



COUNCIL OF THE CITY OF NEW YORK

CALENDAR

OF

THE LAND USE COMMITTEE

FOR THE WEEK OF SEPTEMBER 5, 2011 – SEPTEMBER 9, 2011

LEROY G. COMRIE, *Chair*, Land Use Committee

MARK WEPRIN, *Chair*, Subcommittee on Zoning and Franchises

BRAD LANDER, *Chair*, Subcommittee on Landmarks, Public Siting
and Maritime Uses

STEPHEN LEVIN, *Chair*, Subcommittee on Planning, Dispositions
and Concessions

<http://legistar.council.nyc.gov/Calendar.aspx>

SUBCOMMITTEE ON ZONING AND FRANCHISES

The Subcommittee on Zoning and Franchises will hold a public hearing on the following matters in the **Council Committee Room, 16th Floor, 250 Broadway, New York City, New York 10007**, commencing at **9:30 a.m. on Tuesday, September 6, 2011**:

L.U. No. 444

LODGE

BROOKLYN CB - 1

20115678 TCK

Application pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of Urban Rustic, LLC, d/b/a Lodge, for a revocable consent to continue to maintain and operate an unenclosed sidewalk café located at 318 Grand Street.

L.U. No. 449

MEZZOGIORNO ASSOC.

MANHATTAN CB - 2

20115607 TCM

Application pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of Mezzogiorno Associates, d/b/a Mezzogiorno Assoc., for a revocable consent to continue to maintain and operate an unenclosed sidewalk café located at 195 Spring Street.

L.U. No. 450

OLD TOWN HOT POT

MANHATTAN CB - 4

20115769 TCM

Application pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of Super Noodle Inc., d/b/a Old Town Hot Pot, for a revocable consent to establish, maintain and operate an unenclosed sidewalk café located at 70 Seventh Avenue.

L.U. No. 451
OCEAN DREAMS

BROOKLYN CB - 13

C 110058 ZMK

Application submitted by R.A. Real Estate, Inc., pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section Nos. 28b and 28d:

1. changing from an R6A District to an R7-3 District property bounded by Surf Avenue, West 35th Street, the northerly boundary line of Coney Island Beach, and a line 140 feet westerly of West 36th Street; and
2. establishing within a proposed R7-3 District an C2-4 District bounded by Surf Avenue, West 35th Street, the northerly boundary line of Coney Island Beach, West 36th Street, a line 100 feet southerly of Surf Avenue, and a line 140 feet westerly of West 36th Street;

as shown on a diagram (for illustrative purposes only) dated March 28, 2011, and subject to the conditions of CEQR Declaration E-274.

L.U. No. 452
OCEAN DREAMS

BROOKLYN CB - 13

C 110059 ZSK

Application submitted by R.A. Real Estate, Inc., pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 62-836 of the Zoning Resolution to modify the lot coverage requirements of Section 62-322 (Residential uses in R1, R2, R6, R7, R8, R9 and R10 Districts), the height and setback, maximum tower size, and ground floor streetscape requirements of Section 62-341 (Development on land and on platforms), and the rear yard requirements of Section 23-44 (Permitted Obstructions in Required Rear Yards or Rear Yard Equivalents), in connection with a proposed mixed-use development on property located at 3602-3616 Surf Avenue (Zoning Lot A, Block 7065, Lots 6 & 12), in R7-3 and R7-3/C2-4 Districts, within a Large-Scale General Development (Block 7065, Lots 6, 12, 15, 20 & 25), Borough of Brooklyn, Community District 13.

L.U. No. 453
OCEAN DREAMS

BROOKLYN CB - 13

C 110060(A) ZSK

Application submitted by R.A. Real Estate, Inc., pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 62-836 of the Zoning Resolution to modify the lot coverage requirements of Section 62-322 (Residential uses in R1, R2, R6, R7, R8, R9 and R10 Districts), and the height and setback, maximum tower size, and ground floor streetscape requirements of Section 62-341 (Development on land and on platforms), in connection with a proposed mixed-use development on property located at 3502-3532 Surf Avenue (Zoning Lot B, Block 7065, Lots 15, 20 & 25), in R7-3* and R7-3/C2-4* Districts, within a Large-Scale General Development (Block 7065, Lots 6, 12, 15, 20 & 25), Borough of Brooklyn, Community District 13.

