

The New York City Council

*City Hall
New York, NY 10007*



Meeting Minutes

Wednesday, August 9, 2017

11:00 AM

Committee Room - City Hall

Committee on Land Use

David G. Greenfield, Chair

*Members: Vincent J. Gentile, Annabel Palma,
Daniel R. Garodnick, Darlene Mealy, Rosie Mendez,
Ydanis A. Rodriguez, Peter A. Koo, Brad S. Lander, Stephen T. Levin,
Jumaane D. Williams, Deborah L. Rose, Donovan J. Richards,
Inez D. Barron, Andrew Cohen, Ben Kallos, Antonio Reynoso,
Ritchie J. Torres, Mark Treyger and Rafael Salamanca, Jr.*

Roll Call

Present: Greenfield, Gentile, Garodnick, Mendez, Rodriguez, Koo, Lander, Levin, Rose, Williams, Richards, Barron, Cohen, Kallos, Reynoso, Torres, Treyger and Salamanca Jr.

Absent: Palma and Mealy

LU 0694-2017

Application No. C 170217 PPX submitted by the Department of Citywide Administrative Services pursuant to Sections 197-c of the New York City Charter, for the disposition of one city-owned property located on Block 4804, p/o Lot 100, Borough of the Bronx, Community Board 12, Council District 12. 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: June 21, 2017 - Stated Meeting Agenda with Links to Files, Land Use Calendar - Week of July 17, 2017 - July 21, 2017, Hearing Testimony - Zoning 7-17-17, Hearing Transcript - Zoning 7-17-17, Land Use Calendar - Week of August 7, 2017 - August 11, 2017, Land Use Calendar - August 9, 2017, Baychester Square Withdrawal Letters, Committee Report, Resolution, Hearing Transcript - Zoning 8-9-17, Hearing Transcript - Land Use 8-9-17

This Land Use Application was Hearing Held by Committee

Attachments: June 21, 2017 - Stated Meeting Agenda with Links to Files, Land Use Calendar - Week of July 17, 2017 - July 21, 2017, Hearing Testimony - Zoning 7-17-17, Hearing Transcript - Zoning 7-17-17, Land Use Calendar - Week of August 7, 2017 - August 11, 2017, Land Use Calendar - August 9, 2017, Baychester Square Withdrawal Letters, Committee Report, Resolution, Hearing Transcript - Zoning 8-9-17, Hearing Transcript - Land Use 8-9-17

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

Affirmative: 18 - Greenfield, Gentile, Garodnick, Mendez, Rodriguez, Koo, Lander, Levin, Rose, Williams, Richards, Barron, Cohen, Kallos, Reynoso, Torres, Treyger and Salamanca Jr.

Absent: 2 - Palma and Mealy

LU 0695-2017

Application No. C 170218 ZMX submitted by Gun Hill Square, LLC pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment of the zoning map, section no. 4a, changing an existing M1-1 District to a C4-3 District on property located at East Gun Hill Road and Edson Avenue, Borough of the Bronx, Community Board 12, Council District 12.

Attachments: June 21, 2017 - Stated Meeting Agenda with Links to Files, Land Use Calendar - Week of July 17, 2017 - July 21, 2017, Hearing Testimony - Zoning 7-17-17, Hearing Transcript - Zoning 7-17-17, Land Use Calendar - Week of August 7, 2017 - August 11, 2017, Land Use Calendar - August 9, 2017, Baychester Square Withdrawal Letters, Committee Report, Resolution, Hearing Transcript - Zoning 8-9-17, Hearing Transcript - Land Use 8-9-17

This Land Use Application was Hearing Held by Committee

Attachments: June 21, 2017 - Stated Meeting Agenda with Links to Files, Land Use Calendar - Week of July 17, 2017 - July 21, 2017, Hearing Testimony - Zoning 7-17-17, Hearing Transcript - Zoning 7-17-17, Land Use Calendar - Week of August 7, 2017 - August 11, 2017, Land Use Calendar - August 9, 2017, Baychester Square Withdrawal Letters, Committee Report, Resolution, Hearing Transcript - Zoning 8-9-17, Hearing Transcript - Land Use 8-9-17

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

Affirmative: 18 - Greenfield, Gentile, Garodnick, Mendez, Rodriguez, Koo, Lander, Levin, Rose, Williams, Richards, Barron, Cohen, Kallos, Reynoso, Torres, Treyger and Salamanca Jr.

