



# The New York City Council

City Hall  
New York, NY 10007

## Meeting Minutes Subcommittee on Zoning and Franchises

*Francisco P. Moya, Chair*

*Membes: Costa G. Constantinides, Barry S. Grodenchik, Rory I. Lancman,  
Stephen T. Levin, Antonio Reynoso, Donovan J. Richards,  
Carlina Rivera and Ritchie J. Torres*

---

Thursday, September 20, 2018

10:30 AM

Committee Room - City Hall

---

### Roll Call

**Present:** Moya, Constantinides, Grodenchik, Levin, Reynoso, Richards, Rivera and Torres

**Absent:** Lancman

*Other Council Members Attending: Matteo*

LU 0192-2018

**Application No. C 180216 ZMK (80 Flatbush Avenue Rezoning) submitted by New York City Educational Construction Fund and 80 Flatbush Avenue, LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 16c, changing from a C6-2 District to a C6-9 District property bounded by the southeasterly centerline prolongation of Schermerhorn Street, Flatbush Avenue, State Street and 3rd Avenue, Borough of Brooklyn, Community District 2, Council District 33.**

**Attachments:** Land Use Calendar - Week of August 13, 2018 - August 17, 2018, Hearing Testimony - Zoning 8-14-18, Hearing Testimony - Zoning 8-14-18 additional, Hearing Transcript - Zoning 8-14-18, Land Use Calendar - Week of September 17, 2018 - September 21, 2018, Land Use Calendar - September 20, 2018, Hearing Testimony - Zoning 9-17-18, City Planning Commission Approval Letter, September 26, 2018 - Stated Meeting Agenda with Links to Files, Hearing Transcript - Zoning 9-17-18, Hearing Transcript - Zoning 9-20-18

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

**Attachments:** Land Use Calendar - Week of August 13, 2018 - August 17, 2018, Hearing Testimony - Zoning 8-14-18, Hearing Testimony - Zoning 8-14-18 additional, Hearing Transcript - Zoning 8-14-18, Land Use Calendar - Week of September 17, 2018 - September 21, 2018, Land Use Calendar - September 20, 2018, Hearing Testimony - Zoning 9-17-18, City Planning Commission Approval Letter, September 26, 2018 - Stated Meeting Agenda with Links to Files, Hearing Transcript - Zoning 9-17-18, Hearing Transcript - Zoning 9-20-18

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

**Affirmative:** 8 - Moya, Constantinides, Grodenchik, Levin, Reynoso, Richards, Rivera and Torres

**Absent:** 1 - Lancman

LU 0193-2018

**Application No. N 180217 ZRK (80 Flatbush Avenue Rezoning) submitted by the New York City Education Construction Fund and 80 Flatbush Avenue, 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 VII, Chapter 4 (Special Permits by the City Planning Commission) relating to modifications of the special permit for school construction in the Special Downtown Brooklyn District, modifying Article X, Chapter 1 (Special Downtown Brooklyn District) and modifying Appendix F (Inclusionary Housing Designated Areas) for the purpose of establishing a Mandatory Inclusionary Housing area, Borough of Brooklyn, Community District 2, Council District 33. This application is related to application nos. C 180216 ZMK and N 180217 ZRK.**

**Attachments:** Land Use Calendar - Week of August 13, 2018 - August 17, 2018, Hearing Testimony - Zoning 8-14-18, Hearing Testimony - Zoning 8-14-18 additional, Hearing Transcript - Zoning 8-14-18, Land Use Calendar - Week of September 17, 2018 - September 21, 2018, Land Use Calendar - September 20, 2018, Hearing Testimony - Zoning 9-17-18, City Planning Commission Approval Letter, September 26, 2018 - Stated Meeting Agenda with Links to Files, Hearing Transcript - Zoning 9-17-18, Hearing Transcript - Zoning 9-20-18

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

**Attachments:** Land Use Calendar - Week of August 13, 2018 - August 17, 2018, Hearing Testimony - Zoning 8-14-18, Hearing Testimony - Zoning 8-14-18 additional, Hearing Transcript - Zoning 8-14-18, Land Use Calendar - Week of September 17, 2018 - September 21, 2018, Land Use Calendar - September 20, 2018, Hearing Testimony - Zoning 9-17-18, City Planning Commission Approval Letter, September 26, 2018 - Stated Meeting Agenda with Links to Files, Hearing Transcript - Zoning 9-17-18, Hearing Transcript - Zoning 9-20-18

