

# The New York City Council

*City Hall  
New York, NY 10007*



## Meeting Minutes

Thursday, January 31, 2013

10:30 AM

250 Broadway - Committee Rm, 16th Fl.

### Committee on Land Use

*Leroy G. Comrie, Jr., Chair*

*Members: Maria del Carmen Arroyo, Charles Barron, Inez E. Dickens,  
Daniel R. Garodnick, Sara M. Gonzalez, Robert Jackson, Jessica S. Lappin,  
Rosie Mendez, Annabel Palma, Diana Reyna, Joel Rivera, Albert Vann,  
Brad S. Lander, Stephen T. Levin, Mark S. Weprin, Jumaane D. Williams,  
Daniel J. Halloran III, Vincent M. Ignizio, Peter A. Koo and Ruben Wills*

## Roll Call

**Present:**

Comrie Jr., Arroyo, Barron, Dickens, Garodnick, Jackson, Lappin, Mendez, Reyna, Rivera, Lander, Levin, Weprin, Williams, Halloran III, Ignizio, Koo and Wills

**Absent:**

Gonzalez, Palma and Vann

LU 0719-2012

**Application no. 20135098 HAK, submitted by New York City Department of Housing Preservation and Development, subject to Council review and action pursuant to Article 16 of the General Municipal Law, for a proposed project approval modifying a previously approved Urban Action Development Area Project (Res 1034 of 2011) by adding 1416 Eastern Parkway Extension to the disposition area, creating a new project area, and approving a real property tax exemption for property located at 1416 Eastern Parkway Extension (Block 1475, Lot 39) and 1413 Pitkin Avenue (Block 1475, Lot 78) in the Borough of Brooklyn, Community Board 16, Council District 41.**

**Attachments:** Land Use Calendar - Week of October 1, 2012 - October 5, 2012, HearingTestimony-Planning-10-03-2012, Land Use Calendar - Week of October 22, 2012 - October 26, 2012, Hearing Transcript - Planning 10-3-12, Deferral of Planning Meeting - Scheduled for October 23, 2012, Land Use Calendar - Week of October 29, 2012 - November 2, 2012, Land Use Calendar - Week of November 26, 2012 - November 30, 2012, Hearing Transcript - Planning 10-4-12, Land Use Calendar - Week of December 3, 2012 - December 7, 2012, Land Use Calendar - Week of December 3, 2012 - December 7, 2012, Land Use Calendar - Week of December 10, 2012 - December 14, 2012, Hearing Testimony - Planning 11/26/12, Hearing Transcript - Planning 11-26-12, Deferral of Planning Meeting - Scheduled for December 13, 2012, Hearing Testimony - Planning 12/4/12, Land Use Calendar - Week of December 17, 2012 - December 21, 2012, Hearing Transcript - Planning 12-4-12, Hearing Transcript - Planning 12/17/12, Land Use Calendar - Week of January 28, 2013 - February 1, 2013, Deferral of Planning Meeting - Scheduled for January 29, 2013, Revised - Time Change for the Meetings, Land Use Calendar - January 31, 2013, Hearing Transcript - Planning 1-31-13, Hearing Transcript - Land Use 1-31-13

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

**Attachments:** Land Use Calendar - Week of October 1, 2012 - October 5, 2012, Hearing Testimony-Planning-10-03-2012, Land Use Calendar - Week of October 22, 2012 - October 26, 2012, Hearing Transcript - Planning 10-3-12, Deferral of Planning Meeting - Scheduled for October 23, 2012, Land Use Calendar - Week of October 29, 2012 - November 2, 2012, Land Use Calendar - Week of November 26, 2012 - November 30, 2012, Hearing Transcript - Planning 10-4-12, Land Use Calendar - Week of December 3, 2012 - December 7, 2012, Land Use Calendar - Week of December 3, 2012 - December 7, 2012, Land Use Calendar - Week of December 10, 2012 - December 14, 2012, Hearing Testimony - Planning 11/26/12, Hearing Transcript - Planning 11-26-12, Deferral of Planning Meeting - Scheduled for December 13, 2012, Hearing Testimony - Planning 12/4/12, Land Use Calendar - Week of December 17, 2012 - December 21, 2012, Hearing Transcript - Planning 12-4-12, Hearing Transcript - Planning 12/17/12, Land Use Calendar - Week of January 28, 2013 - February 1, 2013, Deferral of Planning Meeting - Scheduled for January 29, 2013, Revised - Time Change for the Meetings, Land Use Calendar - January 31, 2013, Hearing Transcript - Planning 1-31-13, Hearing Transcript - Land Use 1-31-13

