

The New York City Council

*City Hall
New York, NY 10007*



Meeting Minutes

Tuesday, August 24, 2010

9:00 AM

Continuation of the August 23, 2010 Recessed Meeting

250 Broadway - Hearing Room, 16th Fl.

Subcommittee on Zoning and Franchises

Mark S. Weprin, Chair

*Members: Leroy G. Comrie, Jr., Daniel R. Garodnick, Robert Jackson,
Jessica S. Lappin, Diana Reyna, Joel Rivera, Larry B. Seabrook,
James Vacca, Albert Vann and Vincent M. Ignizio*

Roll Call

Present: Weprin, Comrie Jr., Garodnick, Jackson, Reyna, Rivera, Seabrook, Vacca, Vann and Ignizio

Absent: Lappin

LU 0159-2010

Application no. C 100047 ZMM submitted by 401 Hotel REIT, LLC and 401 Commercial, L.P. pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 8d, by changing from a C4-4.5 District to a C6-6 District, Borough of Manhattan, Community District 5.

Attachments: Land Use Calendar - Week of August 23 - August 27, 2010

This Land Use Application was Hearing Held by Committee

Attachments: Land Use Calendar - Week of August 23 - August 27, 2010

This Land Use Application was Laid Over by Subcommittee

LU 0160-2010

Application no. N 100048 ZRM submitted by 401 Hotel REIT, LLC and 401 Commercial, L.P. pursuant to Section 201 of the New York City Charter, for amendment of the Zoning Resolution of the City of New York, concerning Article VIII, Chapter 1 (Special Midtown District) relating to the applications for modification of height and setback and mandatory plan elements for the 15 Penn Plaza proposal, Borough of Manhattan, Community District 5.

Attachments: Land Use Calendar - Week of August 23 - August 27, 2010

This Land Use Application was Hearing Held by Committee

Attachments: Land Use Calendar - Week of August 23 - August 27, 2010

This Land Use Application was Laid Over by Subcommittee

LU 0161-2010

Application no. C 100049 ZSM submitted by 401 Hotel REIT, LLC and 401 Commercial, L.P. pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Sections 81-066 (b) and 81-254 of the Zoning Resolution in connection with a proposed commercial development on property located at 15 Penn Plaza (Block 808, Lot 40, 1001 and 1002). This application is subject to review and action by the Land Use Committee only if appealed to the Council pursuant to §197-d (b)(2) of the Charter or called up by vote of the Council pursuant to §197-d (b)(3) of the Charter.

Attachments: Land Use Calendar - Week of August 23 - August 27, 2010

This Land Use Application was Hearing Held by Committee

Attachments: Land Use Calendar - Week of August 23 - August 27, 2010

This Land Use Application was Laid Over by Subcommittee

LU 0162-2010

Application no. C 100050 ZSM submitted by 401 Hotel REIT, LLC and 401 Commercial, L.P. pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Sections 81-541 and 74-634 of the Zoning Resolution to allow a floor area bonus for mass transit facility improvements, in connection with a proposed commercial development on property located at 15 Penn Plaza (Block 808, Lots 40, 1001 and 1002) in a C6-6 District. This application is subject to review and action by the Land Use Committee only if appealed to the Council pursuant to §197-d (b)(2) of the Charter or called up by vote of the Council pursuant to §197-d (b)(3) of the Charter.

Attachments: Land Use Calendar - Week of August 23 - August 27, 2010

This Land Use Application was Hearing Held by Committee

Attachments: Land Use Calendar - Week of August 23 - August 27, 2010

This Land Use Application was Laid Over by Subcommittee

LU 0163-2010

Application no. C 100237 PQM, submitted by the Department of Citywide Administrative Services, pursuant to §197-c of the New York City Charter, for the acquisition of permanent easements bounded by Sixth and Seventh avenues, West 32nd and West 33rd streets (Block 808, Lots 40, 1001 and 1002), to facilitate mass transit improvements, Community District 5, Borough of Manhattan. This application is subject to review and action by the Land Use Committee only if appealed to the Council pursuant to §197-d (b)(2) of the Charter or called up by vote of the Council pursuant to §197-d (b)(3) of the Charter.