Absent: 2 - Palma and Mealy

LU 0696-2017

Application No. N 170219 ZRX submitted by Gun Hill Square, LLC pursuant to Section 201 of the New York City Charter, for an amendment of the New York City Zoning Resolution, relating to Article VII, Chapter 4 (Special Permits by the City Planning Commission) to modify use regulations to allow a physical culture or health establishment and modifying Appendix F for the purpose of establishing a Mandatory Inclusionary Housing area, Borough of the Bronx, Community Board 12, Council District 12.

Attachments: June 21, 2017 - Stated Meeting Agenda with Links to Files, Land Use Calendar - Week of July 17, 2017 - July 21, 2017, Hearing Testimony - Zoning 7-17-17, Hearing Transcript - Zoning 7-17-17, Land Use Calendar - Week of August 7, 2017 - August 11, 2017, Land Use Calendar - August 9, 2017, Baychester Square Withdrawal Letters, Committee Report, Resolution, Hearing Transcript - Zoning 8-9-17, Hearing Transcript - Land Use 8-9-17

This Land Use Application was Hearing Held by Committee

Attachments: June 21, 2017 - Stated Meeting Agenda with Links to Files, Land Use Calendar - Week of July 17, 2017 - July 21, 2017, Hearing Testimony - Zoning 7-17-17, Hearing Transcript - Zoning 7-17-17, Land Use Calendar - Week of August 7, 2017 - August 11, 2017, Land Use Calendar - August 9, 2017, Baychester Square Withdrawal Letters, Committee Report, Resolution, Hearing Transcript - Zoning 8-9-17, Hearing Transcript - Land Use 8-9-17

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

Affirmative: 18 - Greenfield, Gentile, Garodnick, Mendez, Rodriguez, Koo, Lander, Levin, Rose, Williams, Richards, Barron, Cohen, Kallos, Reynoso, Torres, Treyger and Salamanca Jr.

Absent: 2 - Palma and Mealy

LU 0697-2017

Application No. C 170221 ZSX submitted by Gun Hill Square, LLC pursuant to Section 197-c and 201 of the New York City Charter, for the grant of a special permit pursuant to Section 74-743(a)(2) of the Zoning Resolution to modify the height and setback requirements and rear yard requirements in connection with a proposed mixed-use development located at 1769-1771 East Gun Hill Road (Block 4804, p/o Lot 100), Borough of the Bronx, Community Board 12, Council District 12. 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: June 21, 2017 - Stated Meeting Agenda with Links to Files, Land Use Calendar - Week of July 17, 2017 - July 21, 2017, Hearing Testimony - Zoning 7-17-17, Hearing Transcript - Zoning 7-17-17, Land Use Calendar - Week of August 7, 2017 - August 11, 2017, Land Use Calendar - August 9, 2017, Baychester Square Withdrawal Letters, Committee Report, Resolution, Hearing Transcript - Zoning 8-9-17, Hearing Transcript - Land Use 8-9-17

This Land Use Application was Hearing Held by Committee

Attachments: June 21, 2017 - Stated Meeting Agenda with Links to Files, Land Use Calendar - Week of July 17, 2017 - July 21, 2017, Hearing Testimony - Zoning 7-17-17, Hearing Transcript - Zoning 7-17-17, Land Use Calendar - Week of August 7, 2017 - August 11, 2017, Land Use Calendar - August 9, 2017, Baychester Square Withdrawal Letters, Committee Report, Resolution, Hearing Transcript - Zoning 8-9-17, Hearing Transcript - Land Use 8-9-17

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

Affirmative: 18 - Greenfield, Gentile, Garodnick, Mendez, Rodriguez, Koo, Lander, Levin, Rose, Williams, Richards, Barron, Cohen, Kallos, Reynoso, Torres, Treyger and Salamanca Jr.

Absent: 2 - Palma and Mealy

LU 0698-2017

Application No. C 170222 ZSX submitted by Gun Hill Square, LLC pursuant to Section 197-c and 201 of the New York City Charter, for the grant of a special permit pursuant to Section 74-744(c) of the Zoning Resolution to modify signage regulations in connection with a proposed mixed-use development located at 1769-1771 East Gun Hill Road (Block 4804, p/o Lot 100), Borough of the Bronx, Community Board 12, Council District 12. 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: June 21, 2017 - Stated Meeting Agenda with Links to Files, Land Use Calendar - Week of July 17, 2017 - July 21, 2017, Hearing Testimony - Zoning 7-17-17, Hearing Transcript - Zoning 7-17-17, Land Use Calendar - Week of August 7, 2017 - August 11, 2017, Land Use Calendar - August 9, 2017, Baychester Square Withdrawal Letters, Committee Report, Resolution, Hearing Transcript - Zoning 8-9-17, Hearing Transcript - Land Use 8-9-17