L.U. No. 454
OCEAN DREAMS

BROOKLYN CB - 13

C 110061 ZSK

Application submitted by R.A. Real Estate, Inc., pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-743 of the Zoning Resolution to modify the requirements of Section 23-87 (Permitted Obstructions in Courts) to allow balconies within courts, in connection with a proposed mixed-use development on property located at 3502-3532 Surf Avenue (Zoning Lot B, Block 7065, Lots 15, 20 & 25), in R7-3 and R7-3/C2-4 Districts, within a Large-Scale General Development (Block 7065, Lots 6, 12, 15, 20 & 25)), Borough of Brooklyn, Community District 13.

L.U. No. 455
OCEAN DREAMS

BROOKLYN CB - 13

C 110062(A) ZSK

Application submitted by R.A. Real Estate, Inc., pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-744 of the Zoning Resolution to modify the use requirements of Section 32-421 (Limitation

on floors occupied by commercial uses) to allow commercial uses listed in Use Groups 6, 7, 8, 9 or 14 on portions of the 2nd and 3rd floors of a proposed mixed-use development on property located at 3502-3532 Surf Avenue (Zoning Lot B, Block 7065, Lots 15, 20 & 25), in R7-3* and R7-3/C2-4 Districts, within a Large-Scale General Development (Block 7065, Lots 6, 12, 15, 20 & 25), Borough of Brooklyn, Community District 13.

L.U. No. 456

BOERUM HILL REZONING

BROOKLYN CB - 2

C 110252 ZMK

Application submitted by the Department of City Planning pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 16c:

1. eliminating from within an existing R6 District a C1-3 District bounded by:
 - a. Pacific Street, a line 150 feet southeasterly of Smith Street, Warren Street; and a line 150 feet northwesterly of Smith Street; and
 - b. Wyckoff Street, Hoyt Street, Warren Street; and a line 150 feet northwesterly of Hoyt Street;
2. eliminating from within an existing R6 District a C2-3 District bounded by a line midway between Atlantic Avenue and Pacific Street, a line 150 feet southeasterly of Smith Street, Pacific Street, Boerum Place, Dean Street, a line 125 feet northwesterly of Boerum Place, Pacific Street, a line 150 feet southeasterly of Court Street, Warren Street, Court Street, Pacific Street, and a line 75 feet southeasterly of Court Street;
3. changing from an R6 District to an R6A District property bounded by:
 - a. a line midway between Atlantic Avenue and Pacific Street, a line 100 feet southeasterly of Smith Street, Pacific Street, a line 250 feet southeasterly of Hoyt Street, a line midway between Pacific Street and Dean Street, a line 200 feet southeasterly of Hoyt Street, Dean Street, a line 100 feet southeasterly of Smith Street, Warren Street, a line 100 feet northwesterly of Smith Street, Bergen Street, a line 200 feet southeasterly of Court Street,

Wyckoff Street, a line 100 feet southeasterly of Court Street, Warren Street, Court Street, Pacific Street, and a line 75 feet southeasterly of Court Street, and excluding property bounded by: a line midway between Pacific Street and Dean Street, a line 100 feet northwesterly of Smith Street, a line midway between Dean Street and Bergen Street, a line 200 feet northwesterly of Smith Street, Dean Street, and a line 100 feet southeasterly of Court Street;