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

**Affirmative:** 8 - Moya, Constantinides, Grodenchik, Levin, Reynoso, Richards, Rivera and Torres

**Absent:** 1 - Lancman

LU 0194-2018

**Application No. C 180218 ZSK (80 Flatbush Avenue Rezoning) submitted by New York City Educational Construction Fund and 80 Flatbush Avenue, LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Sections 74-752\* of the Zoning Resolution in connection with a proposed mixed-use development, on property located at 80 Flatbush Avenue (Block 174, Lots 1, 9, 13, 18, 23 & 24), in a C6-9\*\* District, within the Special Downtown Brooklyn District, Borough of Brooklyn, Community District 2, Council District 33.**

**Attachments:** Land Use Calendar - Week of August 13, 2018 - August 17, 2018, Hearing Testimony - Zoning 8-14-18, Hearing Testimony - Zoning 8-14-18 additional, Hearing Transcript - Zoning 8-14-18, Land Use Calendar - Week of September 17, 2018 - September 21, 2018, Land Use Calendar - September 20, 2018, Hearing Testimony - Zoning 9-17-18, City Planning Commission Approval Letter, September 26, 2018 - Stated Meeting Agenda with Links to Files, Hearing Transcript - Zoning 9-17-18, Hearing Transcript - Zoning 9-20-18

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

**Attachments:** Land Use Calendar - Week of August 13, 2018 - August 17, 2018, Hearing Testimony - Zoning 8-14-18, Hearing Testimony - Zoning 8-14-18 additional, Hearing Transcript - Zoning 8-14-18, Land Use Calendar - Week of September 17, 2018 - September 21, 2018, Land Use Calendar - September 20, 2018, Hearing Testimony - Zoning 9-17-18, City Planning Commission Approval Letter, September 26, 2018 - Stated Meeting Agenda with Links to Files, Hearing Transcript - Zoning 9-17-18, Hearing Transcript - Zoning 9-20-18

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

**Affirmative:** 8 - Moya, Constantinides, Grodenchik, Levin, Reynoso, Richards, Rivera and Torres

**Absent:** 1 - Lancman

LU 0203-2018

**Application No. N 170115 ZRM (27 East 4th Street) submitted by Kalodop II Park Corporation, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying Section 74-712 (Developments in Historic Districts), concerning special permits within the NoHo Historic District Extension, Borough of Manhattan, Community District 2, Council District 2.**

**Attachments:** September 12, 2018 - Stated Meeting Agenda with Links to Files, Hearing Transcript - Zoning 9-5-18, Land Use Calendar - Week of September 17, 2018 - September 21, 2018, Hearing Testimony - Zoning 9-5-18, Land Use Calendar - September 20, 2018, Hearing Testimony - Zoning 9-17-18, Hearing Transcript - Zoning 9-17-18, Hearing Transcript - Zoning 9-20-18

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

**Attachments:** September 12, 2018 - Stated Meeting Agenda with Links to Files, Hearing Transcript - Zoning 9-5-18, Land Use Calendar - Week of September 17, 2018 - September 21, 2018, Hearing Testimony - Zoning 9-5-18, Land Use Calendar - September 20, 2018, Hearing Testimony - Zoning 9-17-18, Hearing Transcript - Zoning 9-17-18, Hearing Transcript - Zoning 9-20-18

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

**Affirmative:** 8 - Moya, Constantinides, Grodenchik, Levin, Reynoso, Richards, Rivera and Torres

**Absent:** 1 - Lancman

LU 0204-2018

**Application No. C 170116 ZSM (27 East 4th Street) submitted by Kalodop II Park Corporation pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-712(a) of the Zoning Resolution to modify the use regulations of Section 42-14(D)(2)(b) to allow Use Group 5 uses (transient hotel and accessory uses) and Use Group 6 uses (retail and office uses) below the floor level of the second story of a proposed 8-story commercial building on a zoning lot that, as of December 15, 2003, is improved with a one-story building, on property located at 27 East 4th Street (Block 544, Lot 72), in an M1-5B District, within the NoHo Historic District Extension, Borough of Manhattan, Community District 2, Council District 2.**

**Attachments:** September 12, 2018 - Stated Meeting Agenda with Links to Files, Land Use Calendar - Week of September 17, 2018 - September 21, 2018, Land Use Calendar - September 20, 2018, Hearing Testimony - Zoning 9-17-18, Hearing Transcript - Zoning 9-17-18, Hearing Transcript - Zoning 9-20-18