Attachments: Land Use Calendar - Week of August 23 - August 27, 2010

This Land Use Application was Hearing Held by Committee

Attachments: Land Use Calendar - Week of August 23 - August 27, 2010

This Land Use Application was Laid Over by Subcommittee

LU 0166-2010 **Application no. 20105571 TCM, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of Groove Enterprises, Inc. d/b/a Groove to continue to maintain and operate an unenclosed sidewalk café located at 125 Macdougall Street, Borough of Manhattan, Council District no. 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(g) of the New York City Administrative Code.**

Attachments: Land Use Calendar - Week of August 23 - August 27, 2010, Land Use Calendar - August 24, 2010

This Land Use Application was Hearing Held by Committee

Attachments: Land Use Calendar - Week of August 23 - August 27, 2010, Land Use Calendar - August 24, 2010

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

Affirmative: 10 -

Weprin, Comrie Jr., Garodnick, Jackson, Reyna, Rivera, Seabrook, Vacca, Vann and Ignizio

Absent: 1 -

Lappin

LU 0167-2010 **Application no. 20105585 TCM, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of Smorgas Chef West Village LLC d/b/a Smorgas Chef to continue to maintain and operate an unenclosed sidewalk café located at 283 West 12th Street, Borough of Manhattan, Council District no. 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(g) of the New York City Administrative Code.**

Attachments: Land Use Calendar - Week of August 23 - August 27, 2010, Land Use Calendar - August 24, 2010

This Land Use Application was Hearing Held by Committee

Attachments: Land Use Calendar - Week of August 23 - August 27, 2010, Land Use Calendar - August 24, 2010

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

Affirmative: 10 -

Weprin, Comrie Jr., Garodnick, Jackson, Reyna, Rivera, Seabrook, Vacca, Vann and Ignizio

Absent: 1 -
Lappin

LU 0168-2010 **Application no. 20105611 TCQ, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of Watawa Inc. d/b/a Watawa to modify, maintain and operate an unenclosed sidewalk café located at 33-10 Ditmars Boulevard, Borough of Queens, Council District no. 22. 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(g) of the New York City Administrative Code.**

Attachments: Land Use Calendar - Week of August 23 - August 27, 2010, Land Use Calendar - August 24, 2010

This Land Use Application was Hearing Held by Committee

Attachments: Land Use Calendar - Week of August 23 - August 27, 2010, Land Use Calendar - August 24, 2010

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

Affirmative: 9 -
Weprin, Comrie Jr., Garodnick, Jackson, Reyna, Rivera, Seabrook, Vacca and Vann

Negative: 1 -
Ignizio

Absent: 1 -
Lappin

Res 0191-2010 **Proposed authorizing resolution submitted by the Mayor pursuant to Section 363 of the Charter for the granting of franchises for installation of telecommunications equipment and facilities on, over and under the inalienable property of the City in connection with the provision of mobile telecommunications services.**

Attachments: Land Use Calendar - Week of May 17 - May 21, 2010, Hearing Testimony - Zoning 5/17/10, Hearing Transcript - Zoning 5/17/10, Land Use Calendar - Week of May 31 - June 4, 2010, Hearing Transcript - Zoning 5/25/10, Hearing Transcript - Zoning 6/1/10, Land Use Calendar - Week of June 14 - June 18, 2010, Hearing Transcript - Zoning 6/15/10, Recessed Subcommittees Meetings Scheduled for June 17, 2010, Hearing Transcript - Zoning 6/17/10, Land Use Calendar - Week of August 23 - August 27, 2010, Land Use Calendar - August 24, 2010

This Resolution was Hearing Held by Committee

Attachments: Land Use Calendar - Week of May 17 - May 21, 2010, Hearing Testimony - Zoning 5/17/10, Hearing Transcript - Zoning 5/17/10, Land Use Calendar - Week of May 31 - June 4, 2010, Hearing Transcript - Zoning 5/25/10, Hearing Transcript - Zoning 6/1/10, Land Use Calendar - Week of June 14 - June 18, 2010, Hearing Transcript - Zoning 6/15/10, Recessed Subcommittees Meetings Scheduled for June 17, 2010, Hearing Transcript - Zoning 6/17/10, Land Use Calendar - Week of August 23 - August 27, 2010, Land Use Calendar - August 24, 2010

A motion was made that this Resolution be Approved by Subcommittee approved by Roll Call.

Affirmative: 9 -

Weprin, Comrie Jr., Garodnick, Jackson, Reyna, Rivera, Seabrook, Vacca and Vann

Negative: 1 -

Ignizio

Absent: 1 -

Lappin