- b. a line midway between Atlantic Avenue and Pacific Street, a line 100 feet northwesterly of 3rd Avenue, Pacific Street, and Nevins Street; and
 - c. Dean Street, a line 100 feet northwesterly of 3rd Avenue, Bergen Street, Nevins Street, a line midway between Dean Street and Bergen Street, and a line 225 feet southeasterly of Nevins Street;
4. changing from a R6 District to an R6B District property bounded by:
- a. a line midway between Pacific Street and Dean Street, a line 100 feet northwesterly of Smith Street, a line midway between Dean Street and Bergen Street, a line 200 feet northwesterly of Smith Street, Dean Street, and a line 100 feet southeasterly of Court Street;
 - b. Bergen Street, a line 100 feet northwesterly of Smith Street, Warren Street, a line 100 feet southeasterly of Court Street, Wyckoff Street, and a line 200 feet southeasterly of Court Street;
 - c. a line midway between Pacific Street and Atlantic Avenue, Nevins Street, Pacific Street, a line 100 feet northwesterly of 3rd Avenue, Dean Street, a line 225 feet southeasterly of Nevins Street, a line midway between Dean Street and Bergen Street, Nevins Street, Warren Street, Bond Street, Wyckoff Street, Hoyt Street, Warren Street, a line 100 feet southeasterly of Smith Street, Dean Street, a line 200 feet southeasterly of Hoyt Street, a line midway between Pacific Street and Dean Street, a line 250 feet southeasterly of Hoyt Street, Pacific Street, and a line 100 feet southeasterly of Smith Street; and
 - d. a line midway between Bergen Street and Wyckoff Street, a line 120 feet northwesterly of 3rd Avenue, Wyckoff Street, and a line 275 feet southeasterly of Nevins Street;

5. changing from an R6 District to an R7A District property bounded by a line midway between Atlantic Avenue and Pacific Street, 3rd Avenue, Dean Street, a line 100 feet southeasterly of 3rd Avenue, Warren Street, 3rd Avenue, Bergen Street, and a line 100 feet northwesterly of 3rd Avenue;
6. changing from an R7B District to an R6B District property bounded by:
 - a. a line midway between Atlantic Avenue and Pacific Street, a line 100 feet northwesterly of 4th Avenue, a line midway between Dean Street and Bergen Street, a line 250 feet northwesterly of 4th Avenue, Dean Street, a line 100 feet southeasterly of 3rd Avenue, Pacific Street, and a line 400 feet northwesterly of 4th Avenue; and
 - b. a line midway between Bergen Street and St. Mark's Place, a line 100 feet northwesterly of 4th Avenue, a line midway between St. Mark's Place and Warren Street, and a line 100 feet southeasterly of 3rd Avenue;
7. establishing within a proposed R6A District a C2-4 District bounded by:
 - a. a line midway between Atlantic Avenue and Pacific Street, Boerum Place, a line midway between Dean Street and Pacific Street, a line 100 feet northwesterly of Boerum Place, Pacific Street, a line 100 feet southeasterly of Court Street, a line midway between Dean Street and Bergen Street, Boerum Place, Bergen Street, a line 150 feet southeasterly of Court Street, a line midway between Bergen Street and Wyckoff Street, a line 100 feet southeasterly of Court Street, Warren Street, Court Street, Pacific Street, and a line 75 feet southeasterly of Court Street;
 - b. a line midway between Atlantic Avenue and Pacific Street, a line 100 feet southeasterly of Smith Street, Warren Street, a line 100 feet northwesterly of Smith Street, Bergen Street, Boerum Place, a line midway between Dean Street and Bergen Street, a line 100 feet northwesterly of Smith Street, Pacific Street, and Boerum Place;
8. establishing within a proposed R6B District a C2-4 District bounded by:
 - a. a line midway between Pacific Street and Dean Street, Boerum Place, Dean Street, and a line 100 feet northwesterly of Boerum Place;
 - b. Bergen Street, a line 100 feet northwesterly of Smith Street, a line midway between Wyckoff Street and Bergen Street, and a line 150 feet

northwesterly of Smith Street; and

c. Wyckoff Street, Hoyt Street, Warren Street, and a line 50 feet northwesterly of Hoyt Street;

9. establishing within a proposed R7A District a C2-4 District bounded by a line midway between Atlantic Avenue and Pacific Street, 3rd Avenue, Dean Street, a line 100 feet southeasterly of 3rd Avenue, Warren Street, 3rd Avenue, Bergen Street, and a line 100 feet northwesterly of 3rd Avenue;

as shown in a diagram (for illustrative purposes only) dated March 28, 2011, and subject to the conditions of CEQR Declaration E-273.

L.U. No. 457

CENTURY 21 TEXT AMENDMENT

MANHATTAN CB - 1

N 110307 ZRM

Application submitted by Century 21 Department Stores, 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 the waiver of accessory off-street loading berths within the Special Lower Manhattan District.