This Land Use Application was Hearing Held by Committee

Attachments: June 21, 2017 - Stated Meeting Agenda with Links to Files, Land Use Calendar - Week of July 17, 2017 - July 21, 2017, Hearing Testimony - Zoning 7-17-17, Hearing Transcript - Zoning 7-17-17, Land Use Calendar - Week of August 7, 2017 - August 11, 2017, Land Use Calendar - August 9, 2017, Baychester Square Withdrawal Letters, Committee Report, Resolution, Hearing Transcript - Zoning 8-9-17, Hearing Transcript - Land Use 8-9-17

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

Affirmative: 18 - Greenfield, Gentile, Garodnick, Mendez, Rodriguez, Koo, Lander, Levin, Rose, Williams, Richards, Barron, Cohen, Kallos, Reynoso, Torres, Treyger and Salamanca Jr.

Absent: 2 - Palma and Mealy

LU 0699-2017

Application No. C 170223 ZSX submitted by Gun Hill Square, LLC pursuant to Section 197-c and 201 of the New York City Charter, for the grant of a special permit pursuant to Section 74-531 of the Zoning Resolution to modify parking regulations in connection with a proposed mixed-use development located at 1769-1771 East Gun Hill Road (Block 4804, p/o Lot 100), Borough of the Bronx, Community Board 12, Council District 12. 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: June 21, 2017 - Stated Meeting Agenda with Links to Files, Land Use Calendar - Week of July 17, 2017 - July 21, 2017, Hearing Testimony - Zoning 7-17-17, Hearing Transcript - Zoning 7-17-17, Land Use Calendar - Week of August 7, 2017 - August 11, 2017, Land Use Calendar - August 9, 2017, Baychester Square Withdrawal Letters, Committee Report, Resolution, Hearing Transcript - Zoning 8-9-17, Hearing Transcript - Land Use 8-9-17

This Land Use Application was Hearing Held by Committee

Attachments: June 21, 2017 - Stated Meeting Agenda with Links to Files, Land Use Calendar - Week of July 17, 2017 - July 21, 2017, Hearing Testimony - Zoning 7-17-17, Hearing Transcript - Zoning 7-17-17, Land Use Calendar - Week of August 7, 2017 - August 11, 2017, Land Use Calendar - August 9, 2017, Baychester Square Withdrawal Letters, Committee Report, Resolution, Hearing Transcript - Zoning 8-9-17, Hearing Transcript - Land Use 8-9-17

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

Affirmative: 18 - Greenfield, Gentile, Garodnick, Mendez, Rodriguez, Koo, Lander, Levin, Rose, Williams, Richards, Barron, Cohen, Kallos, Reynoso, Torres, Treyger and Salamanca Jr.

Absent: 2 - Palma and Mealy

LU 0700-2017 **Application No. C 170226 ZMM submitted by the NYC Educational Construction Fund and AvalonBay Communities, Inc. pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment of the zoning map, section no. 6b, changing existing R7-2 and R10A Districts to R10 and C2-8 Districts on property located between 96th and 97th Streets and 1st and 2nd Avenues, Borough of the Manhattan, Community Board 11, Council District 8.**

Attachments: June 21, 2017 - Stated Meeting Agenda with Links to Files, Land Use Calendar - Week of July 17, 2017 - July 21, 2017, Hearing Testimony - Zoning 7-17-17, Hearing Transcript - Zoning 7-17-17, Land Use Calendar - Week of August 7, 2017 - August 11, 2017, Land Use Calendar - August 9, 2017, August 9, 2017 - Stated Meeting Agenda with Links to Files, Hearing Transcript - Zoning 8-9-17, Hearing Transcript - Land Use 8-9-17

This Land Use Application was Hearing Held by Committee

Attachments: June 21, 2017 - Stated Meeting Agenda with Links to Files, Land Use Calendar - Week of July 17, 2017 - July 21, 2017, Hearing Testimony - Zoning 7-17-17, Hearing Transcript - Zoning 7-17-17, Land Use Calendar - Week of August 7, 2017 - August 11, 2017, Land Use Calendar - August 9, 2017, August 9, 2017 - Stated Meeting Agenda with Links to Files, Hearing Transcript - Zoning 8-9-17, Hearing Transcript - Land Use 8-9-17

This Land Use Application was Approved by Committee with Modifications and Referred to CPC

Affirmative: 18 - Greenfield, Gentile, Garodnick, Mendez, Rodriguez, Koo, Lander, Levin, Rose, Williams, Richards, Barron, Cohen, Kallos, Reynoso, Torres, Treyger and Salamanca Jr.