**A motion was made that this Land Use Application be Approved by Committee with Companion Resolution approved by Roll Call.**

**Affirmative:** 18 -

Comrie Jr., Arroyo, Barron, Dickens, Garodnick, Jackson, Lappin, Mendez, Reyna, Rivera, Lander, Levin, Weprin, Williams, Halloran III, Ignizio, Koo and Wills

**Absent:** 3 -

Gonzalez, Palma and Vann

LU 0749-2013

**Application No. C 120396 ZMM submitted by Durst Development L.L.C. pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 8c, changing an M1-5 district to a C6-2 district to facilitate a proposed mixed-use development on the property bounded by West 58th Street, Eleventh Avenue, West 57th Street and Twelfth Avenue, Borough of Manhattan, Community Board 4, Council District 6.**

**Attachments:** Land Use Calendar - Week of January 14, 2013 - January 18, 2013, Land Use Calendar - Week of January 28, 2013 - February 1, 2013, Hearing Testimony - Zoning 1/17/13, Hearing Transcript - Zoning 1-17-13, Reconvening of Zoning Subcommittee Meeting 1-31-2013, Revised - Time Change for the Meetings, Land Use Calendar - January 31, 2013, Hearing Transcript - Zoning 1-29-13, Hearing Transcript - Zoning 1-31-13, Hearing Transcript - Land Use 1-31-13

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

**Attachments:** Land Use Calendar - Week of January 14, 2013 - January 18, 2013, Land Use Calendar - Week of January 28, 2013 - February 1, 2013, Hearing Testimony - Zoning 1/17/13, Hearing Transcript - Zoning 1-17-13, Reconvening of Zoning Subcommittee Meeting 1-31-2013, Revised - Time Change for the Meetings, Land Use Calendar - January 31, 2013, Hearing Transcript - Zoning 1-29-13, Hearing Transcript - Zoning 1-31-13, Hearing Transcript - Land Use 1-31-13

**A motion was made that this Land Use Application be Approved by Committee with Companion Resolution approved by Roll Call.**

**Affirmative:** 18 -

Comrie Jr., Arroyo, Barron, Dickens, Garodnick, Jackson, Lappin, Mendez, Reyna, Rivera, Lander, Levin, Weprin, Williams, Halloran III, Ignizio, Koo and Wills

**Absent:** 3 -

Gonzalez, Palma and Vann

LU 0750-2013

**Application No. C 120397 ZSM submitted by Durst Development L.L.C. pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Sections 74-743(a)(1) and 74-743(a)(2) of the Zoning Resolution to modify the applicable district bulk regulations for a proposed mixed-use development on the property bounded by West 58th Street, Eleventh Avenue, West 57th Street and Twelfth Avenue, Borough of Manhattan, Community Board 4, Council District 6. This application is subject to review and action by the Council only if appealed to the Council pursuant to Charter Section 197-d(b)(2) or called up by a vote of the Council pursuant to Charter Section 197-d(b)(3).**

**Attachments:** Land Use Calendar - Week of January 14, 2013 - January 18, 2013, Land Use Calendar - Week of January 28, 2013 - February 1, 2013, Hearing Testimony - Zoning 1/17/13, Hearing Transcript - Zoning 1-17-13, Reconvening of Zoning Subcommittee Meeting 1-31-2013, Revised - Time Change for the Meetings, Land Use Calendar - January 31, 2013, Hearing Transcript - Zoning 1-29-13, Hearing Transcript - Zoning 1-31-13, Hearing Transcript - Land Use 1-31-13

**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 Committee with Companion Resolution approved by Roll Call.**

**Affirmative:** 18 -

Comrie Jr., Arroyo, Barron, Dickens, Garodnick, Jackson, Lappin, Mendez, Reyna, Rivera, Lander, Levin, Weprin, Williams, Halloran III, Ignizio, Koo and Wills