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

**Attachments:** September 12, 2018 - Stated Meeting Agenda with Links to Files, Land Use Calendar - Week of September 17, 2018 - September 21, 2018, Land Use Calendar - September 20, 2018, Hearing Testimony - Zoning 9-17-18, Hearing Transcript - Zoning 9-17-18, Hearing Transcript - Zoning 9-20-18

**This Land Use Application was Disapproved by Subcommittee**

LU 0205-2018

**Application No. C 170117 ZSM (27 East 4th Street) submitted by Kalodop II Park Corporation pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-712(b) of the Zoning Resolution to modify the height and setback requirements of Section 43-43 (Maximum Height of Front Wall and Required Front Setbacks) to facilitate the development of an eight-story commercial building on a zoning lot that, as of December 15, 2003, is improved with a one-story building, on property located at 27 East 4th Street (Block 544, Lot 72), in an M1-5B District, within the NoHo Historic District Extension, Borough of Manhattan, Community District 2, Council District 2.**

**Attachments:** September 12, 2018 - Stated Meeting Agenda with Links to Files, Land Use Calendar - Week of September 17, 2018 - September 21, 2018, Land Use Calendar - September 20, 2018, Hearing Testimony - Zoning 9-17-18, Hearing Transcript - Zoning 9-17-18, Hearing Transcript - Zoning 9-20-18

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

**Attachments:** September 12, 2018 - Stated Meeting Agenda with Links to Files, Land Use Calendar - Week of September 17, 2018 - September 21, 2018, Land Use Calendar - September 20, 2018, Hearing Testimony - Zoning 9-17-18, Hearing Transcript - Zoning 9-17-18, Hearing Transcript - Zoning 9-20-18

**This Land Use Application was Disapproved by Subcommittee**

LU 0206-2018

**Application No. C 170178 ZMR (3122-3136 Victory Boulevard Rezoning) submitted by C & A Realty Holding LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 20d, eliminating from within an existing R3X District a C2-2 District and changing from an R3X District to a C8-1 District, for property located at Block 2159, Lots 1, 10, 13, 15 and p/o Lot 18, Borough of Staten Island, Community District 2, Council District 50.**

**Attachments:** September 12, 2018 - Stated Meeting Agenda with Links to Files, Hearing Transcript - Zoning 9-5-18, Land Use Calendar - Week of September 17, 2018 - September 21, 2018, Hearing Testimony - Zoning 9-5-18, Land Use Calendar - September 20, 2018, Hearing Testimony - Zoning 9-17-18, City Planning Commission Approval Letter, September 26, 2018 - Stated Meeting Agenda with Links to Files, Hearing Transcript - Zoning 9-17-18, Hearing Transcript - Zoning 9-20-18

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

**Attachments:** September 12, 2018 - Stated Meeting Agenda with Links to Files, Hearing Transcript - Zoning 9-5-18, Land Use Calendar - Week of September 17, 2018 - September 21, 2018, Hearing Testimony - Zoning 9-5-18, Land Use Calendar - September 20, 2018, Hearing Testimony - Zoning 9-17-18, City Planning Commission Approval Letter, September 26, 2018 - Stated Meeting Agenda with Links to Files, Hearing Transcript - Zoning 9-17-18, Hearing Transcript - Zoning 9-20-18

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

**Affirmative:** 8 - Moya, Constantinides, Grodenchik, Levin, Reynoso, Richards, Rivera and Torres

**Absent:** 1 - Lancman

LU 0217-2018

**Application No. 20185544TCX pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of HK Kitchen Corp, for a revocable consent to establish maintain and operate an unenclosed sidewalk café located at 3599 East Tremont Avenue, Borough of Bronx, Community District 10, Council District 13. 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:** September 12, 2018 - Stated Meeting Agenda with Links to Files, Land Use Calendar - Week of September 17, 2018 - September 21, 2018, Land Use Calendar - September 20, 2018, Hearing Testimony - Zoning 9-17-18, Hearing Transcript - Zoning 9-17-18, Hearing Transcript - Zoning 9-20-18

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

**Attachments:** September 12, 2018 - Stated Meeting Agenda with Links to Files, Land Use Calendar - Week of September 17, 2018 - September 21, 2018, Land Use Calendar - September 20, 2018, Hearing Testimony - Zoning 9-17-18, Hearing Transcript - Zoning 9-17-18, Hearing Transcript - Zoning 9-20-18

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

**Affirmative:** 8 - Moya, Constantinides, Grodenchik, Levin, Reynoso, Richards, Rivera and Torres

**Absent:** 1 - Lancman