Absent: 2 - Palma and Mealy

LU 0701-2017 **Application No. N 170227 ZRM submitted by the NYC Educational Construction Fund and AvalonBay Communities, Inc. pursuant to Section 201 of the New York City Charter, for an amendment of the New York City Zoning Resolution, relating to Article VII, Chapter 4 (Special Permits by the City Planning Commission) and modifying Appendix F for the purpose of establishing a Mandatory Inclusionary Housing area, Borough of the Manhattan, Community Board 11, Council District 8.**

Attachments: June 21, 2017 - Stated Meeting Agenda with Links to Files, Land Use Calendar - Week of July 17, 2017 - July 21, 2017, Hearing Testimony - Zoning 7-17-17, Hearing Transcript - Zoning 7-17-17, Land Use Calendar - Week of August 7, 2017 - August 11, 2017, Land Use Calendar - August 9, 2017, August 9, 2017 - Stated Meeting Agenda with Links to Files, Hearing Transcript - Zoning 8-9-17, Hearing Transcript - Land Use 8-9-17

This Land Use Application was Hearing Held by Committee

Attachments: June 21, 2017 - Stated Meeting Agenda with Links to Files, Land Use Calendar - Week of July 17, 2017 - July 21, 2017, Hearing Testimony - Zoning 7-17-17, Hearing Transcript - Zoning 7-17-17, Land Use Calendar - Week of August 7, 2017 - August 11, 2017, Land Use Calendar - August 9, 2017, August 9, 2017 - Stated Meeting Agenda with Links to Files, Hearing Transcript - Zoning 8-9-17, Hearing Transcript - Land Use 8-9-17

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

Affirmative: 18 - Greenfield, Gentile, Garodnick, Mendez, Rodriguez, Koo, Lander, Levin, Rose, Williams, Richards, Barron, Cohen, Kallos, Reynoso, Torres, Treyger and Salamanca Jr.

Absent: 2 - Palma and Mealy

LU 0702-2017

Application No. C 170228 ZSM submitted by the NYC Educational Construction Fund and AvalonBay Communities, Inc. pursuant to Section 197-c and 201 of the New York City Charter, for the grant of a special permit pursuant to Section 74-75 of the Zoning Resolution to modify height and setback, floor area, and lot coverage requirements in connection with a proposed mixed-use development on property bounded by East 97th Street, First Avenue, East 96th Street and Second Avenue (Block 1668, Lot 1) Borough of the Manhattan, Community Board 11, Council District 8. 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: June 21, 2017 - Stated Meeting Agenda with Links to Files, Land Use Calendar - Week of July 17, 2017 - July 21, 2017, Hearing Testimony - Zoning 7-17-17, Hearing Transcript - Zoning 7-17-17, Land Use Calendar - Week of August 7, 2017 - August 11, 2017, Land Use Calendar - August 9, 2017, August 9, 2017 - Stated Meeting Agenda with Links to Files, Hearing Transcript - Zoning 8-9-17, Hearing Transcript - Land Use 8-9-17

This Land Use Application was Hearing Held by Committee

Attachments: June 21, 2017 - Stated Meeting Agenda with Links to Files, Land Use Calendar - Week of July 17, 2017 - July 21, 2017, Hearing Testimony - Zoning 7-17-17, Hearing Transcript - Zoning 7-17-17, Land Use Calendar - Week of August 7, 2017 - August 11, 2017, Land Use Calendar - August 9, 2017, August 9, 2017 - Stated Meeting Agenda with Links to Files, Hearing Transcript - Zoning 8-9-17, Hearing Transcript - Land Use 8-9-17

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

Affirmative: 18 - Greenfield, Gentile, Garodnick, Mendez, Rodriguez, Koo, Lander, Levin, Rose, Williams, Richards, Barron, Cohen, Kallos, Reynoso, Torres, Treyger and Salamanca Jr.