**Absent:** 3 -

Gonzalez, Palma and Vann

LU 0751-2013

**Application No. C 120398 ZSM submitted by Durst Development L.L.C. pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 13-561 of the Zoning Resolution to allow an enclosed attended accessory parking garage with a maximum capacity of 285 parking spaces on portions of the ground floor and mezzanine level of a proposed mixed-use development on the westerly portion of the property bounded by West 58th Street, Eleventh Avenue, West 57th Street and Twelfth Avenue, Borough of Manhattan, Community Board 4, Council District 6. This application is subject to review and action by the Council only if appealed to the Council pursuant to Charter Section 197-d(b)(2) or called up by a vote of the Council pursuant to Charter Section 197-d(b)(3).**

**Attachments:** Land Use Calendar - Week of January 14, 2013 - January 18, 2013, Land Use Calendar - Week of January 28, 2013 - February 1, 2013, Hearing Testimony - Zoning 1/17/13, Hearing Transcript - Zoning 1-17-13, Reconvening of Zoning Subcommittee Meeting 1-31-2013, Revised - Time Change for the Meetings, Land Use Calendar - January 31, 2013, Hearing Transcript - Zoning 1-29-13, Hearing Transcript - Zoning 1-31-13, Hearing Transcript - Land Use 1-31-13

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

**Attachments:** Land Use Calendar - Week of January 14, 2013 - January 18, 2013, Land Use Calendar - Week of January 28, 2013 - February 1, 2013, Hearing Testimony - Zoning 1/17/13, Hearing Transcript - Zoning 1-17-13, Reconvening of Zoning Subcommittee Meeting 1-31-2013, Revised - Time Change for the Meetings, Land Use Calendar - January 31, 2013, Hearing Transcript - Zoning 1-29-13, Hearing Transcript - Zoning 1-31-13, Hearing Transcript - Land Use 1-31-13

**A motion was made that this Land Use Application be Approved by Committee with Companion Resolution approved by Roll Call.**

**Affirmative:** 18 -

Comrie Jr., Arroyo, Barron, Dickens, Garodnick, Jackson, Lappin, Mendez, Reyna, Rivera, Lander, Levin, Weprin, Williams, Halloran III, Ignizio, Koo and Wills

**Absent:** 3 -

Gonzalez, Palma and Vann

**LU 0752-2013**      **Application no. 20135179 HKM (N 130097 HKM) pursuant to §3020 of the Charter of the City of New York, concerning the designation by the Landmarks Preservation Commission of the East Village/Lower East Side Historic District (List No. 460, LP-2446), Borough of Manhattan, Community Board 3, Council District 2.**

**Attachments:** Land Use Calendar - Week of January 28, 2013 - February 1, 2013, Revised - Time Change for the Meetings, Hearing Testimony - Landmarks 1/29/13, Land Use Calendar - January 31, 2013, Hearing Transcript - Land Use 1-31-13

**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 Committee with Companion Resolution approved by Roll Call.**

**Affirmative:** 17 -

Comrie Jr., Arroyo, Barron, Dickens, Garodnick, Jackson, Lappin, Mendez, Reyna, Rivera, Lander, Levin, Weprin, Williams, Halloran III, Koo and Wills

**Negative:** 1 -

Ignizio

**Absent:** 3 -

Gonzalez, Palma and Vann

**LU 0753-2013**      **Application no. 20135162 TCM, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of Naco NYC LLC, d/b/a El Toro Blanco, for a revocable consent to establish, maintain and operate an unenclosed sidewalk café located at 10 Downing Street, Borough of Manhattan, Community Board 2, Council District 3. This application is subject to review and action by the Land Use Committee only if called-up by vote of the Council pursuant to Rule 11.20b of the Council and §20-226(e) of the New York City Administrative Code.**

**Attachments:** Land Use Calendar - Week of January 28, 2013 - February 1, 2013, Reconvening of Zoning Subcommittee Meeting 1-31-2013, Revised - Time Change for the Meetings, Land Use Calendar - January 31, 2013, Hearing Transcript - Zoning 1-29-13, Hearing Transcript - Zoning 1-31-13, Hearing Transcript - Land Use 1-31-13

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**Absent:** 3 -

Gonzalez, Palma and Vann