Matter in underline is new, to be added;

Matter in ~~strikeout~~ is to be deleted;

Matter within # # is defined in Section 12-10

*** indicates where unchanged text appears in the Zoning Resolution

* * *

Article IX: Special Purpose Districts

Chapter 1: Special Lower Manhattan District (revised 8/5/11)

* * *

91-50

OFF-STREET PARKING, LOADING AND CURB CUT REGULATIONS

91-53

Waiver of Requirements for Accessory Off-Street Loading Berths

- (a) For #zoning lots# containing Use Group 10A department stores and Use Group 6B offices, where not more than 78,000 square feet of such office #use# is changed to department store #use#, the following modifications may be made provided that the Chairperson of the City Planning Commission certifies to the Department of Buildings that the conditions in paragraphs (b), (c), (d) and (e) have been met:
- (1) waiver of #accessory# off-#street# loading berths required for such department store #use#;
 - (2) waiver of existing required #accessory# off-#street# loading berths when such waiver is necessary to provide an improved goods receiving and in-store transport system; and
 - (3) exemption of existing loading berth floor space from the definition of #floor area# as set forth in Section 12-10 when such floor space will be used for such improved goods receiving and in-store transport system.
- (b) A plan for curb side deliveries shall have been approved by the Department of Transportation, as part of the improved goods receiving and in-store transport system for the department store #use#. Such plan shall be based upon a traffic study prepared by a qualified professional and a scope of work, both of which have been approved by the Department of Transportation, establishing that the plan for curbside deliveries shall not create or contribute to serious traffic congestion or unduly inhibit vehicular or pedestrian movement and ~~will~~ shall not interfere with the efficient functioning of nearby public transit facilities;
- (c) At least one additional freight elevator and an aggregate of at least 6,000 square feet of staging area for loading and deliveries, exclusive of the area occupied by elevators, shall be provided on the #zoning lot# to be used for the improved goods receiving and in-store transport system for such department store #use#, as depicted on a site plan;
- (d) In the event that any existing loading berth floor space is to be exempted from the definition of #floor area# as set forth in Section 12-10, such floor space shall be used for the improved goods receiving and in-store transport system;

and

(e) A Declaration of Restrictions shall have been executed, in a form acceptable to the Department of City Planning, binding upon the owners and its successors and assigns, and providing for maintenance and use of the staging areas and additional elevators for the improved goods receiving and in-store transport system, as well as continued compliance with the plan for curbside deliveries, and the site plan. Such declaration shall be filed and recorded in the Office of the City Register of the City of New York against the lots comprising the #zoning lot#. Receipt of proof of recordation in a form acceptable to the Department shall be a precondition to the issuance of this certification, and the recording information shall be included on any temporary or final certificate of occupancy for any #building# or portion thereof, issued after the recording date.

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L.U. No. 460
38-40 GRAND STREET

MANHATTAN CB - 2

C 110235 ZSM

Application submitted by 30-40 Associates Corp. 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 use regulations of Section 42-14D(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 38-40 Grand Street (Block 476, Lot 88), in an M1-5B District, Borough of Manhattan, Community District 2.



SUBCOMMITTEE ON LANDMARKS, PUBLIC SITING AND MARITIME USES

The Subcommittee on Landmarks, Public Siting and Maritime Uses will hold a public hearing on the following matters in the **Council Committee Room, 16th Floor, 250 Broadway**, New York City, New York 10007, commencing at **11:00 a.m. on Tuesday, September 6, 2011:**

PRECONSIDERED L.U. NO. HARLEM HOSPITAL CENTER

MANHATTAN CB - 10

20125029 HHM

Application submitted by the New York City Department of Citywide Administrative Services pursuant to Section 7387(1) of the Unconsolidated Laws of the State of New York for the transfer of property located at 264-272 West 118th Street (Block 1923, Lot 53) to the New York City Health and Hospitals Corporation for use by Harlem Hospital Center.

L.U. No. 458

CITIES SERVICE BUILDING, FIRST FLOOR INTERIOR

MANHATTAN CB - 1

20125023 HKM (N 110405 HKM)

Designation (List No. 443/LP-2442) by the Landmarks Preservation Commission pursuant to Section 3020 of the New York City Charter regarding the landmark designation of the Cities Service Building, First Floor Interior, located at 70 Pine Street (Block 41, Lot 1), as an historic landmark.

