendar - Week of November 13, 2017 - November 17, 2017, Land Use Calendar - Week of November 20, 2017 - November 24, 2017, Additional Meeting of the Subcommittee on Zoning & Franchises, REVISED - Land Use Calendar - Week of November 20, 2017 - November 24, 2017, Land Use Calendar - November 21, 2017, Hearing Testimony - Zoning 11-14-17, Hearing Transcript - Zoning 11-14-17

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