Absent: 2 - Palma and Mealy

LU 0703-2017

Application No. C 170229 ZSM submitted by the NYC Educational Construction Fund and AvalonBay Communities, Inc. pursuant to Section 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 parking requirements in connection with a proposed mixed-use development on property bounded by East 97th Street, First Avenue, East 96th Street and Second Avenue (Block 1668, Lot 1) Borough of the Manhattan, Community Board 11, Council District 8. 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: June 21, 2017 - Stated Meeting Agenda with Links to Files, Land Use Calendar - Week of July 17, 2017 - July 21, 2017, Hearing Testimony - Zoning 7-17-17, Hearing Transcript - Zoning 7-17-17, Land Use Calendar - Week of August 7, 2017 - August 11, 2017, Land Use Calendar - August 9, 2017, August 9, 2017 - Stated Meeting Agenda with Links to Files, Hearing Transcript - Zoning 8-9-17, Hearing Transcript - Land Use 8-9-17

This Land Use Application was Hearing Held by Committee

Attachments: June 21, 2017 - Stated Meeting Agenda with Links to Files, Land Use Calendar - Week of July 17, 2017 - July 21, 2017, Hearing Testimony - Zoning 7-17-17, Hearing Transcript - Zoning 7-17-17, Land Use Calendar - Week of August 7, 2017 - August 11, 2017, Land Use Calendar - August 9, 2017, August 9, 2017 - Stated Meeting Agenda with Links to Files, Hearing Transcript - Zoning 8-9-17, Hearing Transcript - Land Use 8-9-17

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

Affirmative: 18 - Greenfield, Gentile, Garodnick, Mendez, Rodriguez, Koo, Lander, Levin, Rose, Williams, Richards, Barron, Cohen, Kallos, Reynoso, Torres, Treyger and Salamanca Jr.

Absent: 2 - Palma and Mealy

LU 0712-2017

Application No. 20175332 TCM pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of Pret A Manger (USA) Limited, d/b/a Pret A Manger, for a revocable consent to establish, maintain and operate an unenclosed sidewalk café located at 125 Chambers 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: Land Use Calendar - Week of July 24, 2017 - July 28, 2017, REVISED - Land Use Calendar - Week of July 24, 2017 - July 28, 2017, Hearing Transcript - Zoning 7-27-17, Hearing Testimony - Zoning 7-27-17, Land Use Calendar - Week of August 7, 2017 - August 11, 2017, Land Use Calendar - August 9, 2017, Committee Report, Resolution, Hearing Transcript - Zoning 8-9-17, Hearing Transcript - Land Use 8-9-17

This Land Use Application was Hearing Held by Committee

Attachments: Land Use Calendar - Week of July 24, 2017 - July 28, 2017, REVISED - Land Use Calendar - Week of July 24, 2017 - July 28, 2017, Hearing Transcript - Zoning 7-27-17, Hearing Testimony - Zoning 7-27-17, Land Use Calendar - Week of August 7, 2017 - August 11, 2017, Land Use Calendar - August 9, 2017, Committee Report, Resolution, Hearing Transcript - Zoning 8-9-17, Hearing Transcript - Land Use 8-9-17

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

Affirmative: 18 - Greenfield, Gentile, Garodnick, Mendez, Rodriguez, Koo, Lander, Levin, Rose, Williams, Richards, Barron, Cohen, Kallos, Reynoso, Torres, Treyger and Salamanca Jr.

Absent: 2 - Palma and Mealy

LU 0715-2017

Application No. N 170317 ZRM submitted by BOP NW, LLC, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying Article IX, Chapter 3 (Special Hudson Yards District), Borough of Manhattan, Community District 4, Council District 3.

Attachments: Land Use Calendar - Week of July 24, 2017 - July 28, 2017, REVISED - Land Use Calendar - Week of July 24, 2017 - July 28, 2017, Land Use Calendar - Week of August 7, 2017 - August 11, 2017, Hearing Transcript - Zoning 7-27-17, Hearing Testimony - Zoning 7-27-17, Land Use Calendar - August 9, 2017, Committee Report, Resolution, Hearing Transcript - Zoning 8-9-17, Hearing Transcript - Land Use 8-9-17

This Land Use Application was Hearing Held by Committee

Attachments: Land Use Calendar - Week of July 24, 2017 - July 28, 2017, REVISED - Land Use Calendar - Week of July 24, 2017 - July 28, 2017, Land Use Calendar - Week of August 7, 2017 - August 11, 2017, Hearing Transcript - Zoning 7-27-17, Hearing Testimony - Zoning 7-27-17, Land Use Calendar - August 9, 2017, Committee Report, Resolution, Hearing Transcript - Zoning 8-9-17, Hearing Transcript - Land Use 8-9-17

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

Affirmative: 18 - Greenfield, Gentile, Garodnick, Mendez, Rodriguez, Koo, Lander, Levin, Rose, Williams, Richards, Barron, Cohen, Kallos, Reynoso, Torres, Treyger and Salamanca Jr.

Absent: 2 - Palma and Mealy