L.U. No. 459

CITIES SERVICE BUILDING

MANHATTAN CB - 1

20125024 HKM (N 110404 HKM)

Designation (List No. 443/LP-2441) by the Landmarks Preservation Commission pursuant to Section 3020 of the New York City Charter regarding the landmark designation of the Cities Service Building, located at 70 Pine Street (Block 41, Lot 1), as an historic landmark.

SUBCOMMITTEE ON PLANNING, DISPOSITIONS AND CONCESSIONS

The Subcommittee on Planning, Dispositions and Concessions will hold a public hearing on the following matters in the **Council Committee Room, 16th Floor, 250 Broadway**, New York City, New York 10007, commencing at **1:00 p.m. on Tuesday, September 6, 2011:**

PRECONSIDERED L.U. NO.

EL BARRIO ARTSPACE

MANHATTANCB-11

20125031 HAM

Application submitted by the New York City Department of Housing Preservation and Development for Council approval, pursuant to Article 16 of the General Municipal Law, for a modification to a previously approved Urban Development Action Area Project and Area located at 213 East 99th Street, Borough of Manhattan, Council District no. 8.

PRECONSIDERED L.U. NO.

THIRD PARTY TRANSFER

BROOKLYN CB - 3, 4, 8, 12, 16

20125041 HAK

In Rem Action no. 52, Application submitted by the Department of Finance and the Department of Housing Preservation and Development, pursuant to §11-412.1 of the Administrative Code of the City of New York and Article 16 of the General Municipal Law for the transfer and disposition of property located in Council Districts 34, 36, 40 and 41, and related tax exemptions pursuant to §696 of the General Municipal Law and §577 of the Private Housing Finance Law.

**PRECONSIDERED L.U. NO.
THIRD PARTY TRANSFER**

BROOKLYN CB - 12, 14, 16, 18

20125042 HAK

In Rem Action no. 52, Application submitted by the Department of Finance and the Department of Housing Preservation and Development, pursuant to §11-412.1 of the Administrative Code of the City of New York and Article 16 of the General Municipal Law for the transfer and disposition of property located in Council Districts 37, 40, 46 and 48, and related tax exemptions pursuant to §696 of the General Municipal Law and §577 of the Private Housing Finance Law.

L.U. NOS. 387 AND 388

Proposals subject to Council review and action pursuant to the Urban Development Action Area Act, Article 16 of the New York General Municipal Law, at the request of the Department of Housing Preservation and Development ("HPD"), which requests that the Council:

1. Find that the present status of the listed areas tends to impair or arrest the sound growth and development of the municipality and that the proposed Urban Development Action Area Project is consistent with the policy and purposes of Section 691 of the General Municipal Law;
2. Waive the area designation requirements of Section 693 of the General Municipal Law pursuant to said Section;
3. Waive the requirements of Sections 197-c and 197-d of the New York City Charter pursuant to Section 694 of the General Municipal Law;
4. Approve the projects as Urban Development Action Area Projects pursuant to Section 694 of the General Municipal Law; and
5. Approve exemption of the projects from real property taxes pursuant to Section 696 of the General Municipal Law.

L.U. No.	Non-ULURP No.	Address	Block/Lot	Program	CB	Tax Exemption
387	20115746 HAK	1413 Pitkin Avenue Brooklyn	1475/78	Asset Control Area	16	Section 696
<i>Laid over from the meetings of the Subcommittee on Planning, Dispositions and Concessions on May 24, 2011, June 2, 2011, June 21, 2011, July 25, 2011 and August 15, 2011.</i>						
388	20115747 HAK	1690 St. Marks Avenue Brooklyn	1461/12	Asset Control Area	16	Section 696
<i>Laid over from the meetings of the Subcommittee on Planning, Dispositions and Concessions on May 24, 2011, June 2, 2011, June 21, 2011, July 25, 2011 and August 15, 2011.</i>						



LAND USE COMMITTEE

The Land Use Committee will hold a meeting in the **Council Committee Room, 16th Floor, 250 Broadway**, New York City, New York 10007, commencing at **10:00 A.M. on Wednesday, September 7, 2011**, and will consider all items reported out of the Subcommittees at the meetings held on Tuesday, September 6, 2011, and conduct such other business as may be necessary.